

C O P Y

NOTICE OF CLAIM

Pursuant to the provisions of Public Law 626, 83rd Congress, Second Session, and to the Executive Order issued January 13, 1955, by the President of the United States, entitled "Administration of Section 32 (h) of the Trading with the Enemy Act", the following notice of claim is filed.

1. Claimant:

The claimant is the Jewish Restitution Successor Organization. Its offices are Suite 800, 270 Madison Avenue, New York 16, New York. The Jewish Restitution Successor Organization has been designated as successor in interest to deceased persons by Executive Order of January 13, 1955, pursuant to Public Law 626, 83rd Congress, Second Session.

2. Name of person for whom JRSO claims as successor in interest:

2 (a) Address of such person, if known:

3. Vesting order involved:

4. On the basis of such information as is available to it, the Jewish Restitution Successor Organization believes that the person named in paragraph 2 above is a person who would have been eligible for return of property under the provisions of

No information available

122139

act as agent

Try for amendment of law + liability - connection with the return of assets - how many they with number of up to \$10,000 if that it may possibly be argued that more should be better at while a harbor problem.

-2-

Section 32 (a) (2) (C) or (D) of the Trading with the Enemy Act, as amended, and that the said Jewish Restitution Successor Organization is a qualified successor to such person under the provisions of Subsection (h) of Section 32 of the Trading with the Enemy Act.

5. Remarks:

(signed) _____
Secretary, Jewish Restitution Successor
Organization

Date:

122140

7080

Handwritten initials

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

270 Madison Avenue
New York 16, N. Y.

January 26, 1955

RECEIVED
31. JAN. 1955
REG. No. 2334
FILE No. 7080/7080

M E M O R A N D U M

You may be interested in the following statistical data concerning the relation between the recoveries in the British Zone of the J.T.C. and the General Trust Corporation (Algemeine Treuhand Organization - ATO) which was the Successor Organization for non-Jewish property. I think that this data may be of some value both in connection with our Austrian negotiations as well as in connection with the implementation of the Heirless Property legislation in the United States.

The official statistical material is contained in the monthly statistics issued by the Internal Restitution Section of the Office of the U. K. High Commissioner. I have here available only the figures for November 1953 which give the following picture: -

<u>Awards and Settlements</u>	<u>J. T. C.</u>		<u>A. T. O.</u>	
	<u>Number</u>	<u>Value</u>	<u>Number</u>	<u>Value</u>
Restituted Real Estate	1012		6	
Settlements	2854	DM 10,261,182	25	DM 89,270
Mortgages	213	RM 921,710	1	RM 11,000
Reich Claims	1647	RM 7,027,619	124	RM 680,000

The total of ascertained values of awards and settlements is given as:-

<u>J. T. C.</u>	<u>A. T. O.</u>
DM 10,396,982	DM 92,868
RM 8,255,556	RM 691,403

You will notice that no value has been set against the numbers of restituted real estate. This is quite clear, as the value was not known to the Office of the U. K. High Commissioner, neither did they know the Einheitswerte which might serve as provisional valuation. There are considerable divergences between the JTC figures given in this statistic and our own precise figures which show that the statistics of the Internal Restitution Section are either not quite accurate or that there is a certain time lag involved. Nevertheless, they show that the ATO recoveries are only a fraction of our own recoveries. Our own estimate is that their value certainly does not amount to more than 1 1/3% of the Jewish property.

Saul Kagan

Saul Kagan

122141

Press Release

January 13, 1955

James C. Hagerty, Press Secretary to the President

THE WHITE HOUSE

The President today signed an executive order designating the Jewish Restitution Successor Organization (JRSO), a New York charitable membership corporation, as an organization authorized to receive unclaimed property as successor in interest of certain deceased victims of Nazi persecution which is held by the Attorney General under the Trading with the Enemy Act. The President's action was taken pursuant to Public Law 626, 83d Congress, approved August 23, 1954, amending section 32 of the Trading with the Enemy Act. The President has also authorized the Attorney General to administer the act.

Previous legislation enacted by Congress permits the Attorney General to return enemy property seized during World War II in cases where the owners of the property belonged to groups which were persecuted by the Nazi Government or the governments of other enemy countries. Where such owners have died, the Attorney General may make returns to their heirs. However, in some instances, the seized property is unclaimed because there are no surviving heirs. Public Law 626 authorizes the transfer of such "heirless" property to one or more American nonprofit charitable organizations designated by the President, for use in the rehabilitation and settlement, on the basis of need, of persons in the United States who are survivors of persecuted groups. Safeguards are provided, however, for retransfer of the property should it subsequently appear that there are eligible heirs.

Public Law 626 is similar to Military Government Law 59 which was put into effect in the United States Zone of Occupied Germany in 1947. Under the program made possible by Law 59, unclaimed property of deceased Jewish victims of Nazi persecution was turned over to JRSO to be devoted to the relief of the survivors among such victims. JRSO, which was founded in 1947 by leading Jewish welfare groups in this country in anticipation of Law 59, made an excellent record in carrying out that program. JRSO's work in Germany has commended it to the President for designation to carry out similar work in this country under Public Law 626.

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

270 Madison Avenue
New York 16, N. Y.

17 January 1955

MEMORANDUM

To: Executive Committee
Members of the Board
Member Organizations
From: Saul Kagan

RECEIVED
21 JAN 1955
REG. No. 2247
FILE No. 7080

Please be advised that the President has designated the Jewish Restitution Successor Organization as the successor organization under United States Public Law 626. The following is the text of the Executive Order and press release issued by the White House.

EXECUTIVE ORDER

Administration of Section 32 (h)
of the Trading with the Enemy Act

By virtue of the authority vested in me by the Trading with the Enemy Act, as amended (50 U.S.C. App. 1 et seq.), and by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered as follows:

Section 1. The Jewish Restitution Successor Organization, a charitable membership organization incorporated under the laws of the State of New York, is hereby designated as successor in interest to deceased persons in accordance with and for the purposes of subsection (h) of section 32 of the Trading with the Enemy Act, as added by Public Law 626, approved August 23, 1954 (68 Stat. 767).

Section 2. Exclusive of the function vested in the President by the first sentence of the said subsection (h) of Section 32 of the Trading with the Enemy Act, the Attorney General shall carry out the functions provided for in that subsection, including the powers, duties, authority and discretion thereby vested in or conferred upon the President; and functions under the said subsection are hereby delegated to the Attorney General, and the Attorney General is hereby designated thereunder, accordingly.

Section 3. The Attorney General may delegate to any officer and agency of the Department of Justice such of his functions under this order as he may deem necessary.

DWIGHT D. EISENHOWER

THE WHITE HOUSE
January 13, 1955

/over/

7080

C O P Y

Press Release

January 13, 1955

James C. Hagerty, Press Secretary to the President

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Section 1. The Jewish Restitution Successor Organization, a charitable membership organization incorporated under the laws of the State of New York, is hereby designated as successor in interest to deceased persons in accordance with and for the purposes of subsection (h) of section 32 of the Trading with the Enemy Act, as added by Public Law 626, approved August 23, 1954 (68 Stat. 767).

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Application for Designation as Successor Organization

Pursuant to the terms of Public Law 626, 83rd Congress, the Jewish Restitution Successor Organization hereby applies for designation by the President as a successor organization for heirless and unclaimed property of persons as hereinafter described who would be eligible to receive returns under the provisos of subdivision (C) or (D) of subsection (a) (2) of section 32 of the Trading with the Enemy Act, as amended.

1. Nature and Background of Jewish Restitution Successor Organization

The Jewish Restitution Successor Organization is a charitable membership organization, incorporated under the laws of the State of New York. The Jewish Restitution Successor Organization was incorporated, under the name of the Jewish Restitution Commission, pursuant to certificate of incorporation filed in the office of the Secretary of State of New York on the 15th day of May 1947. Its name was changed to the Jewish Restitution Successor Organization pursuant to certificate executed on the 29th day of July 1948.

Attached hereto are copies of the certificate of incorporation of the Jewish Restitution Commission and of a certificate of change of name.

As stated in the certificate of incorporation, the Jewish Restitution Successor Organization was founded primarily "To assist, aid, 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 or Fascist persecution and discrimination, in all matters relating to claims for the restitution of property and property rights of every nature and description, and for compensation and indemnification arising out of loss or damage suffered by them in consequence of such persecution and discrimination, and in connection with the foregoing to discover, claim, acquire, receive, hold, maintain, manage, administer, hire, liquidate, and otherwise dispose of property and property rights of every nature and description for the benefit of victims of Nazi or Fascist persecution or discrimination, and to apply the income therefrom, the increments thereto, and the proceeds thereof for the relief, rehabilitation, reestablishment, resettlement and immigration of such victims, all in accordance with the laws and policies established by the Governments or authorities in control of the countries, or areas, where any or all of the foregoing activities may be carried on". The Jewish Restitution Successor Organization (hereinafter referred to as JRSO) has so acted since the date of its incorporation.

2. Persons to Whom JRSO Seeks to Act as Successor

The JRSO requests that it be designated as successor to any persons, eligible for return of their property pursuant to section (a)(2)(C) or (D) of the Trading with the Enemy Act, as amended, who were persecuted as Jews on grounds of race or religion.

-2-

3. Purposes for which Returned Property or Proceeds
Will Be Used

In accordance with its Charter, the JRSO proposes to use all property or proceeds returned to it, in accordance with the statute, for the rehabilitation and settlement of persons who have been persecuted on said religious or racial grounds.

4. Assurances Required by Statute

The JRSO hereby gives firm assurance that:

(i) The property or interest returned to the JRSO, or the proceeds of any such property or interest, will be used on the basis of need in the rehabilitation and settlement of Jewish persons in the United States who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivision (C) or (D) of section 32 (a)(2) of the Trading with the Enemy Act, as amended:

(ii) The JRSO will transfer, at any time within two years from the time that return is made, such property or interest or the equivalent value thereof to any persons whom the President or such officer or agency as may act for him within the terms of the Trading with the Enemy Act shall determine to be eligible under section 32 to claim as owner or successor in interest to such owner by inheritance, devise or bequest;

(iii) The JRSO will make to the President, with a copy to be furnished to the Congress, such reports (including a detailed annual report on the use of the property or interest returned to the JRSO or the proceeds of any such property or interest) and permit such examination of its books as the President or such officer or agency may from time to time require; and

(iv) The JRSO will not use such property or interest or the proceeds of such property or interest for legal fees, salaries, or any other administrative expenses connected with the filing of claims for or the recovery of such property or interest.

5. The filing of this application for designation as a successor organization pursuant to Public Law 626, 83rd Congress, has been expressly authorized and approved by the Executive Committee of the Board of Directors of the JRSO, which is empowered so to act.

Respectfully submitted:

Monroe Goldwater, President

Saul Kagan, Secretary

September 21, 1954

122146

Memorandum in Support of Application of Jewish Restitution Successor
Organization for Designation as Successor Organization
Pursuant to Public Law 626, 83rd Congress

The Jewish Restitution Successor Organization, a membership organization incorporated under the laws of the State of New York, has applied for designation as a successor organization under the terms of Public Law 626, 83rd Congress, approved August 23, 1954. The following is set forth in support of the application of the Jewish Restitution Successor Organization, hereinafter referred to as the JRSO.

1. The JRSO was first incorporated under the name of the Jewish Restitution Commission in 1947. (The name was subsequently, in 1948, as is set forth in the application, changed to the Jewish Restitution Successor Organization, for the reason that the latter name more accurately described the functions of the organization.) It was set up, however, from the outset for the specific purpose of acting as a successor organization, under legislation similar to and identical in purpose with Public Law 626. It was anticipated in 1947, when the JRSO was first set up (the term JRSO is used equally to refer to the Jewish Restitution Commission), that provision would be made in various laws for successorship to so-called heirless and unclaimed property. Long before the capitulation of Germany, the Allied powers had considered measures to assure that those persons who acquired property by force and duress would not be allowed the peaceful possession of their ill-gotten wealth. The London Declaration of 1943, for example, declared that transfers under duress would not be countenanced. Pursuant to these general policies, the United States Government, at the end of 1947, enacted Military Government Law 59, which was a law for the restitution of identifiable property in the American zone of Germany. This law contemplated the designation of an organization which would act as a successor to heirless or unclaimed property of persons who suffered persecution under the Nazi regime.

In June 1948, the United States authorities in Germany designated the JRSO, which had been set up in anticipation of these events, as "the successor organization authorized to claim Jewish property, as hereinafter defined, pursuant to the terms of Military Law 59". This designation was incorporated in Regulation No. 3, a copy of which is attached hereto as Exhibit 1 to this memorandum.

Other articles of Regulation No. 3 defined Jewish property and specified the status, powers and obligations of the JRSO.

2. Since its designation in June 1948, the JRSO has carried on an intensive program for the benefit of surviving Jewish persecutees and has acted in its stated capacity of a successor organization. It has discharged its duties to the satisfaction of the American authorities and has fulfilled its function both of claiming heirless and unclaimed property and applying the proceeds thereof for its stated purposes, and of assisting individual persecutees and claimants in connection with their own claims.

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The role of the JRSO has been officially recognized, in connection with consideration of S. 2420, the bill which became Public Law 626. In Report No. 2451, 83rd Congress, 2nd session, the House Interstate and Foreign Commerce Committee stated that: ". . . Approximately 90 percent of the heirless property which is likely to be turned over to charitable organizations to be used for resettlement and rehabilitation purposes, as provided for in the proposed legislation, is of Jewish origin. An organization which plans to apply to the President for designation as successor in interest is the Jewish Restitution Successor Organization which is a charitable organization incorporated under the laws of the State of New York. This organization was appointed by General Clay, pursuant to Military Government Law No. 59, as the successor organization authorized to claim Jewish property in Germany." A similar statement is found in the Report of the House Interstate and Foreign Commerce Committee in the 81st Congress (Report No. 2338, 81st Congress, 2nd session, to accompany S. 603).

In the discussion of S. 2420 on the floor of the House of Representatives, on August 5, 1954, Mr. Klein stated (Congressional Record, page 12829): "Incidentally, may I point out that the military government law in Germany today, which was administered by General Clay, has a similar law which states that such money should be turned over to an organization which will use it for the benefit of persecutees of similar religions or similar political groups, which is all we are trying to do here. The organization which was set up at that time in Germany by the administration, and approved by General Clay, is a similar organization; in fact, the same organization as I believe will be selected by the President." (emphasis added)

The role of the JRSO as a successor in interest to heirless and unclaimed property in the United States has also been judicially established. See In the Matter of Henry Ollesheimer, Deceased, Surrogate's Court, New York, decree of 16 November, 1953.

3. The JRSO's application is supported by the following American organizations, all of which are members of the JRSO:

Agudas Israel World Organization
American Jewish Committee
American Jewish Joint Distribution Committee, Inc.
Jewish Agency for Palestine
Jewish Cultural Reconstruction, Inc.
World Jewish Congress

4. The JRSO should be designated as the sole organization authorized to act as a successor to property of persons who were persecuted as Jews on religious or racial grounds. It would not be administratively feasible for more than one organization to act as a successor to a particular category of heirless or unclaimed property. The task of tracing such property and of filing appropriate claims for it, within the rather brief statutory period, is one of

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-3-

considerable magnitude and of great complexity. The nature of the task is such that it must be done as a unity, by a single organization, which will be able to claim all property falling within the specified category.

At the same time, it should be recognized that the JRSO is not itself a relief operating agency. It will discharge its responsibilities by distribution of such funds as may accrue to it, for purposes specified by the statute, to operating relief agencies. These latter relief agencies need not be, and indeed in many cases will not be, members of the JRSO itself. Designation of the JRSO as the sole successor organization with respect to Jewish property, therefore, would in no way prejudice, and will in fact maximize, the utilization of the claimed property for the specified purposes.

5. The application of the JRSO limits its request for designation to designation as a successor to Jewish property and specifies the use of the property or its proceeds for Jewish relief purposes. It is felt that other organizations can more appropriately discharge responsibilities with respect to non-Jewish properties and persecutees, since the JRSO has from the outset operated in, and is consequently expert in, only the field of Jewish claims and Jewish relief needs. Nevertheless, the JRSO proposes to take whatever steps are feasible to furnish information with respect to possible non-Jewish claims to other appropriate organizations, and to cooperate fully with such other interested organizations. As stated in the Report of the House Committee on Interstate and Foreign Commerce, the great bulk of the property involved, and of the persecutees involved, are Jewish. In the course of the work preparatory to filing claims for this property, information relating to non-Jewish properties may well be developed. This information will, of course, be available to such organizations as may be designated in the non-Jewish field, which should greatly reduce or eliminate administrative costs for such organizations.

In this latter connection, it may be pointed out that the provisions of Public Law 626 require that administrative expenses and similar charges connected with the filing of claims for or the recovery of properties or interests not be charged against the properties or interests recovered. These funds will be provided the JRSO from sources other than assets falling within the scope of Public Law 626.

6. The appropriate officials of the JRSO are at any moment prepared to consult with such officer or agency as the President may designate on any matters connected with the application to which this memorandum is attached.

122149

26F

Hingegungen

27. SEP. 1954

JRSO - Frankfurt

Exemplar: 126F

Eintrag: 7080

September 23, 1954

Mr. Charles Kapralik
Central British Fund
Woburn House, Upper Woburn Place
London W.C. 1, England

Dear Charles: Re: Successor for Recovery of Assets in U.S.

Ben may have told you that after many years of effort the organizations here were successful in bringing about the passage of a law in the U.S. Congress providing for the appointment of a successor organization for the recovery of assets vested by the U.S. office of the alien property custodian as enemy property. You may know that in 1946 the U.S. Congress passed a law which provided for the return of such assets to surviving victims of Nazi persecution. The present law reaffirms the principle that unclaimed and heirless property of persecutees shall be applied for the benefit of needy victims.

I am enclosing for your information the report of the House of Representatives which gives you the text of the bill as well as some of the history of our efforts in this area. It occurs to me that you may wish to explore the possibilities of bringing about similar action in Britain. I know nothing about the efforts which may already have been put forth in Britain since the end of the war regarding this problem.

I would be interested to know what you think about the general idea and its possibilities for implementation. The JRSO has applied for designation as a successor organization under the U.S. law. I also believe that it would be important to explore the idea again in view of the increased requirements for funds to aid persecutees residing in Britain. I expect that we will have a chance to discuss it more fully when we meet in October.

Wishing you a Happy New Year,

Sincerely yours,

SAUL KACAN

SK/b
cc:JJJ
encBDF

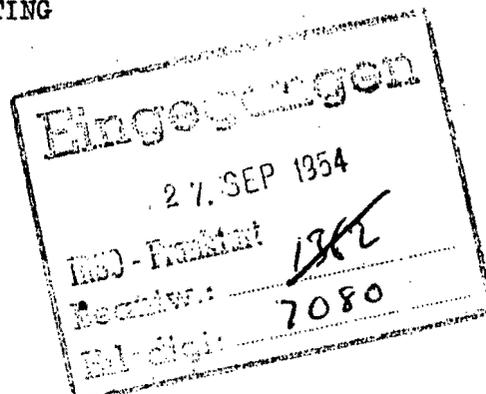
122150

MINUTES

JRSO EXECUTIVE COMMITTEE MEETING

September 9, 1954

Present: Mr. Monroe Goldwater, Presiding
Mr. Maurice M. Boukstein
Dr. Solomon Goldsmith
Dr. Eugene Hevesi
Mr. Abraham Hyman
Mr. Morris Laub
Dr. Isaac Lewin
Dr. Nehemaah Robinson
Mr. Saul Kagan



1. Application by the JRSO for designation as successor Organization under the heirless property bill in the U. S. Mr. Goldwater referred to the recent mailings to the members of the Executive Committee, setting forth the provisions of the recently enacted heirless property bill in the U. S. Under this law the President is authorized to appoint one or more successor organizations to file claims for assets presently vested by the Office of Alien Property, (OAP) which can be presumed as having been owned by persecutees who perished without leaving heirs. Under the already existing provisions of the law living persecutees may claim the release of their property, and the present bill extends this right to successor organizations, on behalf of those who perished.

It was pointed out that the designation of a successor organization entailed a number of problems which would have to be kept in mind. Under the law, for example, none of the funds recovered might be used for administrative purposes, and the organization designated as successor must be prepared to assume the administrative expenses involved. The law further provides that the successor organization must file claims for individual assets presumed to have been owned by persecutees and now heirless or unclaimed. These assets are not presently collected in a particular fund. Information would have to be searched out of the records of the OAP, a determination made whether an individual claim was filed, and, if not, evidence presented that the former owner was in fact a persecutee. Since this may be a task of tremendous scope, it would be essential to work out with the Alien Property Office definite procedures concerning the manner of filing and proof.

Mr. Kagan reported that a preliminary survey of the lists of accounts is already being prepared to test for Jewish-sounding names. This task is of course made difficult by the fact that there is no indication for which of the assets claims have been filed by living claimants. At the same time, it would presently appear very difficult to obtain from the Office of Alien Property a list of accounts for which no claims have yet been filed.

It was further reported that a number of organizations have already made inquiries and have indicated their desire to be considered as successor organizations. Mr. Kagan pointed out that a number of organizations, misled by publicity stories, proceeded on the assumption that there is actually a readily available fund of money, for a share of which they are applying. There was clear indication, however, that should the JRSO apply for successorship, it would be designated as the sole successor organization for former Jewish held assets, which were now Heirless or unclaimed.

It was also pointed out that under the law it would be possible for the JRSO to be designated for all assets of former persecutees, both Jewish

*I concerns Request of former Israelitische Religionsgesellschaft
in Frankfurt — see 1586*

- 2 -

and non-Jewish. The JRSO might conceivably claim all such assets and then work out agreements with non-Jewish organizations concerning their distribution. It was the strong feeling of the meeting, however, that this should be avoided and that the JRSO should confine itself entirely to former Jewish-held assets.

Mr. Kagan also reported that Mr. Katzen, the adviser on Jewish matters of the Republican National Committee, has expressed his readiness to assist the JRSO.

It was the decision of the meeting that the JRSO should apply as successor organization for formerly Jewish-held and now heirless or unclaimed assets, the proceeds to be used for Jewish victims of Nazi Persecution. The question was raised whether this limitation to Jewish assets alone would require at this time a "pro-rating" of the overall 3 million ceiling for a Jewish successor organization. It was felt, however, that no particular reference to this should be made in the application. Nor was it really expected that this question would be raised at this time by the Government, particularly in view of the fact that former Jewish accounts are believed to constitute about 90% of the potential assets.

ידישער וועלט-קאנגרעס

הקונגרס היהודי העולמי

WORLD JEWISH CONGRESS

CONGRES JUIF MONDIAL • CONGRESO JUDIO MUNDIAL

15 EAST 84TH STREET
NEW YORK 28, N. Y.

ALGIERS
1 rue Mahon

BUENOS AIRES
Pasteur 633 P.5

GENEVA
37 Quai Wilson

JERUSALEM
1 Ben Yehuda Street

LONDON W1
55 New Cavendish St.

MEXICO CITY
Calle de Cuba 81

MONTEVIDEO
Calle Florida 1418

MONTREAL
493 Sherbrooke St., W.

PARIS VIII
78 Av. des Ch. Elysees

RIO DE JANEIRO
Caixa Postal 2344

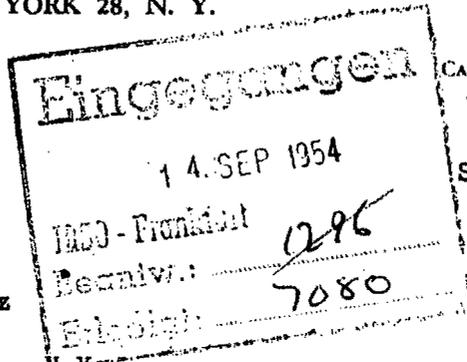
ROME
Lungotevere Sanzio 9

SANTIAGO
Tarapaca 868

STOCKHOLM
Grev Magnigatan 11

SYDNEY
243 Elizabeth Street

TEL AVIV
Montefiore Street 24



CABLES: WORLDGROSS, NEW YORK
TELEPHONE: TRAFALGAR 9-4500

September 7, 1954

Mr. Benjamin B. Ferencz
HQ J. R. S. O.
APO 757, c/o P.M., N.Y., N.Y.

Dear Ben,

Saul gave me a copy of your letter No. 2021 (file 7080) dated Aug. 26 re Amendment to the Trading with the Enemy Act.

I don't believe that anyone would question the wisdom of a general claim and of a bulk settlement. However, they are two ideals none of which may materialize. A general claim is different from the short form which you used in Germany; the bulk settlements in Germany were made on the basis of individually claimed properties, even if some of them were doubtful.

You say nobody knows what "notice of claim" is. I don't believe you are right. You may not be aware of the fact that the bill was based on what was known at that time (about six years ago) as the "Robinson plan." I brought the question of heirless assets into rolling in a meeting of representatives of the State Department, Treasury and the Office of Alien Property called by the then Assistant Secretary of State for Economic Affairs. A short while thereafter I submitted the first draft which was then reworded in consultations between me, Eli Rock and the Legislative Branch of the Department of Justice. This draft was little changed, except recently in the House. So far as I recall the "notice of claim" was meant to be the same thing as a claim by a living owner: an application for a given property, not a general proclamation of the intent to claim all Jewish assets. This does not mean that we should not try to get away with a general claim. A bulk settlement was not excluded but probably only on the basis of individual claims. However, we should try to have our claim "bought up" as such.

As you see, that bill was drafted at a time when little, if any, experience was available on ascertaining Jewish claims. One thing we were aware of: proof of being heirless was difficult. We included, however, the possibility of a claim on this basis because it did not harm and we thought that the experience in Germany may lead to such proof in certain instances.

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There is quite a substantial difference between claims in Germany and here. If you filed there a claim for a property which was not transferred under duress you could expect the owner to disprove your claim. Here, all property was vested on the basis of the owner being an enemy national and the owner need not even be notified of our claim. Therefore I am inclined to believe that we have no choice but to check all and every vested property on its Jewishness and try to prove it (if we don't succeed in obtaining three million as a bulk settlement). There are thousands of German Jews and many of the names which to you are only "Abraham Cohens" are to them distinct persons. Obviously, any such checking could only be made on the basis of the former address which, so far as I recall from the files, is always available.

I don't know why Saul suggested to limit our claims to persons coming from Germany. In practice, they will represent the bulk of the owners because the assets of nationals of Rumania, Hungary, etc. were in most instances only blocked (not vested) - the vesting was as a "mass action" directed mainly against German and Japanese properties. So far as I recall from the files, there were some non-German vested properties, mainly estates. Obviously, we are as much interested in them, as we are in German assets, although it may in these cases be even more difficult to find proof of Jewishness than in the instances of German property.

With kindest regards,

Yours sincerely,



Nehemiah Robinson

NR:ls

122154

7080

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
29 Friedrichstrasse, Frankfurt/Main

26 August 1954.

Mr. Saul Kagan
JRSO - New York

JRSO Hq. letter #2021
File: 7080.

Dear Saul:

I have received and read with much interest the amendment to the Trading with the Enemy Act. The post-war origins of the Act are clear since at that time it was generally believed that, to a considerable extent, whole families of German Jews had been exterminated, leaving large amounts of heirless property. Nine years later our information is more complete and we are now confronted with an Act based upon the old and erroneous presumptions. The Jewish organizations are now called upon to capitalize on this Pyrrhic victory. Despite my general scepticism I am prepared to do all I can to increase the extent of Jewish recoveries from these sources.

The problems appear to be divided into the following categories:

1. The Designation of the Successor Organization.

The President may designate one or more organizations as successors in interest. In order to qualify the organization must give certain assurance concerning the use of the funds and must be a non-profit, charitable corporation, incorporated before January 1, 1950 in the United States. I believe the JRSO should apply for designation, supporting its application on the following grounds:

- a) Its qualifications within the terms of the law.
- b) The fact that the Report on the Law stated explicitly that the JRSO planned to apply for designation and was in the minds of the legislators when the bill was passed (see page 3 of Report to accompany S.2420).
- c) The precedents of JRSO's appointment under MG Law 59 and the satisfactory experience during the first five years of its operation (include our 5 year report).
- d) Our recognition by courts in the United States as a lawful successor to vested property by virtue of the Ollesheimer case which was decided by the Probate Courts in New York.

Since several successor organizations are authorized under the terms of the amendment it will be necessary to define the successorship of the JRSO. I believe that, as in the case of Law 59, we should limit our interest to deceased persons who were members of a group which was persecuted by the enemy nations within the meaning of the act for reasons of race or religion. We should attempt to have the designation define what constitutes proof of membership in the particular group since this is our key problem. We should try to put in a clause to the effect that due consideration must be given to difficulties in procuring documentary substantiation. If at all possible we should try to obtain in the designation an authorization to make return of the property or to provide reasonable compensation if, on the basis of all available facts, it appears probable that the vested property belonged to a member of the designated group.

The terms of the designation are of vital importance and must be worked out carefully in consultation with the Office of the Alien Property Custodian (OAPC), (which I presume will act for the President in this matter), and on the basis of a very careful consideration of the law. The objective in formulating the designation should be to make it possible for the JRSO to reach a settlement with the OAPC without having to prove that each particular piece of property was Jewish owned.

Contd.

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Mr. Kagan

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#7080

2. The Filing of the Claims.

The successor organization (presumably JRSO) must file "notice of claim before the expiration of one year from the effective date" of the Act. Presumably the President signed the Bill last week and the notice of claim must be filed before sometime in August 1955. The law does not prescribe what constitutes notice of claim and we should therefore try to persuade the officials handling the matter that a general claim should be adequate. Such a claim would provide notice that we assert the right of successorship to all property which may be Jewish and which remains unclaimed after the filing deadline for private Jewish claimants has expired. We can support our argument that a general claim should be acceptable on the basis of our experience in the U.S. Zone where, as you recall, a short form was originally submitted and documentation subsequently supplied. We know from our experience that it is meaningless and costly to force us to claim everything individually and then withdraw most of the claims because they are illfounded or unsupportable.

Under the provisions of Par.32(h)(a) return may be made to the JRSO "before the expiration of two years from the vesting of the property" if it appears that the former owner is dead and survived by no person eligible to claim as his successor. I don't think that we can or should try to make use of this provision. The number of cases in which we could conceivably prove that Abraham Cohen is actually dead and that he has no living relatives is totally insignificant. We should rely upon clause (b) which would allow the JRSO to recover the property or the interest after two years from the vesting date if no other claim is pending. Since most, if not all of these properties were vested over two years ago there is no delay in relying on the second clause and ignoring the first one. (I would guess that the first clause is a carryover from one of the original drafts)

3. Proof of Validity of the Claim.

There are only two items of proof required:

- a) That the property in question has not been claimed by a person entitled to recover it under the law, and
- b) That the property belonged to a person (legal or juridical) who was a member of the group to which we succeed by operation of law.

As far as a) is concerned, if we limit our interest only to those items which remain unclaimed we will have no problem of proof since the OAPC will provide us with that fact. As far as b) is concerned we have to prove that the former owner was Jewish. This little chore is not so easy.

Your letter of August 17, as I understand it, suggests that we start assembling all the registries which may be available in Germany showing the membership of pre-war Jewish communities. At best we would then have a roster of some 600,000 persons who were formerly resident in Germany. At worst, (and I fear the worst), we would have a few thousand names assembled from scattered remnants of information. This list could, if I understand your reasoning correctly, then be compared with the 20,000 or so names of persons whose property was vested by the OAPC. If we find identical names we could then assert that the persons are identical and if it appears that noone else has filed a valid claim we may have proved our case. The Index to Orders, issued by the OAPC, which you sent me contains only the names and no addresses. There is no indication as to which of the properties have already been returned since the early lists have not been amended. I feel therefore that they don't bring us closer to solving our problem but may only complicate it. I have found, for example, the name of Abraham Cohen who, I may guess, was a Jew. I don't know whether he, or any of his heirs, have requested the return of the property, nor do I know his address.

Contd.

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Mr. Kagan

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#7080

If I found that there was an Abraham Cohen who was head of the Jewish Gemeinde in Tuttlingen, and that there were 16 other Abraham Cohens living in Germany, where am I?

Your suggestion would also limit our claims to persons coming from Germany. I don't find anything in the law which restricts us to that extent. We should be able to claim the property of Jews from any of the countries at war with the United States. Why should we neglect the interests of the poor Jews from Hungary, Austria, Italy, Rumania, etc.? I am sure that the Trading with the Enemy Act defined "enemies" rather broadly and vested property of individuals and corporations from all parts of the world. Some of these were undoubtedly Jews, and some of these were undoubtedly heirless.

4. Simplified Procedure.

I think we can only act on the basis of the residual properties held by the OAPC after all deadlines for filing of individual claims have expired. If we know the addresses of persons whose names appear to be Jewish we can try to prove that they were Jewish by checking back at their former addresses, but this is a particular type of investigation which I would be very happy to leave to you. I hope that after we have the roster of unclaimed properties we can then go through the list and select Jewish sounding names and try to persuade the OAPC that detailed proof is impossible. In view of the clear intention of the Congress that up to \$ 3 million should be paid to a charitable successor organization, and in view of the obvious fact that some portion of the total must be Jewish and must be heirless, perhaps, perhaps, I hope, I hope we can persuade the OAPC to make a bulk settlement. Our experience in the American Zone and the support of the State Department, General Clay, Mr. McCloy and me, for such an approach may be persuasive. We also have the precedent in Art.8 of the Paris Reparations Agreement of December 1945 which provided for "a share" of all the non-monetary gold going to the organizations for rehabilitation of victims and the Five Power Agreement of June 1946 which also gave a percentage allocation based upon an estimate of the heirless Jewish funds. I think a bulk settlement is the only feasible solution to the whole problem.

I would suggest that you, Sy Rubin and Abe Hyman discuss all of these problems with whoever will deal with it in the OAPC. I will also discuss the problem around here a bit. After we have all done some more thinking about it, and obtained some more information we will have to exchange views in order to reach a decision on what action will be required. I am sending you a few copies of this letter so that you may circulate it among persons who are interested and who may have some constructive ideas.

Cordially yours,

B. Ferencz
BENJAMIN B. FERENCZ

BBF.le

cc: N.Y. 5
Mr. Rubin 2
Dr. Weis
Dr. Katzenstein
Dr. May
Dr. Schoenfeldt
Dr. Lachs
Dr. Kreutzberger
Dr. Reichmann
Mr. Jacobson

122157

2080

Cable Address: JOINTDISCO

LExington 2-5200

23 AUG 1954
7080

Jewish Restitution Successor Organization

270 MADISON AVENUE

New York 16, N. Y.

August 19, 1954

To: Mr. Benjamin B. Ferencz
J.R.S.O. - Frankfurt

Dear Ben:

After six years of intensive effort and frustration, it was finally possible to obtain the passage of the Heirless Property Bill by both Houses of Congress. The Bill has now been submitted for the President's signature and I am certain that it will become^a law. I sent you last week the text of the Bill together with a covering memorandum which was sent to the Executive Committee of the J.R.S.O. I am enclosing now a copy of the report which accompanied this Bill and which, I am sure, you will find of great interest. As previously noted, the final amendments made by the House restricted the utilization of the funds to the United States and required that the administrative expenses connected with the claim and recovery of the assets not be charged against the proceeds.

The J.R.S.O., of course, will apply for recognition as the Successor Organization for Jewish heirless assets. The Executive Committee of the J.R.S.O. will have to act on this matter in the very near future (I expect right after Labor Day) as the Bill sets a one year limitation for the filing of claims. In order to get some idea of the magnitude of the problem, Sy and I met yesterday with a number of division and branch chiefs of the Office of Alien Property. We started discussing the best method for filing of claims by the Successor Organization on the basis of the records available to the Office of Alien Property.

It is clear to me that it will be impossible and impractical to engage in any kind of general search operations as was the case with the J.R.S.O. in Germany. The Bill, as you know, is limited to assets vested by the Office of Alien Property. The OAP has a variety of records which would have to be examined for the purpose of filing all claims. There are approximately 20,000 vesting orders which in many instances concern more than one individual. The OAP people stated to us that the more profitable records for us to check are the so-called "Account" records which were established for every person whose assets were involved in a vesting order. Of course, it is clear that the vast ^{majority of} assets are not Jewish in origin. A survey which was conducted in 1950, on the basis of which the organizations agreed to the three million dollar (\$3,000,000) ceiling in the Bill, showed at that

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MEMBER ORGANIZATIONS

- AMERICAN JEWISH COMMITTEE • AGUDAS ISRAEL WORLD ORGANIZATION • WORLD JEWISH CONGRESS • COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY • BOARD OF DEPUTIES OF BRITISH JEWS • CONSEIL REPRESENTATIF DES JUIFS DE FRANCE • CENTRAL BRITISH FUND • JEWISH AGENCY FOR PALESTINE • AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. • JEWISH CULTURAL RECONSTRUCTION, INC. • INTERESSENVERTRETUNG ISRAELITISCHER KULTURGEMEINDEN IN THE U. S. ZONE OF GERMANY • ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

- JEWISH AGENCY FOR PALESTINE • AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. • JEWISH CULTURAL RECONSTRUCTION, INC.

- 2 -

time that about ten percent (10%) of the names may be Jewish. As you know, Congress already in 1946 authorized the release of vested assets to victims of Nazi persecution and their heirs. A considerable number of claims were of course filed by individual claimants.

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The OAP turned over to us a name index to the vesting orders. I have sent you one set of these names, via air parcel post, as I am convinced that the best check can be made in Germany against our name indices and handbooks containing the registry of members of pre-war Jewish communities. I would appreciate very much if you could set someone to work on this as quickly as possible as you know there is only a year's time within which to file claims. It will also be very important for us to get as quickly as possible an idea of the size of our problem in view of the administrative costs for which funds have to be provided (by you, my Pal).

The best thing to do would be to turn this job over to Holstein's department and request the regional offices to send over to him the various handbooks and lists which they should have from our claiming period. I would very appreciate if you would discuss with Weis this whole question. He no doubt may have in his own files sizeable lists, as well as instructions which were given in the fall of 1948 to the people whom we sent to inspect records and extract information involving persons with Jewish sounding names.

It would also be very important if Holstein could obtain from Berlin the list of the business firms which were presumed to be Jewish, as one of our real problems in this connection will be to ascertain whether assets of small corporations may not be Jewish owned. I guess you never thought six years to the day from the start of the J.R.S.O. claiming operation in Germany, we will be discussing a new claiming problem.

Our present tentative plans are to screen the OAP lists and to start checking our extracts against the OAP records in order to determine whether a title claim has been filed for the property. At a later stage it will, of course, be necessary to obtain the cooperation of our regional offices in Germany to document the fact that "Mr. Jacob Levy from Frankfurt" was Jewish. There will no doubt be many other problems which will arise in Washington about which we will have to trouble you.

For the time being, I envisage that we will have to employ two research investigators whose principal job would be to analyze the information contained in the files of the OAP. I think that our best bet would be to look for some former staff members of the OAP who worked in the Claims Division. As you know, a number of German refugees were employed by the OAP. We will have to, of course, keep down our administrative expenses and one of the tentative thoughts Sy and I had, would be to have our people work somewhere in Sy's office. These things will have to be worked out and formalized after Labor Day.

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The Executive Committee of the J.R.S.O. will have to formally decide if it will apply for designation. In this connection I had no opportunity yet to talk to Maurice Boukstein, who, being smart, went from the airport on a vacation and I was not able to reach him thus far. The Agency, as well as the J.D.C., will have to agree to it although the proceeds must be used in the United States. I frankly believe that this may give us a real basis for reconciliation with the Council of Jews from Germany and possibly the other refugee groups in this country that are pressing the J.R.S.O. and Conference for allocation of Conference funds for use in the United States. On balance I feel that this may prove beneficial.

So...here we go again.

Cordially yours,



Saul Kagan

SK:h

cc: ggg

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION
270 Madison Avenue
New York 16, N.Y.

Lingegarten	
16. AUG. 1954	
JRSO - Frankfurt	
Beznw.: 463	
Erledigt: 7080	

August 13, 1954

MEMORANDUM

To: Members of the Executive Committee

From: Saul Kagan

The U.S. Senate, on August 12, 1954, approved the House of Representatives' version of S. 2420, the bill to amend The Trading With the Enemy Act. This action marks the completion of the Congressional process, at long last, with respect to heirless property in the U.S. It follows six years of intensive effort expended on its behalf by the American Jewish Committee, the Joint Distribution Committee, the Jewish Agency and the World Jewish Congress. The Bill has now gone to President Eisenhower for signature. A copy is enclosed.

The Bill empowers the President to designate one or more successor organizations on behalf of heirless property in the U.S. Successor organizations must be non-profit, charitable corporations, incorporated in the U.S. on or before January 1, 1950.

Heirless property proceeds are to be used on the basis of need in the rehabilitation and resettlement of persons in the U.S. who are victims of Nazi persecution. A ceiling of \$3,000,000 has been imposed on the total value of the property which will be made available to the successor organization. Proceeds may not be used for legal fees, salaries or for administrative expenditures connected with the filing of claims or with the recovery of proceeds.

The Executive Committee will have to consider in the very near future the question of the JRSO applying for designation as the successor organization under this Bill.

Saul Kagan
Saul Kagan

SK:bg

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citizenship within the meaning of subdivisions (C) and (D) of subsection (a) (2) hereof; (ii) it will transfer, at any time within two years from the time that return is made, such property or interest or the equivalent value thereof to any person whom the President or such officer or agency shall determine to be eligible under section 32 to claim as owner or successor in interest to such owner, by inheritance, devise, or bequest; (iii) it will make to the President, with a copy to be furnished to the Congress, such reports (including a detailed annual report on the use of the property or interest returned to it or the proceeds of any such property or interest) and permit such examination of its books as the President or such officer or agency may from time to time require; and (iv) will not use such property or interest or the proceeds of such property or interest for legal fees, salaries, or any other administrative expenses connected with the filing of claims for or the recovery of such property or interest.

"The filing of notice of claim by an organization so designated shall not bar the payment of debt claims under section 34 of this Act.

"As used in this subsection, 'organization' means only a nonprofit charitable corporation incorporated on or before January 1, 1950, under the laws of any State of the United States or of the District of Columbia with the power to sue and be sued."

SEC. 2. The first sentence of section 33 of the Trading With the Enemy Act of October 6, 1917 (40 Stat.411), as amended, is hereby amended by striking out the period at the end of such sentence, and inserting in lieu thereof a semicolon and the following: "except that return may be made to successor organizations designated pursuant to section 32 (h) hereof if notice of claim is filed before the expiration of one year from the effective date of this Act."

122162

Eingegangen	
28 APR 1954	
NO-Teil:	<i>W</i>
Nummer:	
Bl. Nr.:	<i>A 7080</i>

April 21, 1954

MEMORANDUM

To: Four Organizations

From: Saul Kagan

With reference to the heirless property bill S-2420, please find enclosed additional relevant material in the form of a letter from Mr. Hyman to Senator Dirksen, supporting in detail his views .

Saul Kagan

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C O P Y

C O P Y

NOT FOR PUBLICATION

April 15, 1954

Senator Everett Dirksen, Chairman
Subcommittee on Trading with the Enemy Act
Committee on the Judiciary
Washington, D.C.

CONFIDENTIAL

Dear Senator Dirksen:

I regret very much that the pressure of time made it impossible for me to supplement my written statement, with some observations I had intended to make on the several points raised by you and by Mr. Smithy in the course of the hearing.

After the hearing, I discussed the various points with Mr. Smithy. Upon his suggestion, I am writing you with the hope that you would take these views into consideration when your Subcommittee meets to act on S-2420.

1. \$3,000,000 limitation. You quite properly raised the question as to why the \$3,000,000 limitation is imposed on the amount which may be returnable under the bill. I say "quite properly" because if the principle is correct that heirless property of persecutees should not escheat to the government, then it logically follows that regardless of the amount involved, the heirless property should be turned over to the successor organizations for the purposes prescribed in the bill. Frankly, that was the view of all of the major Jewish organizations when they originally suggested the bills which were introduced in the 80th, 81st, 82nd, and 83rd Congresses. The reason that the \$3,000,000 limitation was finally written into the bill is that the War Claims Commission would not give its approval to a bill with an open amount. The War Claims Commission argued with respect to S-603, the bill which passed the Senate of the 81st Congress, that it did not have any estimate of the amount returnable under the bill and that it might develop that the amount returnable would not leave a sufficient sum to discharge the claims compensable under the War Claims Act. In deference to this position, S-603 was amended in the Committee and passed in the 81st Congress with the \$3,000,000 limitation.

It is obvious that the original reason for including the \$3,000,000 limitation has disappeared. As you know, the 83rd Congress made \$75,000,000 available for the payment of war claims. At the hearing, the Commission submitted a statement to the effect it now has funds adequate to cover all the claims presently compensable under the War Claims Act. Consequently, even from the standpoint of the War Claims Commission problem, there is no longer any reason in insisting upon the \$3,000,000 provision.

In the course of the hearing, you inquired as to how the \$3,000,000 figure was arrived at. The answer is that samplings were made of the type of property in question and it was estimated that the \$3,000,000 sum would in all

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Senator Dirksen

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April 15, 1954

probability cover all of the heirless property in question. This belief is still the view of the major Jewish organizations interested in the bill. It is therefore apparent that the \$3,000,000 limitation would not present the administrative problem of proration among several successor organizations, a problem which, as both you and Mr. Smithy pointed out, would arise if the sum returnable exceeded the \$3,000,000 figure, and if several successor organizations representative of different categories of persecutees were involved.

There are, in the judgment of the major Jewish organizations, two reasons why the \$3,000,000 limitations should be removed, particularly since the objection raised by the War Claims Commission no longer exists.

The first and foremost reason is that without the limitation the bill better expresses the principle on which it is based. The organizations are interested in a clear exactment of the principle, and any limitation, even if only apparent, necessarily narrows down the principle. It is only when it appeared that the bill could not pass without the limitation that the compromise was accepted. The reason for the compromise no longer having any validity, it would seem that the limitation should be removed. The bill would certainly be a much more dignified measure if it did not include the limitation.

The second reason related to the administrative problems suggested by Mr. Smithy, problems which would not arise if the limitation were removed. These are (1) the problem of proration, in the event that the sum returnable actually exceeded \$3,000,000 and that more than one successor organization, representative of more than one category of persecutees, were appointed by the President; and (2) the problem of computing the value of a future interest in an estate, as of the date the return is made. As Mr. Smithy points out with respect to the latter, such computation would require actuarial work and would impose an additional burden on the Office of Alien Property, and would thus interfere with the winding up of the operations of that office.

The only reticence we have about recommending the deletion of the \$3,000,000 limitation is that without the limitation the bill might induce misgivings in the minds of some members of Congress when the measure comes up for adoption on the Consent Calendar. Of course, the Jewish organizations would prefer to have the bill with the \$3,000,000 limitation rather than no bill at all. Consequently, the final decision as to whether the \$3,000,000 limitation should or should not appear rests upon what you believe to be the chances of getting the bill through on the Consent Calendar, without the limitation. If your judgement is that the chances are the same in either event, then obviously, for the reasons indicated, it should be removed. It is relevant in this connection to point out there was no limitation imposed on the property returnable under the 1946 amendment to the Trading with the Enemy Act, in favor of living persecutees. Should you come to the conclusions that the \$3,000,000 limitation should be removed, it would appear advisable to have the accompanying report contain a statement to the effect that in view of the fact that the original reason for the limitation no longer exists, and in view of assurances the subcommittee received that, in any

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C O P Y

Senator Dirksen

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April 15, 1954

event, the amount returnable would not exceed \$3,000,000, the limitation is deleted, to make the wording of the bill more adequately state the policy on which the bill is predicated.

2. Question presented by reference to (D) of subsection (a) appearing on line 10 p. 1 of Bill. In his questioning, Mr. Smithy wondered whether this problem might not present a difficult question of construction since, while the bill is intended to be limited to the property of persons deprived of their liberty and full rights of citizenship, the section (D) etc. has reference to dual nationals as well as persecutees. The reason the bill was not drawn more narrowly is that that portion of it was copied from an earlier bill drawn before the section contained any reference to dual nationals. At the present time it would seem appropriate to amend line 9 as follows: "alive, would, because of a substantial deprivation of liberty or the failure to enjoy full rights of citizenship, be eligible to receive returns under the provisos" (the underscored portion is the added portion of line 9 p. 1 of the Bill).

3. Line 18 p. 2 of the Bill. We agree that the words "sell and dispose of and" are confusing in the context. We recommend that these words be stricken..

4. Selection of a successor organization. As I pointed out in my statement, the Bill is primarily one involving the property of the Jews who perished and who left no heirs. The Jewish Restitution Successor Organization, an American corporation organized under the Laws of the State of New York, was selected by the Department of State as the successor organization under the U.S. Military Government Law No. 59. While acting in that capacity, it has earned the respect of the United States authorities in Germany. The President, General Clay and Mr. McCloy are well acquainted with this organization. This organization, which represents twelve major Jewish organizations in the United States, will definitely apply as the successor organization under S-2420. In his selection of the successor organization, the President will certainly be guided by the experience the United States Government gained in the administration of Law 59.

We know that the calendar of your subcommittee is very crowded, but we are hopeful, on the basis of the fine spirit you exhibited at the hearing, that you will do your very best to see that the bill is reported out the next time your subcommittee convenes.

I have met with representatives of the American Jewish Committee, who fully share the views expressed above.

We are most grateful to you for your interest and cooperation in this matter.

Sincerely yours,

Abraham S. Hyman

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Hinge
21. APR 1954
IRSD - Frankfurt
Security: <i>HS</i>
El. Syst: <i>2080</i>

April 13, 1954

MEMORANDUM

W

To: Four Organizations

From: Saul Kagan

A hearing on the heirless property bill S. 2420 has been called by the Subcommittee of the Senate Judiciary Committee for April 14, 1954. Attached please find statements by Dr. Herman Gray and Mr. Abraham Hyman who are testifying at this hearing. I am also attaching the text of a letter by General Clay.

Saul Kagan

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April 14, 1954

STATEMENT OF ABRAHAM S. HYMAN, MEMBER OF THE AMERICAN JEWISH CONGRESS, AT THE HEARING BEFORE THE SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY, ON S.2420

My name is Abraham S. Hyman. I am a member of the American Jewish Congress and have been asked to appear on its behalf in support of S.2420, because of my familiarity with the problem dealt with in that bill.

I first encountered that problem in 1946. Then in Germany with the armed forces of the United States, I had an assignment which acquainted me with the progressive stages leading up to the promulgation of a restitution law for the U. S. Zone of Germany.

While the war was in progress, the United States had joined sixteen other nations in asserting the right to declare invalid all transfers of property in enemy-controlled areas. In line with this declaration and with a Joint Chiefs of Staff directive, General Lucius D. Clay, promptly upon his assumption of duties as U. S. Military Governor, devoted himself to the task of securing a restitution law for the U. S. Zone of Germany. His first effort was with the German Laender comprising the U. S. Zone. He tried to induce them to enact a law which would restore to persons persecuted for racial, religious or political reasons the property in the Zone of which they had either been wrongfully deprived or which they had transferred under duress. He further proposed that property belonging to persecutees who had died heirless be turned over to successor organizations representative of the groups to which the former owners belonged, for the relief, rehabilitation and resettlement of the surviving members of the respective groups. When, after a lapse of time, General Clay became convinced that the German authorities would not enact a law embodying the minimal provisions which he felt such a law should contain, he decided to promulgate such a law in his capacity as Military Governor. However, before doing so, he approached his counterparts in the other occupation zones with the view of getting concurrence on a quadri-partite restitution law applicable to the whole of Germany. Had Clay been prepared to yield on the issue of heirless property - had he, for example,

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been willing to accept the Russian formula, that such property shall escheat to Germany - in which case Germany would have profited by its own genocide - or the French and British formula of limiting the expenditure of the proceeds on behalf of the survivors living in Germany - in which case the provision would have been an empty gesture - he could have achieved either a bizonal or tri-zonal law. However, General Clay quite properly felt that he could not reconcile either position with that asserted by the United States representatives at the 1945 Paris Reparation Conference. There we had successfully maintained that heirless property in neutral countries belonging to enemy nationals who had been the object of persecutory measures, are distinguishable from other enemy assets in those countries, and that while the latter may enter the general reparations pool, the former must be used exclusively in the rehabilitation of the non-repatriable victims of Nazism. In any event, when he found that the occupying powers refused to accept his formula on the use of heirless assets of persecutees, he reluctantly sacrificed the advantages of a multi-zonal law and promulgated Military Government Law 59. This law treats heirless property of persecutees, situated in the U. S. Zone of Germany the same way as S.2420 proposes to deal with similar property situated in the United States.

It is not necessary for me to extol the virtues of Military Government Law 59. It is my earnest belief that there is no law which the United States promulgated as an occupying power of which the American people can be more proud than that law. The best proof of its quality is that eventually both the British and the French authorities adopted replicas of it in their respective zones of occupation.

I next encountered the heirless property question while serving as the General Counsel of the United States War Claims Commission. I joined the staff of this Commission in November 1950 as General Counsel and served from that time until May 1953. The War Claims Commission, as you know, was established by the

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War Claims Act of 1948, to administer the claims of prisoners of war, of civilian internees, and of certain religious organizations in the Philippines. The source for the payment of these claims is the War Claims Fund, established by the War Claims Act. The fund consists of the proceeds of the German and Japanese assets seized under the Trading with the Enemy Act. For obvious reasons the War Claims Commission jealously guarded the proceeds of the German and Japanese assets. To my knowledge, the Commission gave its approval to only one bill, the enactment of which would reduce the amount of the assets available for the payment of war claims. That single exception was in the case of a measure identical with S.2420, introduced in the 81st Session of the Congress. I hasten to add that the Commission's favorable report was not the result of any persuasion on my part, for the Commission submitted its report on that bill before I joined its staff. The Commission apparently recognized that it would not be in accord with our sense of justice to treat property belonging to families which had been completely annihilated by the enemy as "enemy property" and to use the proceeds of this property to pay the war claims of men who had fought to arrest the Nazi complex of which the former owners were the victims.

I should like to add that while with the War Claims Commission, I directed the Study on War Claims Arising Out of World War II. The Commission's Report, based on this Study, is House Document 67, 83rd Congress, First Session. In connection with this assignment, I made an analysis of the Treaties of Peace concluded with the Satellite Countries in 1947, and found that principally as a result of the United States initiative, the Hungarian and Rumanian Treaties incorporated provisions with respect to heirless property of persecutees, situated in these countries, virtually identical with the provisions of S.2420.

More currently, as a member of the American Jewish Congress, I encountered the heirless property question in the negotiations between representative Jewish organizations and the Austrian Government with respect to the heirless property

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of Jews who lived in Austria and who were the victims of Nazism. These negotiations are now in progress. The American Jewish Congress gratefully acknowledges the fact that the Eisenhower administration, as the preceding administration, has, through the State Department, actively supported the effort to have Austria make available for the surviving victims of Nazism at least part of the value of the heirless property of the victims of Nazism situated in Austria.

It is apparent, then, that the United States has had an unbroken record on how to deal with the heirless property of the victims of Nazism. To its credit, the United States has been the first and the chief protagonist of the principle that such property must not be merged with the funds of the state where the property is situated but, rather, must be employed on behalf of the survivors of the groups to which the persecutee owners belonged. I am certain that it is not the wish of the Congress to make the only exception in the case of the heirless property which happens to be within the continental limits of the United States. To make that exception either by an affirmative act or by the failure to act would be an instance of ambivalence which would be very difficult to explain; even harder to justify.

Experience with Military Government Law 59 reveals that the problem of heirless property arises principally with respect to the property of Jewish victims of Nazism. This follows from the nature of Hitler's merciless war against the Jews who came under his control. While he destroyed individual members of the Christian faith, either because they protested openly against his brand of nihilism or because they held political beliefs which he regarded hostile to his regime, as a general rule he directed his attack against the specific individuals and left the families of these Christian victims intact. [NOTE: The survivors are eligible to the recovery of the vested property under a 1946 amendment of the Trading with the Enemy Act.] By contrast, he regarded all Jews, men, women and children, as unworthy of life, and therefore exterminated them en masse. The tragic consequence of this policy was that in countless cases entire Jewish

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families were wiped out.

The American Jewish Congress shares the view of Jews everywhere that the United States established an enviable record in pursuing a post-war policy which has resulted in giving new hope to the surviving Jewish victims of Nazism. These people, uprooted from their homes, are trying to make a fresh start in their countries of adoption. Many are sick and disabled, while many more have the problem of adjusting themselves to their new environment. Independently of the strong moral argument in favor of S.2420, it is clear that while the sum which S.2420 will make available for the benefit of these people is an insignificant sum in the treasury of the United States, it will help substantially in bringing survivors of Hitlerism closer to their own goal, that of becoming self-sustaining human beings.

Moreover, the former owners of the property would, if they could speak up, ask that their property be so used.

We are confident that no member of Congress, familiar with the purpose of this measure, will raise his voice against it. We, therefore, urge this Subcommittee to report the bill favorably and thus give the Senate the opportunity to approve it at this Session of the Congress.

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Statement of Dr. Herman A. Gray
for presentation before the Sub-Committee
on the Trading with the Enemy Act of the
Senate Committee on the Judiciary,
submitted on behalf of the American Jewish
Committee, on the amendment to the Trading
with the Enemy Act proposed by S. 2420.

My name is Herman A. Gray. I am a professor of public administration at New York University. I testify on behalf of the American Jewish Committee in my capacity as Chairman of its Foreign Affairs Committee.

We strongly support passage of the long pending amendment to the Trading with the Enemy Act proposed by S. 2420 which would permit charitable organizations to recover property that belonged to persons who were persecuted by the Nazis and who died without heirs, the funds so realized to be used for the relief and rehabilitation of the victims of Nazi persecution who have survived.

Enactment of the proposed legislation has repeatedly been urged by all interested government departments. The Department of State has stated that its passage "is highly desirable as an aid in carrying out the foreign policy of the United States." The Department of Justice has also been consistent in its support. (SR No. 784, on S. 603, 81st Cong., 1st Sess., pp. 7, 12, 13). Throughout the 80th, 81st, and 82nd Congresses the proposal had bipartisan sponsorship. It enjoys bipartisan sponsorship in the 83rd Congress as well. In both the 80th and 81st Congresses, bills to the same effect were passed by the Senate on the consent calendar. In the 81st Congress, a similar bill was approved by the House Interstate and Foreign Commerce Committee. It was, however, objected to on the consent calendar of the House and no consent was granted by the House Rules Committee. As a result, the bill expired with the 81st Congress. In the 82nd Congress, on the call of the calendar of unopposed bills, the bill was passed over on the floor of the Senate.

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Essentially the proposed legislation is based on, and carries forward to logical conclusion, a principle already translated into federal law. By legislative action taken in August 1946, the United States declared that it would not assert ownership over property owned by the victims of persecution, and would not use such property for the satisfaction of its own claims against the governments responsible for the persecution. On this basis, victims of persecution have been able to obtain the return of their property or, if dead, their heirs have been able to do so. Had the original owners or their heirs remained alive, they would have reacquired their property under the 1946 amendment to the Trading with the Enemy Act, because of the distinction which Congress has so justly made between property belonging to persons who were truly nationals of enemy states and the property of those who, though technically enemy nationals, were in fact enemies of the enemy and treated as such by enemy governments with unparalleled brutality.

The properties to which S. 2420 addresses itself, belong to a special category. They are properties to which there are no claimants, because their owners were killed in mass extermination camps, together with their entire families. These assets represent, by and large, the small savings of persecuted persons who, still hoping to escape and with faith in the American way of life, sent their last reserves while they still could to the secure haven of the United States.

The purpose of S. 2420 is to deal with this category of properties consistently with the letter and spirit of already existing law and in harmony with its underlying ethical principle. This principle American foreign policy has steadily enunciated and supported everywhere, in international agreements, treaties of peace, military government measures and through diplomatic channels.

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The justice of the proposed amendment becomes particularly clear when it is remembered that had these properties remained in Western Germany, title would have been vested in a successor organization established for the benefit of persecutees under U. S. Military Government Law No. 59, or under companion restitution laws enacted, on its model, in the British and French zones of occupation. These measures resulted from policies developed largely at the initiative and with the support of the United States Government. Had these properties not been sent out of Germany, they would already have been utilized for the relief and rehabilitation of those who had the good fortune to survive the Nazi terror. Surely, the fact that these properties are physically located in the United States should not keep them from being used in the same way for the benefit of the chief victims and first enemies of our enemies in World War II. Quite to the contrary, the fact that these properties lie within the borders and under the complete control of the United States, should guarantee that they will be dealt with in accordance with the policy which enlightened and moral American leadership has applied to like properties found within the confines of the occupied territories.

Americans will view these assets as a special and sacred bequest left by those mercilessly slaughtered by our former enemies, to relieve the needs of the handful who managed to survive. The Federal Government of Germany, in recognition of the basic moral issue involved, has itself fully adopted this view and is doing its best to give it effect. We who fought and won the war for ethical principles can do no less.

On these grounds, we respectfully submit that the action proposed by S. 2420 has already been much too long delayed and we urge the speedy enactment of this measure.

April 9, 1954.

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April 13, 1954

Dear Senator Dirksen:

I am advised that your Subcommittee is to conduct a hearing on S. 2420 on April 14. I understand that this bill is essentially the same as S. 603, passed by the U.S. Senate in August 1949, and as H.R. 1849 and H.R. 2780 introduced in the House of Representatives during the 80th Session of Congress.

On May 15, 1950 I testified before the Subcommittee of the House Committee on Interstate and Foreign Commerce in favor of S.603, H.R. 1849 and H.R. 2780, presenting a formal statement of the reasons which led me to support these bills. At the risk of being presumptuous, I am enclosing a copy of this statement.

I do this because it seems to me that the allocation of heirless property of presecutees to the relief and rehabilitation of the surviving victims of persecution, is sound public policy. It is consistent with policy followed by our Government in Germany with respect to heirless property. I do hope we will adhere to this principle.

Sincerely yours,

Lucius W. Clay

Honorable Everett Dirksen
Chairman, Subcommittee on Trading with the Enemy Act
Committee on the Judiciary
United States Senate
Washington, D.C.

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J. T. A. News

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GERMAN PARLIAMENTARY BODY VINDICATES DR. AUERBACH; ISSUES REPORT

MUNICH, March 1. (JTA) -- The criminal charges against the late Dr. Philip Auerbach, postwar leader of German Jewry, are by implication repudiated in a report just issued by the Bavarian legislature's "Auerbach Investigating Committee" after 31 public hearings and a probe lasting almost three years.

The Investigating Committee was set up in the spring of 1951, shortly after Dr. Auerbach's arrest, to examine the conduct of those Bavarian civil servants and cabinet members whose functions had included supervision of the State Agency for Restitution and Indemnification, which was headed by Dr. Auerbach for more than four years. No neglect or dereliction of duty on the part of these officials can be shown, according to the 16-page final report of the inquiry group.

The allegations against Dr. Auerbach himself, which drove him to suicide after he had been sentenced by a court composed of Nazi judges, were not within the direct province of the committee. Yet its terms of reference made it inevitable that the investigation kept reverting to the personality of the Jewish leader and to the manner in which he discharged the duties of his office.

The formation of the Committee was proposed by Auerbach's foes, and its members were anything but friendly towards him. Nonetheless, the final report implicitly vindicates him with regard to the many defamatory accusations that were presented to the public as established facts in a reckless campaign of mud-slinging.

The committee notes that he was not a proper bureaucrat in the German civil service tradition, but it repeatedly acknowledges that, had he been one, he would have been unable to cope with the chaotic conditions in Bavaria before currency reform, when more than 100,000 Jewish displaced persons and tens of thousands of other Nazi victims clamored for aid. "Auerbach may have been energetic, industrious, meddling and talented," concludes the Committee report.

MORE JEWS, INCLUDING RABBIS, ARRESTED IN RUMANIA; SOME SENTENCED

TEL AVIV, March 1. (JTA) -- Many Jews, including rabbis and community leaders, were recently arrested in Rumania and some of them have already been tried on charges of illegal Zionist activity, it was reported here today.

Reports, which have been arriving over a period of weeks recently, say that among those tried were Dr. Miklos Feinfeld, identified as the Chief Rabbi of the city of Arad, and Stefan Krois, Ludwig Gardos and Moshe Weissberger, who are otherwise not identified. The sentence passed on Rabbi Feinfeld is not known, but Krois is reported to have been sentenced to a three-year prison term while each of the other two defendants have been sentenced to 12-year terms.

An appeal to American Jews of Rumanian descent to aid recent Rumanian Jewish immigrants to Israel so that they do not have to return to Rumania because of their inability to make a new life for themselves in the Jewish State, was voiced here today by Idov Cohen, Progressive Party deputy in the Knesset. Speaking at a meeting of Israelis of Rumanian origin, Mr. Idov criticized former immigrants from Rumania for not aiding the newcomers.

NEW NEO-NAZI PARTY FORMED IN GERMANY; EMULATES HITLER'S GROUP

LUEBECK, Germany, March 1. (JTA) -- Another neo-Nazi party, complete with its own newspaper, has been formed in this port city on the Baltic, and has even been granted permission by the municipal authorities to put up propaganda posters in certain streets. In deliberate imitation of the "NSDAP" initials of Hitler's Nazi Party, the new group styles itself "RSDAP."

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ANTI-DEFAMATION LEAGUE LEADER TESTIFIES ON JOB DISCRIMINATION

WASHINGTON, March 1, (JTA) -- Testifying for the American Jewish Committee and the Anti-Defamation League of B'nai B'rith, Justice Meier Steinbrink told a Senate subcommittee on civil rights here that fair employment laws without enforcement provisions have only "a minimum of effect in eliminating discrimination."

The retired jurist, who is honorary national chairman of the ADL, appeared in support of the Humphrey-Ives bill for an enforceable FEPC. The legislation is now before the subcommittee of the Senate Committee on Labor and Public Welfare.

Justice Steinbrink testified that employment discrimination remains an existing evil "on a national scale." He cited from state reports and organizational surveys which showed statistically the inequality in job opportunity that threatens most members of racial and religious minorities.

This, he noted, was particularly true in the cases of skilled jobs and managerial posts so that minority group workers were forced into "an economic ghetto and the more servile jobs that do not allow them to attain the highest, most skilled and most productive level of which they are capable."

U. S. AMBASSADOR TO CUBA SAYS HE MADE NO ANTI-JEWISH REMARKS

NEW YORK, March 1, (JTA) -- Ambassador Arthur Gardner, U.S. envoy to Cuba, denied today having made anti-Semitic remarks attributed to him by a New York daily newspaper columnist. Writing to Henry Edward Schultz, national chairman of the Anti-Defamation League of B'nai B'rith, Mr. Gardner declared that "a perfectly innocent reference to the Jewish people (was) made by me over two months ago at a St. Andrew's dinner (and was) torn out of context and its meaning so twisted as to attribute to me anti-Semitic feelings completely foreign to my nature."

"I count among my very warmest friends many of Jewish birth, and have the most profound admiration for the philosophy, morals, and ideals the Jews have given to the development of our great country," the Ambassador wrote. "I am only too aware of the tremendous contributions the Jews have made - from 1776 to Kcrea - to the defense of our nation."

"Let me assure you that anti-Semitism has no place in my scale of values. I am keenly sensitive to my function as a representative of all the American people, regardless of race and religion. To do less than carry out that function fully would run counter to the principles that have constantly been my guide."

CROATIAN NAZI MAY BE DEPORTED FROM U. S. ; PERSECUTED JEWS

SAN FRANCISCO, March 1, (JTA) -- The United States Court of Appeals here has taken action which might lead to the deportation and trial in Yugoslavia of Andrija Artukovic, a Los Angeles resident who has been identified as a former Croatian Nazi leader notorious for his persecution of Jews.

The court here set aside an earlier ruling by the United States District Court at Los Angeles which favored Artukovic. The earlier decision held that Yugoslavia had no legal grounds on which to seek the extradition of Artukovic because an American-Serbian extradition treaty of 1902, although currently certified by the State Department, was considered by the district court to be invalid. The court of appeals, however, decided that the treaty is valid.

Artukovic was ordered remanded to the District Court to face possible extradition. Whether Arthkovic will now be deported and brought to trial will depend on the finding by the District Court as to the evidence against him.

Artukovic, as head of the Croatian Nazi police, signed an order requiring Jews to wear armbands identifying themselves with the letter "Z" (for "Zidow" or Jew). He also signed orders for deportations and extermination according to a mass of evidence from Jewish survivors and other victims of Croatian terror.

Auerbach

September 4, 1952

Mr. B. B. Ferencz
JRSO NUREMBERG

CONFIDENTIAL

Dear Ben:

NY Letter #1044

I am glad to see that you are back in Nuernberg although I imagine that you will still have to make one more trip to Wassenaar in connection with the initialing of the agreements. I know that you had to carry a tough load in Wassenaar and only hope that you will manage to get away for a little while from our business. I am afraid this will not be possible here. As you probably know from Jerry, I have my hands full with the last minute clearing of agreements with the Presidium scattered throughout the world. The immediate schedule calls for the signing of the agreement with Israel by the Presidium here on September 9 (the Luxembourg signing has caused a great deal of internal difficulty within the Presidium). As usual, I find myself on the receiving end of every one's gripes.

Nahum is due back on September 12. I expect there will be a meeting of the Presidium that afternoon. Furthermore, the Presidium and the Policy Committee will meet on September 17. We will have to get the agreements formally ratified by the Policy Committee and also deal with the problem of allocation of funds, at least as to the procedure which will have to be followed.

I will alert Sy to the Department's position as reported in your letter #1478 of September 1. Your letter is the first indication in a very long time that the Germans may seek the State Dept. concurrence to any agreement reached with Israel and the Conference. We have requested the Department to issue a statement welcoming the signing of the agreement and have their tentative consent. Sy is hoping to be able to see a draft of the statement before it is issued.

I will try to determine when Schaefer and Erhardt are due in New York or Washington on the way back from Mexico City. According to Nahum however, Schaefer was expected back in Bonn on September 8. There may be some confusion which I hope to clarify. I fully agree that such a meeting is desirable. I hope that there are no inhibitions here about meeting with the German government officials. As you know, until now the Jewish organizations in this country deliberately shied away from any contacts with the leading German officials. I think that this is an anachronistic attitude which cannot continue in view of the Hague agreements.

In connection with the Auerbach suicide, there was no public outcry by the leading Jewish organizations. There was publicity both in the general and the Jewish press, deploring the fact that Auerbach was tried by a court consisting

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of a majority of Nazi judges and that corruption in Bavaria was not confined to Jews but otherwise there was, so far, no effort to press the organizations for action in the Auerbach matter. The Axis Victims League and the Committee for a Fair Trial for Auerbach published some statements in the Aufbau, demanding that Auerbach's name be cleared, also criticizing McCloy for refusing to shift the Auerbach trial to HICOG. Whenever the issue came up in private conversations, I counselled a hands off policy.

With best regards,

Cordially yours,

SAUL KACAN

SK/b

PS — Since dictating this note I checked with Washington and learned that Schaefer passed through New York and Washington last weekend. In Washington he met with the Bureau of German Affairs people and during the conversations he spoke of the Hague agreements (Dan Margolies says "sympathetically"). He also said that the Hague agreements are coming before the Cabinet and he was flying back for that purpose. This would tally with Nahum's information as to Schaefer's return. Sy had no indication that Erhardt is expected in Washington but he will check.

SK

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ISRAEL ARMY ATTAINS HIGH EFFICIENCY IN SUMMER MANEUVERS

TEL AVIV, Aug. 20. (JTA) -- The Israel Army summer maneuvers excelled in the reality of war conditions, with the reserve units attaining the same efficiency and achievements of the regular army forces, Chief-of-Staff Yigal Yadin pointed out here today.

The Israel Army, Gen. Yadin announced, is now preparing for its sea and airforce maneuvers, as well as continuing its exercises in the southern part of Israel.

ARABS ANNOUNCE THEY WILL FORM THEIR OWN MIDDLE EAST COMMAND

LONDON, Aug. 20. (JTA) -- Seven Arab nations made known today they would put their own Middle East command - excluding Israel - into operation in mid-September. These nations include Egypt, Syria, Lebanon, Jordan, Iraq, Saudi Arabia, and Yemen.

Formation of the New Middle Eastern defense arrangement was announced by Azzam Pasha, Secretary General of the Arab League.

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PARLIAMENTARY INQUIRY INTO AUERBACH'S VERDICT URGED BY HIS LAWYER

MUNICH, Aug. 20. (JTA) -- A Parliamentary inquiry into the verdict issued by the German court here against Philip Auerbach, former commissioner of the Bavarian Restitution Office, -- which led to his suicide -- was demanded today by Dr. Joseph Klibansky, Auerbach's lawyer.

Dr. Klibansky claimed that the judges, three of whom were former members of the Nazis Party, failed to examine the evidence either impartially or thoroughly. He added that the real "bloodhound" in the Auerbach case was Fritz Koch, Bavarian Secretary of State in the Ministry of Justice. He denied that Auerbach died a convicted felon, since he had already appealed against the sentence and the appeal was pending.

The court, Dr. Klibansky said, had not passed an anti-Semitic sentence on Auerbach. Its members had done something far worse. They behaved as if they were paid officials defending the interests of the Bavarian Ministry of Justice. At the same time, Dr. Klibansky stated that Auerbach's death should be a signal for full reconciliation between the German and the Jewish people.

To the
the Mutual Security
conditions would involve a break-off in relations with friendly powers and cut off Israel from millions of Jews, an obvious reference to the 3,000,000 Jews behind the Iron Curtain, Mr. Sharrett replied:
"If Israel needs these arms and if, in order to acquire them, it will be necessary to enter certain commitments, she will enter these commitments."

GERMAN FOUND PERJURER

Key Witness in Auerbach Case Get's Year's Imprisonment

Special to THE NEW YORK TIMES.
BONN, Germany, Aug. 27 -- A Munich architect, whose testimony was instrumental in the conviction and sentencing of the late Philipp Auerbach for financial irregularities in the Bavarian State Restitutions Office, was sentenced yesterday to one year's imprisonment as a perjurer in another case.
Part of the sentence upon Auerbach, former head of the restitutions office, who took his life last week while protesting his innocence, came as a result of his conviction for attempting extortion on Karl Diekow, the architect. Auerbach charged Diekow, who had been the sole witness on this charge, with perjury.
One of Auerbach's attorneys sharply criticized the prosecutors in the Auerbach trial for not having advised the judges in the case that an action for perjury was pending against one of the principal prosecution witnesses.

Boy Survives Stab in Heart
CELLE, Germany, Aug. 27 (AP)
-- A rusty knife
pierced the

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MUNICH JEWISH COMMUNITY TO ERECT MEMORIAL FOR PHILIP AUERBACH

MUNICH, Aug. 19. (JTA) -- The Jewish community of Munich today decided to erect a memorial for Philip Auerbach, former head of the Bavarian State Restitution office who committed suicide after being convicted of embezzling restitution funds. The decision was taken by the community as expression of gratitude to Auerbach for his efforts for Jewish victims of Nazism during the period when he was Restitution Commissioner.

The German press continues to discuss the verdict against Auerbach which was issued by the German court dominated by the judges who were members of the Nazi Party. Some section of the press are drawing more and more a parallel between the Auerbach case and the Dreyfus case. The possibility exists that a movement will be started to have Auerbach's name cleared and the convictions removed from the records.

Auerbach was buried yesterday at the Jewish cemetery on the Ungarerstrasse. The funeral started from the local synagogue here where his body was laying in a coffin draped with the flag of Israel. The funeral was marked by violence when a policeman wanted to take away a placard reading "Down with the Nazi Dreyfus trial" being carried by the mourners. Four trucks of German policemen arrived at the scene and dispersed the crowd. Several persons were detained.

More than 1,000 people, many of them refugees from DP camps, participated in the funeral procession. Max Wermer, eulogizing on behalf of the German labor unions, said: "Auerbach attempted to weaken the tragic shame which burdens the German people. His tragic death is a warning to us that others must continue the work which he started."

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CANADIAN JEWISH CONGRESS ANALYZES 1951 JEWISH POPULATION CENSUS

MONTREAL, Aug. 19. (JTA) -- The Canadian Jewish Congress, in analyzing the 1951 population census in Canada which listed 204,836 Jews as Jewish by religion and 181,670 by ethnic origin, today declared:

"There can be no doubt that the census figure of 204,836 Jews by religion is more accurate than the figure of 181,670 Jews who were recorded as Jews by ethnic origin, since it is extremely unlikely that 23,166 persons of non-Jewish origin have accepted the Jewish religion and have been added to Canada's population during the decade from 1941 to 1951. The discrepancy between the number of Jews by ethnic origin and Jews by religion is doubtless due to those who have mistaken the country of their origin for their ethnic origin in answering the question."

The Canadian Jewish Congress made a study in regard to Jewish communities in Canada with less than 1,000 Jewish population. The study establishes that 9.5 per cent of Canadian Jews in 1951 lived in communities with less than 1,000 Jews. In the United States, it is estimated that 4 per cent of the Jewish population lives in communities with less than 1,000 Jews. In 1901, 30.65 per cent of the Jewish population of Canada lived in communities with less than 1,000 Jews. In 1921, it was 17 per cent. During the period 1931-1941, it was 12.5 per cent and during the decade 1941-1951 a drop occurred to 9.5 per cent.

ABE CAHAN LEFT \$35,000 FOR CHARITY;\$20,000 TO GO TO ISRAEL

NEW YORK, Aug. 19. (JTA) -- Abraham Cahan, late Editor-in-Chief of the Jewish Daily Forward, left an estate of \$80,000 in insurance, saving accounts and U.S. Government bonds, it was revealed here today. His will provided that 45 per cent of the estate be distributed for cultural, educational and charitable purposes

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From

SENTINEL
Chicago, Ill.

April 21 1952

**Philip Auerbach, Chief of Bavarian Restitution Office
Commits Suicide After Sentence; Blame U.S. Authorities**

Munich, (JTA)—Jewish enterprises in Bavaria were closed this week during the funeral of Philip Auerbach, former head of the Bavarian Restitution Office, who committed suicide after being sentenced last Thursday by a German court—which included three ex-Nazi judges—to 30 months' imprisonment for embezzlement of restitution funds.

Liberal circles here blamed the American occupation authorities for Auerbach's suicide. They pointed out that the occupation authorities were responsible for his appointment to the post of Restitution Commissioner and that his trial should have been conducted in camera before an Allied court and not before a German court.

Auerbach who was the target of anti-Semitic propaganda in post-war Germany, declared after the verdict was announced, that he would appeal against it and termed it "a second Dreyfus affair." But on Saturday his wife received a letter from him from the hospital—where he had been treated for a kidney ailment under police custody—stating that he would never get over having his "honor dragged in the dirt." During the night he took his life. Police refused to give any details about his death.

At his trial, which started in April, he was accused of illegally paying out 3,000,000 marks in false claims to Jews during the five years when he was head of the Bavarian State Restitution Office which was set up by the Allies. An appeal to John J. McCloy, American High Commissioner at that time, to transfer the case from a German court to an Allied court brought no results.

Three Others Under Sentence

Three of Auerbach's former associates in the restitution office were also sentenced last Thursday by the same court. One of them, Rabbi Aaron Orenstein, was sentenced to a year's imprisonment and fined 10,000 marks. The other, Dr. Klaus Koenig-Olmberg, was sentenced to a year in prison and 200 marks fine. The third, Dr. Berthold Koenisch, received a four-month jail term and was fined 500 marks.

Auerbach visited the United States in October, 1949 to help expatriate claims of damages for 10,000 to 12,000 former inmates of Nazi concentration camps who now live in the United States and Canada. Himself a war-time inmate of the Auschwitz concentration camp, he was an active opponent of receiving Nazism and led protests against such incidents as the hauling of a branch office of his commission in Nuerberg in March, 1947; repeated desecrations of Jewish cemeteries in Bavaria and the acquittal in March, 1950, of two former Gestapo officials charged with war crimes.

A spokesman for the German Social Democratic Party emphasized that Auerbach's suicide was "final proof of his devotion and sincerity

with which he addressed himself to the task of bringing relief to victims of Nazism in Bavaria." He criticized the court verdict as "uncommonly severe" and added:

"Even though it may be impossible to doubt that the court did its best to be objective, it is still open to question whether all its members were able to clear their minds of old prejudices. That is a matter which those concerned must settle for themselves with their own consciences."

Other circles here pointed out that Auerbach tried to secure at least some restitution to victims of Nazism at a time when German authorities were doing their best to reduce restitution to a minimum and postpone it as long as possible. Some emphasized that it was an "utterly unintelligible mistake" to appoint a court composed of former members of the Nazi Party to try a Jew who was a former inmate of a Nazi concentration camp.

Dr. Joseph Klebansky, Auerbach's lawyer who last week announced his intention of appealing against Thursday's verdict, this week said that he had no doubt whatsoever that his client would have been acquitted of the charges had he lived.

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DAILY NEWS BULLETIN

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Tuesday, August 19, 1952

MIDDLE EAST IS NOW A POWDER KEG, SAYS BEN GURION; APPEALS TO EGYPT

JERUSALEM, Aug. 18. (JTA) -- Premier David Ben Gurion today told the Israel Parliament that "the entire Middle East is now a keg of explosives and any spark may set afire all the region." This, he emphasized, demands Israel's uttermost preparedness.

At the same time, Mr. Ben Gurion stretched out a hand of peace to Egypt and declared that there is no reason for any conflict between the two countries. "There is no foundation for border disputes," he said. "This is no territorial quarrel between Israel and Egypt. On the contrary, peace between the two countries would help Egypt to strengthen its international status."

Israel, Premier Ben Gurion stressed, is not hostile to Egypt because of ancient times or even because of its recent invasion. "We did not dream of attacking Egypt when the former regime trembled and the new regime was not settled as yet," he said. "We greet Egypt as far as her present government strives for peace. However, nobody can yet foretell whether the Egyptian regime now is for peace or for war. We must, therefore, be prepared, alert and wise."

With regard to Syria, the Israel Premier pointed out that the Syrian military dictator Gen. Shishkall, who invaded Israel, was defeated and barely escaped to save his skin. However, now he threatens Israel "in a typical Hitlerite fashion." "I shall not discuss now how such threats can be reconciled with Syria's belonging to the United Nations, but from our defense viewpoint, we must rely only upon ourselves and not on external forces," he declared.

Demands Increase in Military Service for Israelis

Mr. Ben Gurion delivered his address in support of a government bill requesting that military service for Israelis be increased from the present 24 months to a 30-month period. He called vigorously for "relentless preparedness" emphasizing that Israel's enemies "did not sit idly during the last four years and were preparing themselves" against the Jewish state.

"There is no doubt," he said, "that there are many among the Arabs who desire peace with Israel. But their voice is seldom heard. Most nations of the world are interested in peace between Israel and the Arab countries, nevertheless there is no peace. The situation in the neighboring countries does not forecast stability and peace. The contrary is true. In the entire Middle East only Turkey and Israel are stabilized," he pointed out.

LAVON NAMED MEMBER OF ISRAEL CABINET; SUCCEEDS ELIEZER KAPLAN

JERUSALEM, Aug. 18. (JTA) -- Pinkas Lavon, former Minister of Agriculture, was today named minister without portfolio to succeed the late Eliezer Kaplan as deputy to Premier David Ben Gurion. The Israel Parliament approved the appointment.

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U. S. AUTHORITIES IN GERMANY BLAMED FOR AUERBACH'S SUICIDE

MUNICH, Aug. 18. (JTA) -- Jewish enterprises in Bavaria were closed today during the funeral of Philip Auerbach, former head of the Bavarian Restitution Office, who committed suicide after being sentenced last Thursday by a German court - which included three ex-Nazi judges - to 30 months' imprisonment for embezzlement of restitution funds.

Liberal circles here blamed the American occupation authorities for Auerbach's suicide. They pointed out that the occupation authorities were responsible for his appointment to the post of Restitution Commissioner and that his trial should have been conducted in camera before an Allied court and not before a German court.

A spokesman for the German Social Democratic Party emphasized that Auerbach's suicide was "final proof of his devotion and sincerity with which he addressed himself to the task of bringing relief to victims of Nazism in Bavaria." He criticized the court verdict as "uncommonly severe" and added:

"Even though it may be impossible to doubt that the court did its best to the objective, it is still open to question whether all its members were able to clear their minds of old prejudices. That is a matter which those concerned must settle for themselves with their own consciences."

Other circles here pointed out that Auerbach tried to secure at least some restitution to victims of Nazism at a time when German authorities were doing their best to reduce restitution to a minimum and postpone it as long as possible. Some emphasized that it was an "utterly unintelligible mistake" to appoint a court composed of former members of the Nazi Party to try a Jew who was a former inmate of a Nazi concentration camp.

Dr. Joseph Klebansky, Auerbach's lawyer, who last week announced his intention of appealing against Thursday's verdict, today said that he had no doubt whatsoever that his client would have been acquitted of the charges had he lived.

Bavarian State Restitution Office Resumes Activities

MUNICH, Aug. 18. (JTA) -- The Bavarian State Restitution office, which was not operating during the several months when the Auerbach trial took place, today announced the resumption of its work.

There are about 120,000 restitution and indemnification claims awaiting settlement by this office, it was revealed today. At the same time it was also reported that an agreement was reached between the Jewish Restitution Successor Organization and the Jewish Community of Munich under which the community is to receive about 1,000,000 marks worth of former Jewish communal and heirless property.

Anti-Semitic Leaflets Distributed in Southern Bavaria

MUNICH, Aug. 18. (JTA) -- Anti-Semitic leaflets bearing Nazi swastikas were distributed today in southern Bavaria, calling on the Germans "to remember" the Nazi war criminals sentenced to death by the Allies.

German pilgrims who returned here from a trip to Beirut expressed admiration over the reception accorded them by the Arab population and said that they were greeted by shouts of "Heil Hitler" in the Lebanese capital. They also expressed amazement over the number of Arab children who had been named Hitler.

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Adenauer's proposal. Not a word was said about the candidacy of any person and Dr. Auerbach, who, I thought had come primed to advance his own cause, took the cue from those who preceded him and went on record as personally endorsing the majority point of view.

You probably know the reasons assigned by the Kultusgemeinden for their position. In the first place, they said that the representative would serve as a "yes man" to the German government. In the second place, they maintained that if the present German government is interested in consulting with German Jewry on any issue, the government could reach out to the elected representatives of the Kultusgemeinden.

When I spoke with Dr. Auerbach after your telephone call, he told me that not only were the Kultusgemeinden in the US Zone resolute in their position taken at Stuttgart but that the gemeinden in the French Zone were of the same opinion. He added that he was confident that the Jews in the British Zone would take the same stand.

You indicated to me in your telephone conversation that you would like my opinion on the general issue, as to the advisability of having a representative at Bonn. I start with the premise that regardless of what Jews elsewhere think about the wisdom of reconstituting a Jewish community in Germany, such a community is a fait accompli. Although its ultimate size is unpredictable, I feel that given favorable conditions in Germany, it is not improbable that this community, strengthened by the erst-while DPs, will grow. In any event, to deny the existence of this community is to blind oneself to present realities and to conclude that the people who comprise this group have no problems unique to them is obviously unrealistic. My present thinking leads me to the conclusion that it would be valuable for this Jewry to be represented at Bonn by someone who might properly guide the government in its formative period, on issues affecting Jews. I do not believe that the person occupying the post would necessarily have to be a "rubber stamp" of the government.

The principal obstacle to this point of view, and there is respectable local opinion which is in agreement, is the unavailability of a suitable individual to fill this post. Despite the reasons assigned by the Kultusgemeinden for rejecting the

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PHILIP AUERBACH COMMITS SUICIDE; ACT DUE TO VERDICT OF GERMAN COURT

MUNICH, Aug. 17. (JTA) -- Philip Auerbach, former Restitution Commissioner of Bavaria, who was convicted by a German court, dominated by ex-Nazi judges, of embezzlement in connection with funds allotted to Jewish victims of Nazis, committed suicide in a hospital here yesterday by taking an overdose of sleeping pills.

The former Jewish official, who was the target of anti-Semitic propaganda in post-war Germany, was sentenced last Thursday to 30 months' imprisonment by a court composed of five judges, three of whom were former members of the Nazi Party. After the verdict was issued, he announced that he would appeal against it and termed it "a second Dreyfus affair."

Yesterday his wife received a letter from him from the hospital--where he had been treated for a kidney ailment under police custody--stating that he would never get over having his "honor dragged in the dirt." During the night he took his life. Police refused to give any details about his death.

At his trial, which started in April, he was accused of illegally paying out 3,000,000 marks in false claims to Jews during the five years when he was head of the Bavarian State Restitution Office which was set up by the Allies. An appeal to John J. McCloy, American High Commissioner at that time, to transfer the case from a German court to an Allied court brought no results.

Three of Auerbach's former associates in the restitution office were also sentenced last Thursday by the same court. One of them, Rabbi Aaron Orenstein, was sentenced to a year's imprisonment and fined 10,000 marks. The other, Dr. Klaus Koenig-Ohnsorg, was sentenced to a year in prison and 200 marks fine. The third, Dr. Berthold Kornisch, received a four-month jail term and was fined 500 marks.

Herr Auerbach visited the United States in October, 1949 to help expedite claims of damages for 10,000 to 12,000 former inmates of Nazi concentration camps who now live in the United States and Canada. Himself a war-time inmate of the Auschwitz concentration camp, he was an active opponent of reviving Nazism and led protests against such incidents as the bombing of a branch office of his commission in Nuernberg in March, 1947; repeated desecrations of Jewish cemeteries in Bavaria and the acquittal in March, 1950, of two former Gestapo officials charged with war crimes.

Trial Should Never Have Been Held, Manchester Guardian Says

LONDON, Aug. 17. (JTA) -- The Auerbach trial in Munich "lit up as with a searchlight, the sad hatreds which have been seething there during the seven post-war years," the Manchester Guardian said yesterday in an editorial on the trial. It declared that while the technical charges against Auerbach might have been juridically proved and legal justice done, there was question as to "the moral and political advisability and even justification of this trial."

Auerbach, the editorial noted, had been charged with "embezzlement, blackmail, accepting bribes and attempted submission of false statements." The paper said that "few of those who lived through 'the *saue qui peut*' anarchy of postwar Germany - whether Allied troops, Germans or victims of the Germans - were entirely guiltless of one or other of these offenses in either a good or bad cause."

The paper declared that "the tone and setting of the Auerbach trial seem to have been even more questionable than the fact of its being held. A Free Democratic member of the Bavarian Parliament declared that it was 'disgraceful' that former Nazis should try a Jew and compared the presiding judge's conduct to that of Freisler, a notorious judge of Hitler's People's Court. In spite of Jewish protests, the proceedings were started during Passover," the paper pointed out.

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"HARD CORE" DP'S LEAVE GERMANY FOR NORWAY; J.D.C. FINANCES TRANSFER

NEW YORK, Aug. 17. (JTA) -- A transport of post-tuberculous patients and their families, all but two of them survivors of Nazi concentration camps, will leave Munich tomorrow for permanent resettlement in Norway, under an agreement between the Norwegian Government and the Joint Distribution Committee, it was announced by the J. D. C. here today.

The group about to embark for Norway consists of 44 DP's--18 family members and 26 former TB patients who have been pronounced medically fit and capable of eventual self-support. These post-TB sufferers and their families form part of the several thousand residual "hard core" cases whose ultimate resettlement in hospitable countries will bring to an end the Jewish DP problem in Europe. The total cost for this long-range program is estimated at a minimum of \$3,000,000. The J. D. C. is meeting all costs in connection with the transfer of the post-TB-group to Norway.

The action of the Norwegian Government in offering permanent haven to the post-TB cases and their families was hailed today by Moses W. Beckelman, director-general of J. D. C. overseas operations, as a "humanitarian gesture of the first order." Mr. Beckelman revealed that negotiations now nearing completion may lead shortly to the removal of other "hard core" displaced persons to permanent havens in another country. All the members of the transport have been examined and interviewed by a mission sent to Germany and Italy by the Norwegian Government.

90 SCHOLARSHIP WINNERS ATTEND FOUR-WEEK LECTURES ON JEWISH AFFAIRS

HANCOCK, N. Y., Aug. 17. (JTA) -- Philip Bernstein, associate director of the Council of Jewish Federations and Welfare Funds, emphasized here that the American Jewish community is an integral part of the American democratic process. At the same time, he stressed that the structure of the "American Jewish communal life is uniquely American."

Speaking before 90 scholarship winners, who are attending the Brandeis Camp Institute, and who represent virtually every section of the country, Mr. Bernstein imparted a comprehensive review of the fund-raising machinery on behalf of local and overseas needs of the Jewish people. In noting that the American Jewish community organization is distinctly American, Mr. Bernstein also declared that the community organization "is voluntary because it stems from an actual need, not merely a theory."

The students, many of whom are college and university undergraduates, are participating in an intensive four-week institute devoted to various phases of Jewish history, as well as music, art, dance and group work. The principal objective of the Brandeis Camp Institute, sponsored by the Brandeis Youth Foundation, is to prepare Jewish youth for leadership in the American Jewish community. Dr. Shlomo Bardin, national director of the Brandeis Youth Foundation, is scheduled to deliver a series of lectures toward the end of the month on the "History of Jewish Colonization in Israel."

ALL-EUROPEAN B'NAI B'RITH CONFERENCE TO BE HELD IN COPENHAGEN

WASHINGTON, Aug. 17. (JTA) -- Representatives of Europe's nearly 50 B'nai B'rith lodges and women's chapters will gather here Aug. 29 to Sept. 1 for the annual conference of the Order's European Committee, it was announced today by the B'nai B'rith headquarters here. The purpose of the committee is to aid in the reconstruction of Jewish life throughout free Europe by means of a many-sided program, similar in some respects to the B'nai B'rith program in the United States.

Handwritten signature or scribble

AUERBACH HONORS URGED

Munich Stores Asked to Close During Funeral Today

MUNICH, Germany, Aug. 17 (AP) — Jewish business concerns in Bavaria were asked to close their doors tomorrow, when funeral services are planned for Philipp Auerbach, former leader of the Jewish community in Bavaria.

Herr Auerbach was convicted of embezzlement and bribery Thursday by a German court, which included three former Nazis. He died yesterday of an overdose of sleeping pills. An autopsy confirmed today that it was suicide, as his wife, Margit, had previously announced.

The Berlin newspaper Tagesspiegel urged an investigation into Herr Auerbach's charges against the main prosecution witness. Other newspapers termed Herr Auerbach's suicide "a tragic conclusion" and a "tragic consequence."

American Joint Distribution Committee
270 Madison Avenue, New York City

Auerbach

Items in the Yiddish Press of Interest to JDC
August 16, 17 and 18, 1952

August 16, 1952

1. The JTA dispatch from Bonn reporting the West German government "not to be worried" over the delay in the negotiations at the Hague, appears in the Forward. The story also tells that the Germans expect 45 per cent of the materials to be sent to Israel to be steel products and 30 per cent to be chemicals.
2. USNA announces 17 DP families to be arriving on the S.S. Argentine on Monday. (Forward and Day)
3. The JDC release announcing the first transport of hard core cases being taken to Norway for permanent settlement, appears in the Forward. The two column caption reads: "JOINT TAKING GROUP OF HARD CORE CASES FOR SETTLEMENT IN NORWAY."
4. Editorial commenting on the end of the Auerbach trial. Foreign correspondents predicted the Nazis would use this trial for anti-Semitic propaganda. It was whispered about that world Jewry is "backing Auerbach and is urging the Bonn government and the Munich court to liberate him." American Jews, the only ones who might have influenced the course of the trial, know that this is not true. "Not one of the Jewish organizations made the slightest effort to help the defendant." (This was obviously written before Auerbach's suicide became known). (Forward)

August 17, 1952

1. "DR. PHILIP AUERBACH TAKES HIS OWN LIFE FOLLOWING VERDICT BY NAZI COURT" is a scare-headline across the page in the Jewish Morning Journal. A subheadline tells that he "informed wife he could not bear the disgrace." The story is based on a Munich dispatch (no source given).
Similar front page stories appear in the Forward and in the Day.
2. The JTA dispatch from the Hague reporting that in the Israel-German negotiations there is still one point in dispute, appears in the Jewish Morning Journal and in the Day.
3. The JTA dispatch from Vienna reporting Israel to be negotiating buying 100 million shillings worth of Austrian goods provided the Austrian government will advance this amount as a loan, appears in the Forward, the Jewish Morning Journal and the Day.
4. The JDC release reporting a transport of former Tb's to be on their way to Norway to settle there permanently in accordance with an agreement between JDC and the Norwegian government, appears in the Jewish Morning Journal. The headline reads: "44 SICK JEWS TAKEN FROM MUNICH TO NORWAY."
The story also appears in the Freiheit under the two column caption reading: "JOINT SETTLES FORMER TUBERCULAR PATIENTS IN NORWAY."
5. Editorial commenting on the Auerbach verdict, While Jewish public opinion was not in the slightest interested to whitewash Auerbach and Ohrenstein, the verdict of the German court "with a majority of Nazi judges" remains decidedly unconvincing. (The Day)

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August 18, 1952

1. The JTA dispatch from Jerusalem reporting Israel and the USA to have signed two agreements entailing 73 million dollars of financial aid the USA will give this year to Israel, appears under a three column headline on the front page of the Jewish Morning Journal.

The story also appears in the Forward and in the Day.

2. An airmail dispatch from Tel Aviv to the Jewish Morning Journal reports that twenty five families of recent immigrants from Tripoli returned this week to the country of their origin. They were obliged, however, to deposit with the steamship company the return fare in the event that Tripolitania should refuse to admit them.
3. The JTA dispatch from Jerusalem reporting the Israel Cabinet to have decided to reintroduce in the Knesset a bill on status for the Jewish Agency, appears in the Forward, the Jewish Morning Journal and the Day.
4. The JTA dispatch from Jerusalem reporting a group of rich British Jews to have offered the Israel government a loan of £10 million for the development of its railways, appears in the Forward, the Jewish Morning Journal and the Day.
5. The JDC release reporting the transport of a group of Jewish DP's to Norway, appears in the Day. The two column headline reads: "A NUMBER OF TUBERCULAR JEWISH DP'S RECEIVE PERMISSION TO SETTLE PERMANENTLY IN NORWAY."
6. A Tel Aviv dispatch (no source given) reports that "Israel has too many people engaged in commerce and the professions and not enough engaged in farming." The story is based on statistics published by the government. (A dispatch reporting the disproportion between farmers and white-collar workers in Israel appeared recently in the New York Times). (Forward and Day)
7. The Bond Drive announces the appointment of a Planning Commission to look into possible Israel investments. Julian B. Venezky, Rudolph G. Sonneborn and Henry Montor were named as a delegation of the new commission and will be leaving for Israel on September 22. Pictures of the three accompany the story.
8. A story in the Jewish Morning Journal tells that Frank Goldman, president of B'nai Brith, appealed to Washington to take steps "to avoid legalization of a series of acts adopted by the Austrian parliament which will restore the civil rights and the property of about twenty thousand former Nazis." (Jewish Morning Journal)
9. Editorial commenting on the death of Philip Auerbach. Seemingly Dr. Auerbach could not endure the disgrace of the verdict of guilty. It is unfortunate that the anti-Semitic German press used the Auerbach case to make all sorts of accusations against Jews. While Jewish public opinion refrained from converting the Auerbach case into a "Dreyfus affair" the Germans could not refrain from making it into a Jewish affair. (Jewish Morning Journal)

Prepared by
Harry Sackler

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ZIONIST ACTIONS COMMITTEE SESSION OPENS; GOLDMANN ANALYZES TALKS

JERUSALEM, May 7. (JTA) -- "Israel needs us now and will probably need us for many years to come," Dr. Nahum Goldmann, co-chairman of the Jewish Agency executive, today told the opening session of the Zionist Actions Committee. In a lengthy analysis he outlined the major functions of the Zionist movement in the immediate future.

He was preceded on the Actions Committee rostrum by Premier David Ben Gurion, who welcomed the Zionist policy-making body in the name of the Israel Government. The Premier, in an expression of his own credo in relation to the Zionist movement, said that the movement's vigor is not yet spent and predicted that it will show new strength in the future. He called on the leaders of the Zionist Organization not to lose their faith in the future of the movement and emphasized that the Zionist Organization's ability to accomplish its goals is not dependent on outside factors, "not even on the State of Israel and its laws," but on the "faith and will for a life of independence of the Jewish nation."

Dr. Goldmann declared that the task facing the Zionist movement at this time is threefold: adjustment of relations between Zionism and the Jewish nation and between the Zionist movement and the Israel Government and the straightening out of relations among the Zionists themselves. He scoffed at those who exaggerate the "downfall of Zionism." He pointed out that the day-to-day tasks of Zionism now are not as dramatic as the achievements of the movement when it was fighting the Palestine Mandatory Government to bring in illegal immigrants. But, Dr. Goldmann added, this is no reason for the Zionist movement to develop an inferiority complex. Nor, conversely, should the winning of the dramatic victories of statehood lead to a superiority complex on the part of the Israel Government and its officialdom, he stressed.

The prosaic, but important tasks, of the Zionist movement include mobilization of the Jews of the world to take a more active part in working for the State of Israel, the Agency leader declared. He called for the creation of two "fronts" in the movement's battle: The first would be a front of all Jews--Zionist and non-Zionist alike--to assist Israel; the second would be Zionist "conquest" of Jewish communities all over the world "not by guns or by an army, but by persuasion."

Goldman Asks Israel Not to Interfere in U. J. A.--Bond Drive Situation

In an appeal for an end to quarrels and differences between the Israel Government and the Zionist movement, Dr. Goldmann insisted that Israel must consider the Zionist movement its ambassador to Jewry. "If a status is given the Jewish Agency, it must be given wholeheartedly," he added. He demanded that Israel's Ambassador not mix into nor interfere in such quarrels as those between the United Jewish Appeal and the Israel bond drive. Israel must not send Ministers to the United States and send cables to the Jewish Agency over these differences, but must trust the Agency to settle them, he said.

He called upon the Zionists to drop their internal quarrels, which he said were more of a menace to Israel than the threats of the Arab states. He suggested the holding of annual congresses of local Zionist organizations and recommended the establishment of compulsory Zionist federations. Such developments, he said, would increase the authority of the Zionist movement and convert it into a tremendous factor in Jewish life everywhere.

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GERMAN COURT DISMISSES COMPLAINT OF CENTRAL JEWISH COUNCIL

DUSSELDORF, May 7. (JTA) -- A slander complaint filed with the Brunswick court by the Central Council of Jews in Germany against Herr Bothmer, a leader of the Socialist Reich Party, who called on audiences to "fight world Jewry which is responsible for all the unrest in the world," was dismissed by the court today.

The court, in its verdict, held that a public appeal to fight world Jewry does not in itself constitute an insult; world Jewry is not an "offendable" community; Bothmer's speech had not been directed against the complainant, the Central Council; Bothmer did not say he intended to fight world Jewry with the means of the Third Reich and, finally, Bothmer had not demanded the use of force and violence in the fight against the Jews.

AMERICAN GROUP SEEKS FAIR TRIAL FOR AUERBACH IN GERMANY

NEW YORK, May 7. (JTA) -- The formation of a "Committee on Fair Play for Auerbach" which will seek to enlighten American public opinion on the case of Philip Auerbach, former head of the Restitution Office in Bavaria who is now on trial in Munich before a court composed of judges who are former members of the Nazi Party, was announced here today.

The committee, of which Dr. Bruno Weill, former leader of German Jewry, is chairman, will seek to raise funds in this country to help in the defense of Mr. Auerbach as well as to give financial aid to his family. A statement issued by the committee today emphasizes that during the first days of the trial, the court has proven itself prejudiced against Mr. Auerbach who was the first Jew to hold a prominent administrative position in Germany after the fall of the Nazi regime.

ANTI-SEMITISM INCREASING IN SOUTH AFRICA'S CONSTITUTIONAL CRISIS

JOHANNESBURG, May 7. (JTA) -- As the bitterness between the Nationalist Government of South Africa and the opposition increases in the current Constitutional crisis "anti-Semitism bubbles up all over the Nationalist benches" in Parliament, the local press reported today.

It was pointed out that in the four years of Nationalist rule of the Union there has never been such an outburst of anti-Semitism as at present. One correspondent wrote that "phrases like the 'Jewish danger' can be heard floating up to the public galleries" from the deputies' seats.

SENATE GROUP TO EXPOSE USE OF HATE MATERIAL IN ELECTION CAMPAIGN

WASHINGTON, May 7. (JTA) -- A report on scurrility, including anti-Semitism, in the 1952 Presidential election campaign will be made by the Senate Elections Subcommittee, it was learned today.

The committee staff has been directed to prepare and issue a report analyzing and exposing the use of hate material in the campaign. Sen. Mike Monroney, of Oklahoma, said the committee has many samples of smear propaganda circulated in national and state political campaigns in connection with the forthcoming national election and the selection of candidates.

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BAVARIAN MINISTER LEAVES POST TEMPORARILY BECAUSE OF AUERBACH CASE

MUNICH, May 12. (JTA) -- Dr. Joseph Mueller, Bavarian Minister of Justice, today announced that he is taking a leave of absence from his post until after a verdict is issued in the case of Philip Auerbach, former head of the Bavarian Restitution Office whose trial here is now attracting wide attention throughout West Germany.

Dr. Mueller was charged by opposition speakers last week in the Bavarian Parliament with accepting a bribe from one of the defendants in the Auerbach case. He admitted taking money, but said that it was used for charitable purposes. He denied that he had at any time interfered with the Auerbach trial.

Before the trial started, a number of German newspapers took it for granted that Mr. Auerbach was guilty in making state restitution payments for non-existent Jewish victims of Nazism. This is no longer the case now as the trial progresses. On the other hand, the trial is being utilized by Nazi elements to stimulate anti-Semitism.

A United States official has been attending the trial as observer since its opening on Passover. American authorities in Germany are also paying special attention to the reaction in the German press with regard to the trial. Reports analysing the press reaction are being sent to the State Department in Washington since the Auerbach case has become a political affair involving Bavarian state officials.

Auerbach Trial May Find Echo at U. N. Human Rights Commission

LONDON, May 12. (JTA) -- A suggestion that the opening in Germany of the trial of Philip Auerbach on a Jewish holiday might raise a matter of principle which should be brought before the U. N. Human Rights Commission was made at a meeting here of the executive of the Agudas Israel World Organization by H. A. Goodman, world Agudah leader.

He said that this would have to be considered if Germany's basic law was proven not to protect religious rights in Germany. This matter is presently before the Federal Constitutional Court in Bonn, at the request of Auerbach's attorney.

While refraining from voicing any views on the trial itself, Mr. Goodman said the democratic world would deplore the anti-Semitic atmosphere of the proceedings and the Nazi-like reports of the trial appearing in the German press.

BERLIN JEWISH COMMUNITY SEEKS GERMANS WHO SAVED JEWS FROM NAZIS

BERLIN, May 12. (JTA) -- An appeal to Jews throughout the world to supply the Berlin Jewish community with the names and addresses of Christian Germans who saved or supported persons of the Jewish faith during the Nazi regime was published here today. The plea was signed by Rabbi Freier of Berlin.

The Congress of German Authors, meeting here, has adopted a resolution urging the Federal Court to "pay careful attention" to literature which once again propagandizes for Nazism and anti-Semitism.

JEWISH SCIENTISTS AND ARTISTS WIN AWARDS IN HUNGARY

VIENNA, May 12. (JTA) -- A number of Jewish scientists and artists are among the Hungarians awarded the Kossuth prize for outstanding achievements last year, reports from Budapest reaching here said. The prizes are worth between \$1,000 and \$4,000.

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SHARETT COMES TO U. S. TO ASSIST THE U. J. A. AND BOND CAMPAIGNS

WASHINGTON, May 12. (JTA) -- Israel Foreign Minister Moshe Sharett will arrive in the United States on May 20 for a one-month visit to assist in financial efforts on behalf of the Jewish State, a spokesman for the Israel Embassy made known today.

Mr. Sharett will address a large number of meetings arranged by the American Financial and Development Corporation for Israel which is conducting the bond drive, and will participate in the special United Jewish Appeal national meeting to be held in Chicago on May 24 and 25. He will also address other U. J. A. gatherings. The Embassy of Israel is coordinating plans for the Foreign Minister's program in the United States.

JEWISH GROUPS PARTICIPATE IN STATE DEPT. FOREIGN POLICY PARLEY

WASHINGTON, May 12. (JTA) -- Representatives of leading Jewish organizations participated in a national conference on American foreign policy arranged by the Department of State for representatives of 200 groups. One of the sessions was addressed by Edwin M. Wright, acting intelligence advisor of the Near Eastern Division of the State Department, who said that American prestige among the Arabs has declined because "we identified ourselves with groups which have exerted pressures."

Robert S. Nyburg, representative of the American Council for Judaism, complained against the aid given by the United States to Israel. Among the groups which participated in the conference, and the representatives of the groups, were: Dr. Simon Segal, American Jewish Committee; Harry A. Steinberg, American Zionist Council; A. B. Kapplin and Stanley Halperin, B'nai B'rith; Mrs. Laurence Koenigsberger, B'nai B'rith Women's Supreme Council, Bernard Weitzer, Jewish War Veterans.

Also Mrs. I. L. Levy, National Council of Jewish Women; Mrs. Sarah Farber, National Federation of Temple Sisterhoods; Philip Schiff, National Jewish Welfare Board; Rabbi Samuel Rosenblatt, Rabbinical Assembly; Rabbi David Panitz, United Synagogue of America; and Rabbi Israel Tabak, Synagogue Council of America.

AMERICAN JEWISH WOMEN VOLUNTEER FOR SERVICE IN ISRAEL

NEW YORK, May 12. (JTA) -- The first group of volunteers, recruited by the Pioneer Women, Labor Zionist Women's Organization, from various parts of the United States and Canada for one year's service in Israel, will sail from New York in early July, it was announced here today. This is the first time the organization has sponsored such a project.

Other groups are expected to leave in August and September of this year. The women will be assigned to work among the new immigrants in the various social service and educational institutions conducted by the sister organization, Moatzot Hapoalot, in Israel. The first three months in Israel will be devoted to an intensive training course.

The American women, as teachers, social workers, nurses, kindergarteners, cooks and housekeepers, will aid in the care of children and in the training of Israeli women for the basic tasks of homemaking and child rearing. These workers will be paid the prevailing wage rate in Israel for their services.

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AUERBACH TRIAL EXPECTED TO END THIS WEEK; VERDICT WITHIN 10 DAYS

Sam W. H.
MUNICH, Aug. 4. (JTA) -- The trial of Philip Auerbach, former Bavarian Restitution Commissioner who is being charged with mismanagement of the Bavarian Restitution Office, will conclude here this week, it was indicated today. The verdict is expected to be issued on August 14. More than 4,000 pages of evidence have so far been taken during the trial which has been going on for several weeks.

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File No. 778

8/5/52

J. T. A. News

- 4 -

DR. FINKELSTEIN RETURNS FROM ISRAEL; ADVOCATES NEW PROJECTS

NEW YORK, Aug. 4. (JTA) -- The unique relationship which exists between America and the State of Israel must be utilized to create another "bridge of spiritual communication," Dr. Louis Finkelstein, chancellor of the Jewish Theological Seminary, declared here today following his return from Israel.

"The particular geographic position of Israel and its significance to

122199

OFFICE OF JEWISH INFORMATION

Chicago
THURSDAY
APR 17 1952

JEWISH LAWYER ON TRIAL BEFORE 3 FORMER NAZIS

Case Recessed After Passover Protest

MUNICH, Germany, April 16 (AP)—Angry words between a Jewish defense lawyer and Presiding Judge Josef Mulzer, a former Nazi, today marked the opening of the fraud trial of Philip Auerbach 45, former leader of Munich's Jewish community.

The defense protested the opening of the trial on a Jewish holiday—last day of Passover—and was granted a recess until Friday.

Auerbach is accused of illegally paying out 3 million marks [\$714,

FROGMAN EQUIPMENT IS FOUND

LONDON, (AP)—John George, his bathtub frogman's uncle. It was believed conducting experiments. Friends called but received no answer. The police told the police expert determined whether breathing apparatus.

...000] in false claim years as head of institution office. ... up by the occurrence repay Jews for ... fered under the

3 Judges

The charges of acceptance of bribes, ing to false affidavits, unauthorized use of medical doctor. Three former associates of the institution office are charged. Some of the charges are:

Of the five members of the court, the three former Nazis; the other two are Jews. They will vote on the guilt or innocence of the defendants. Questions of law will be decided by the Defense Council.

Justizminister Müller wirft Auerbach Einmischung vor

Fde

München, 13. Januar (NZ). — Der bayerische Justizminister Dr. Josef Müller warf am Wochenende als Zeuge des Landtagsausschusses zur Prüfung der Vorgänge im Landesentschädigungsamt dem ehemaligen Leiter, Philipp Auerbach, vor, sich als Staatskommissar für die Verfolgten in zahlreiche Angelegenheiten eingemischt zu haben, die ihn nichts angingen. Auerbach, so sagte Müller, habe wiederholt durch Äußerungen den Eindruck in der Weltöffentlichkeit erzeugt, als ob Bayern ein Hort neonazistischer Tendenzen sei. Der Justizminister bestätigte jedoch dem ehemaligen Präsidenten des Landesentschädigungsamtes, daß er sehr fleißig und energisch an zahlreiche Probleme herangegangen sei.

Im Verlauf der zweistündigen Aussage erklärte Dr. Müller zu den Behauptungen des zu einem früheren Zeitpunkt vernommenen Zeugen Hirsch, daß er, Müller, Ende Oktober 1948 eine Ehrenerklärung für Auerbach abgegeben habe, in Wirklichkeit habe er auf eine Frage Auerbachs, was ihm vorgeworfen werde geantwortet: „Nichts, aber ich will eben eine Klärung der Aufgabenverteilung haben.“ Auerbach habe diese Antwort offenbar als Bestätigung seiner Unschuld aufgefaßt. Er, Dr. Müller, habe Auerbach von Anfang an mit Argwohn gegenübergestanden. Im Oktober 1948 habe er seine Amtsniederlegung als Staatskommissar betrieben und den Staatsanwalt beauftragt, alles, was über Auerbach, hereinkomme, zu prüfen. Es sei jedoch nicht möglich gewesen, stichhaltige Beweise in die Hand zu bekommen.

Der Ausschuß wird seine Untersuchungen am 25. Januar mit der Vernehmung dreier weiterer Zeugen fortsetzen.

Neuer Rundfunksprecher der israelitischen Kultusgemeinde

München, 22. November (NZ). — Nach Mitteilung des Bayerischen Rundfunks wird ab Freitag in der wöchentlichen Viertelstunden-Sendung „Religiöse Feier der israelitischen Kultusgemeinden“ nicht mehr Landesrabbiner Dr. Aaron Ohrenstein als Sprecher dieser Sendung auftreten. Der Bayerische Rundfunk habe sich in Übereinstimmung mit dem Landesverband Bayern der israelitischen Kultusgemeinden, sowie der israelitischen Kultusgemeinde München wegen des gegen Dr. Ohrenstein anhängigen Gerichtsverfahrens zu dieser Aenderung entschlossen.

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

1/11/52

Auerbach

January 11, 1952
File 1550-B

CONFIDENTIAL

Mr. Saul Kagan - JRSO NY

Dear Saul: JRSO Hq. Letter #1250
Dr. Phillip Auerbach

I do not have any special information concerning the Auerbach case as requested in your letter #855. As you know, I ~~try~~ to keep as far away from the Munich cesspools as possible. Although I too feel that the handling of the Auerbach case by the Bavarian authorities has been disgraceful, I think the JRSO must remain aloof from it for fear that we will be tarred with the same brush.

I do not see any particular harm and possibly some help in letting the Germans know that the Jews in New York are not particularly impressed with the Bavarian concept of democratic legal proceedings or justice to the Jews.

If I should hear any more about the case, I will certainly let you know.

I had heard about Goldmann's efforts to get McCloy to intervene in order to procure Wollheim's release from Ellis Island but do not know anything more about that case either.

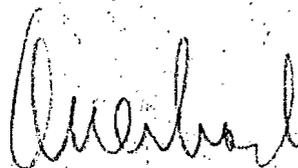
Cordially yours,

Ben

BENJAMIN B. FERENCZ

BBF.b
cc:JJJ

122202



January 7, 1952

JRSO Letter No. 855

Mr. Benjamin B. Ferencz-JRSO Nuernberg

CONFIDENTIAL

Dear Ben:

A Committee for a Fair Trial for Philipp Auerbach was formed in New York by Bruno Weil, Weigert and Co. They stated that they will not enter the substance of the case, but only fight for a fair trial and due process. The recent article in the Neue Zeitung deploring the manner in which the case has been handled by the Bavarian Minister of Justice has created some sympathy for Auerbach. I was wondering whether you have any information besides the published material on the current status of the Auerbach case.

I had no chance to mention to you up until now that Norbert Wolheim has been detained in Ellis Island pursuant to the provisions of the McCarran Act. It is believed--although no official information is available--that a denunciation was received after his arrival in the U.S. WHICH originated with someone around Ohrenstein.

Sincerely yours,

Saul Kagan

SK:AUN

cc. MAL
MMB
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EH
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122203

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U.S. ARMY

12/24
December 18, 1951 hw
File: 3100

Auerbach

SP

Mr. Saul Kagan - JRSO N.Y. -

Hq. JRSO N.Y. letter #1212

Dear Saul,

Attached please find two ~~paper~~ clippings from the
"Neue Zeitung" concerning the Auerbach case and Dr. Goldman's
visit in Bonn and his discussions with Mr. McCloy.

Sincerely yours,

SD

SAMUEL DALLOB
Executive Officer

Incls.: a/s.

122204

Fragen, die sich uns aufdrängen

Juristische Merkwürdigkeiten mit politischem Hintergrund im Fall Auerbach

Zur Vermeidung jeglichen Mißverständnisses halten wir es für absolut notwendig, von vornherein ganz klar zu sagen, warum wir mit den folgenden Zeilen auf den Fall zurückkommen, der seit vielen Monaten weit über Bayerns Grenzen hinaus das Interesse und auch die Phantasie der Öffentlichkeit beschäftigt hat: auf den Fall Philipp Auerbach.

Nach sorgfältiger Prüfung aller zuzugänglichen Unterlagen glauben wir, um der Gerechtigkeit willen die Überzeugung nicht verschweigen zu dürfen, daß das Vorgehen von Justizbehörde und Staatsanwaltschaft zu der Frage Anlaß gibt, ob nicht über einen Menschen der Sinn gebrochen wurde, bevor das Gericht sich überhaupt mit dem Für und Wider seines Falles beschäftigt und über ihn geurteilt hat. Diese Frage zu stellen ist aus eine Verpflichtung, obwohl wir genau so wenig wie andere Sterbliche voraussehen können, ob und inwieweit sich Auerbach vor Gericht als schuldig erweisen wird. Nicht zu seinen möglichen Verfehlungen und Delikten Stellung zu nehmen, kann also der Sinn unserer Ausführungen sein. Dies zu überprüfen, obliegt ausschließlich den zuständigen Münchener Richtern. Wessen ausgesprochen werden muß, ist es, die Tatsache, daß zwischen den vom bayerischen Justizministerium im Mai dieses Jahres veröffentlichten Beschuldigungen, die Auerbach vor aller Welt schwerster krimineller Delikte und moralisch anstößigster Taten ziehen, und der erst vor kurzem bekanntgewordenen Anklageschrift, zu deren Fertigstellung man fast ein volles Jahr gebraucht hatte, ein erheblicher Unterschied zugunsten des Angeklagten besteht und zweitens das Faktum, daß der Verlauf des Untersuchungsverfahrens Eigentümlichkeiten zeigt, die von der rechtsüblichen Praxis auffallend zu Ungunsten des Angeklagten abweichen:

Ein genauer Vergleich zwischen der außerordentlich unüberrücklich abgefaßten, selbst Parteijuristen erst nach längerem Studium verständlichen, über hundert Seiten umfassenden Anklageschrift und dem Bericht des bayerischen Justizministeriums vom 21. Mai ergibt einerseits, daß die Anklageschrift eine Reihe neuer Vorwürfe, zum Beispiel mehrere Fälle von Artstreichung, Erpressung und passiver Besetzung enthält, andererseits aber nicht weniger als insgesamt acht Punkte, die in dem erwähnten Bericht des Justizministeriums eine bedeutende Rolle spielen, nicht mehr aufführt.

Es lohnt sich, sich vier Augen zu halten, was sich offenbar inzwischen als für eine Anklageerhebung nicht ausreichend herausgestellt hat. Demnach las man vor der Fällung von 929 Feststellungsbescheiden, für Haftentlassungen und von einem Betrag von 1.639.998,12 DM, der angeblich auf Grund dieser Bescheide ausbezahlt wurde. Es hieß, daß auch die von einem Bankkonsortium aufgekauften Feststellungsbescheide in Höhe von 730.793,12 DM ebenfalls nicht gewesen seien, weller, daß in zahlreichen Fällen die Anwanderungsbeträge für DP's in Höhe von 500 DM zu Unrecht ausgeschüttet worden sei. Man las von der möglichen Übertragung von 20.000 Poliers, die Auerbach als Kaufman für ein Exportgeschäft von Holzflüssern nach Israel erhalten haben sollte, von liberalen Schwarzhandelsgeschäften mit als Liebesgabenentwendungen deklarierten größeren Mengen zollpflichtiger Waren, von der Amissunterschlagung jüdischer Vermögenswerte und nicht zuletzt von der Mißhandlung jüdischer Mißfälllinge im KZ Groß-Rosen. Auch sollte, wie die Staatsanwaltschaft damals angab, Auerbach einen kriminellen KZ-Hilfing die Anerkennung als politischer Häftling verschafft haben, weil dieser ihm seinerzeit im Konzentrationslager Auschwitz Lebensmittel verschafft habe.

Mit alledem wurde Auerbach direkt oder in-

direkt belastet, von alledem findet sich jedoch in der Anklageschrift nicht ein einziges Substantielles mehr. Geblieben ist aber die Forderung, Der Komplex der Abtretungserklärungen von Haftentschuldigungsansprüchen — Auerbach wird vorgeworfen, mit diesen Abtretungserklärungen unerlaubte Geschäfte getrieben zu haben, die ihm einen Gewinn von insgesamt 800.000 DM eingebracht hätten — bleibt auch in der Anklageschrift höchst verwickelt, und als zentrale Figur bei diesen Vorgängen zeigt sich der frühere ehemalige Angestellte des Landesentschuldigungsamtes Dr. Markus Seibold.

Wir fragen: War es rechtens, den Angeklagten von vornherein mit soviel Resonanz zu diffamieren? Man komme nicht mit dem Einwand, es sei notwendig gewesen, das Parlament über die Schuld der Ermittlungen zu informieren und auch die Öffentlichkeit in gewissem Umfang auf dem Laufenden zu halten. Das ist hier nicht stichhaltig. Hier taucht der Zweifel auf, ob die auch im Rahmen solcher Notwendigkeiten innewohnenden Gefahren der Falschheit und der Unvollständigkeit der Beweiserhebung durch das Gericht nicht vorzuziehen sind, beachtet werden sind. Das dieses Moment bei Strafsachen, in denen Schöff'en, also Laien, an der Entscheidung mitwirken, besonders wichtig ist, liegt auf der Hand. Wo ist der Grundsatz schwebend, daß jeder alle einschuldig gilt, hat durch rechtskräftige Urteil eines ordentlichen Gerichts für schuldig befunden ist? In seinen psychologischen Auswirkungen kommt der Bericht des Justizministeriums einer vorweggenommenen Verurteilung sehr nahe.

Wer wollte leugnen, daß diese schwerwiegenden Inzidenzen bewußt oder unbewußt bei der an Weisungen des Justizministeriums gebundenen Staatsanwaltschaft zu einem verstärkten Streben nach Überführung und endgültiger scharfer Verurteilung des Beschuldigten führen können, weil der Ausgang des Verfahrens allzu leicht zu einer Prestigefrage für die Anklagebehörde werden kann?

Man mag es drehen wie man will: das Verfahren gegen Auerbach ist ein Politikum ersten Ranges. Nicht nur, daß es, wie die hohe Exekutive eines von bayerischen Landtag eingesetzten Untersuchungsausschusses zeigt, einen nicht zu übersehenden innenpolitisch-bayerischen Hintergrund hat — die Einstellung Auerbachs als Staatskommissar zur Betreuung der Opfer des Nationalsozialismus fällt in die Restaurationszeit des damaligen bayerischen Ministerpräsidenten Dr. Wilhelm Hoegner und seines Innenministers Josef Seibold (beide SPD), und später oblag die Aufsichtspflicht über die Tätigkeit Auerbachs dem von Ministerpräsidenten, Dr. Hans Ehard geleiteten Finanzministerium und seinem Ministerpräsident Dr. Richard Hirshmann (beide CSU) — auch für die Weisungsbefugnisse ist das Verfahren ein Test. Wird heute in Deutschland, so stellt sich die Frage im Ausland, ein Strafverfahren, in dem der Hauptangeklagte Jude ist, auch dann geführt, wenn ein Fall mit der Politik verknüpft ist? Wenn es für diesen oder jenen deutschen Politiker verlockend erscheinen könnte, als der starke Mann zu erscheinen, der mutig und geschickt eine unpopuläre und robuste Persönlichkeit hantiert? Wenn ein Interesse besteht, Auerbach als gewissenhaften, als Mitarbeiter für vermutete oder tatsächliche Mißstände in der obersten Verwaltung eines Staates zu gebrauchen, wenn man, mit anderen Worten, dazu neigen könnte, die kriminelle Seite seines Falles überzubetonen, damit die Öffentlichkeit ihre Aufmerksamkeit nicht auf die Zustände konzentriert, die Auerbachs Handlungen und Unterlassungen zweifellos erst ermöglicht oder doch sehr gefördert haben?

Wie sehr der Fall Auerbach mit der politischen Problematik in Bayern verflocht ist, haben zuletzt in eindringlicher Weise die Ausführungen des Angeklagten Dr. Markus Seibold, des Landesentschuldigungsamtes, Gerhard Hirsch, gezeigt. Der was er an persönlichen Freiraum vor dem parlamentarischen Untersuchungsausschuß, dessen Vorgehen sich übrigens auffallend von der Tonart des ersten Memorandums des Justizministeriums dadurch unterscheidet, daß Auerbach von den Mitgliedern des Landtages nicht von vornherein praktisch als Verbrecher abgestempelt und als solcher behandelt wird, als Zeuge sagte, hat Aufsehen erregt. Er habe, so gab er unter anderem zu Protokoll, als Auerbach, noch Leiter des Amtes war, den Eindruck gehabt, daß nicht nur das Finanzministerium, sondern die ganze bayerische Staatsregierung sehr froh gewesen seien, daß es eine Stelle gab, die in der „kitzigen Wiedergutmachungsfrage“ aus eigener Verantwortung gehandelt habe. Seine Enttäuschung vollendete, daß der ehemalige Oberst Wolfgang Müller aus Hannover, der im Bund der Verfolgten des Naziregimes eine Rolle spielte, bereits in der ersten Januarhälfte, also etwa vierzehn Tage vor der Amtsschließung, in einem Brief an Auerbach die Vermutung ausgedrückt habe, daß man gegen ihn, Auerbach, etwas unternommen würde, veranlaßt den Ausschußvorsitzenden zu der Bemerkung: „Das ist in hochinteressant, das ist natürlich ein kleiner Blick hinter die Kulissen.“ Nach Hirschs Darstellung habe Müller diese Informationen auf einer Sitzung von Angehörigen der KP und des VVN erhalten, die in Bayern stattgefunden habe. Er könne sich das nur so erklären, so sagte der Zeuge, daß gewisse DP-Kreise damals etwas gegen Auerbach unternommen sollten und daß die KP dies erfahren habe.

Niemand wird erwarten, daß die Justiz diesen Fall völlig aus seinen politischen Zusammenhängen herausreißen kann. Aber ist die Staatsanwaltschaft, deren Pflicht es ist, alle politischen Einflüsse abzuwehren, tatsächlich jeden Anzeichen einer Unobjektivität verneinend? Ist die in der Strafprozeßordnung enthaltene Richtlinie, daß die Staatsanwaltschaft nicht nur die zur Bestätigung, sondern auch die zur Einstellung eines Angeklagten dienenden Umstände zu ermitteln hat, befolgt worden?

Lesen wir die Tatsachen sprechen: da ist ein-

mal festzustellen, daß der Untersuchungsrichter im absehbaren, dem verhängten Angedogen dem parlamentarischen Untersuchungsausschuß zur Vernehmung zu überstellen, obwohl gewichtige juristische und psychologische Gründe gegen diese Entscheidung sprechen. Das Recht zur Untersuchung auch bei gerichtsabhängigen Vorgängen gehört zu den unverzichtbaren Kontrollbefugnissen des Parlaments. Eine Einschränkung dieses Recht, die gegeben ist, wenn Verhaftete nur mit Zustimmung des Richters vor einem Untersuchungsausschuß geladen werden dürfen, würde dem Sinne der auch in der bayerischen Verfassung enthaltenen Bestimmung widerprechen, daß parlamentarische Untersuchungsausschüsse auch Zeugen vorladen dürfen. Nicht überzeugend ist auch die Motivierung, daß die Lehmung des Untersuchungsrichters Störung der gerichtlichen Ermittlungen? Klingt das nicht absurd, nachdem Polizei, Staatsanwaltschaft und Untersuchungsrichter rund ein Monatslang den Fall geprüft, Berge von Akten geleset und gegeben und eine Rekordzahl von Vernehmungen hinter sich gebracht haben? Außerdem, wäre es nicht besser gewesen, auch in der letzten Vernehmung zu vermeiden, daß man die Vernehmung durch den Landtagausschuß deswegen abgelehnt hätte, weil sie ein höchst geeignetes Mittel gewesen wäre, jene politischen Hintergründe aufzudecken, von denen die im gerichtlichen Verfahren zu klärenden strafrechtlichen Beschuldigungen einfach nicht losgelöst werden können?

Aber noch eine zweite verfahrenrechtliche Anomalie fällt bei genauer Betrachtung auf: das Nebenmündler, die Mithandlung der Ermittlungen von Staatsanwaltschaft und Untersuchungsausschüsse, Normierungslast, das andere, in Strafsachen von besonderer Bedeutung, bei denen die Ermittlungen nicht von der Staatsanwaltschaft, sondern von einem Untersuchungsrichter im Auftrage und an Stelle der Staatsanwaltschaft geführt werden, um eine größere Garantie für eine objektive und gründliche Untersuchung zu haben, ist der Untersuchungsrichter eindeutig Herr des Verfahrens. Die Staatsanwaltschaft kann lediglich Anträge stellen und — so ist es rechtsüblich — einzelne Ermittlungen, die die Voruntersuchung nicht stören, anstellen. Erst wenn der Untersuchungsrichter die Voruntersuchung abgeschlossen hat, ist die Staatsanwaltschaft ihre in der Praxis in solchen Fällen stets gewährte Zurückhaltung auf, wird wieder aktiv und stellt auf Grund des ihr von Untersuchungsrichter zugewiesenen Ermittlungsergebnisses den Antrag an das zuständige Gericht, das Hauptverfahren zu eröffnen. Erfahrensgemäß verfährt bei umfangreichen Verfahren geronnene Zeit, bis die Staatsanwaltschaft das ihr übergebene Beweismaterial sichten und die Anklageschrift fertigstellen kann, denn obwohl sie auch während der Voruntersuchung jederzeit die Akten des Untersuchungsrichters einsehen kann, wird doch die Distanz zwischen der weisungsgebundenen Staatsanwaltschaft und dem weisungsfreien Untersuchungsrichter, innen gehalten.

Wie war das aber im Falle Auerbach? Trotz der ungewöhnlichen Komplexität der Materie wurde die Anklageschrift sofort bei Abschluß der Voruntersuchung eingereicht. Gewiß, die mit der Bearbeitung der Sache beauftragten Staatsanwälte mögen sehr wichtig sein, aber es drängt sich doch die Frage auf, ob nicht hier, ein dem Sinne des Gesetzes widersprechendes Zusammenarbeiten von Staatsanwaltschaftlicher und untersuchungsrichterlicher Tätigkeit vorzuliegen hat. Wäre es aber in einem politischen heiklen Verfahren nicht angebracht gewesen, jeden Eindruck einer Entente cordiale zwischen Staatsanwaltschaft und Untersuchungsrichter zu vermeiden?

Der Angeklagte Auerbach ist — dieser, Schluß drängt sich auf — durch die angeführten Praktiken, moralisch und juristisch benachteiligt worden; noch ehe die gerichtlichen Verhandlungen begonnen haben.

122205

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

11/26 SA

November 23, 1951

hw

Auerbach

Mr. Saul Eagan - JRSO New York -

Hq. JRSO N.Y. Letter #1180

Dear Saul,

You are probably interested in the attached articles concerning the Auerbach affair (indictment), the HICOG move to Bonn, and appointment of a new radio announcer of the Jewish Community, which appeared in the Neue Zeitung, issue of 23 November 1951.

Sincerely yours,

Sam

SAMUEL DALLOE

Incls.: a/s.

122206

Zehn Anklagepunkte gegen Auerbach

Staatsanwaltschaft übergibt der Presse 104seitige Anklageschrift

München, 22. November (NZ). — Die Staatsanwaltschaft München händigte am Mittwochabend die 104 Seiten umfassende Anklageschrift im Fall Auerbach der Presse aus. Dem ehemaligen Präsidenten des bayerischen Landesentschädigungsamtes, Dr. Philipp Auerbach, wird in 10 Anklagepunkten vorgeworfen, „dreifache schwere Amtsunterschlagung, Erpressung in zwei Fällen, mehrfache Untreue, Betrug in vier Fällen, einfache passive Bestechung, Abgabenüberhebung, zweifache Abgabe falscher Versicherungen an Eides Statt und unbefugte Führung eines akademischen Grades“ begangen sowie gegen die Vorschriften des Währungsgesetzes und gegen das Sammlungsgeschäft verstoßen zu haben. Die beiden mitangeklagten ehemaligen Angestellten des bayerischen Landesentschädigungsamtes, Dr. Berthold Konirsch und Dr. Klaus Franz Berthold Hönig-Ohnsorg, werden im wesentlichen der Mitwirkung an einzelnen Straftaten Auerbachs beschuldigt.

Der bayerische Landesrabbiner, Dr. Aaron Ohrenstein, wird sich in der Hauptverhandlung wegen eines in Mittäterschaft begangenen Vergehens des Betrugs in Tateinheit mit einem Vergehen der Urkundenfälschung zu verantworten haben.

Nach einer ausführlichen Darstellung von Auerbachs Werdegang stellt die Anklageschrift fest, daß Auerbach im Januar 1946 aus seiner Stellung als Oberregierungsrat in Düsseldorf hauptsächlich wegen unberechtigter Führung seines Dokortitels und wegen zweifelhafter Angaben über seine persönlichen Verhältnisse entlassen worden sei. Ferner habe die Tatsache, daß Auerbach damals einen eigenen Nachrichtendienst unterhalten und die englische Sicherheitspolizei mit haltlosen Anschuldigungen und Denunziationen überschwemmt habe, wesentlich zu seiner Verabschiedung beigetragen. Weiterhin führt die Anklageschrift den Wortlaut der Personalfragebogen an, die Auerbach für seine Anstellung im bayerischen Staatsministerium des Innern eingereicht hatte und in denen er über Vorbildung und Vorstrafen sowie über den Grad der politischen Verfolgung falsche Angaben gemacht habe. Bei diesen Bewerbungen und seiner späteren Promotion an der Universität Erlangen soll Auerbach zwei falsche eidesstattliche Versicherungen abgegeben haben. Die Doktorarbeit

Auerbachs sei unter Assistenz eines Erlanger Studenten, die weit über das Maß einer zulässigen beratenden Tätigkeit hinausgegangen sei, abgefaßt worden.

Weiter wird Auerbach Umgehung der Währungsgesetzgebung vorgeworfen. Er habe Geldbeträge für eine „Stiftung zur Wiedergutmachung nationalsozialistischen Unrechts“ von Organisationen und Einzelpersonen in der Absicht angenommen, sie später nach einer günstigen Umstellung an die angeblichen „Spender“ zurückzahlen. Ferner wird Auerbach vorgeworfen, nach der Währungsreform bis zum 31. 3. 1951 unter Verstoß gegen die bestehenden gesetzlichen Vorschriften rund 6,7 Millionen DM bei 1368 Kreditfällen gewährt zu haben. Von diesen Beträgen seien nur 2,049 Millionen DM vollständig zurückbezahlt worden, während 1060 Kredite mit einem Gesamtbetrag von 3,52 Millionen DM noch heute offenständen. Auerbach treffe die alleinige Verantwortung für den bei der Kreditgewährung entstandenen Schaden. Weder habe er sich an die Vorschriften über die Gewährung von Darlehen gehalten noch die Rückzahlung der Darlehen in ordnungsmäßiger Form überwacht.

Der Vorwurf der Erpressung wird in der Anklageschrift damit begründet, daß Auerbach zusammen mit Dr. Hönig-Ohnsorg bei der Auftragserteilung an Architekten und Baufirmen, die KZ-Mahnmale, Friedhofsanlagen sowie Baupläne für Synagogen und andere jüdische Gebäude anfertigen sollten, unter Androhung der Auftragsentziehung 10 v. H. der Honorare als Entschädigung für sich selbst erpreßt habe. Insgesamt soll er dabei rund 40 000 DM eingenommen haben, von denen er einen kleinen Teil-

betrag an Dr. Hönig-Ohnsorg übergeben habe. Weiter soll Auerbach eine Sammlung für die Errichtung eines Denkmals vor dem Krematorium in Dachau in unzulässiger Weise ausgedehnt und die eingegangenen Gelder nicht ausschließlich dem Sammelzweck zugeführt haben. Beteiligung an umfangreichen unerlaubten Transaktionen mit Haftentschädigungsansprüchen werden Auerbach ferner, zusammen mit dem flüchtigen Kaufmann Dr. Markus Seibald und Dr. Berthold Konirsch, zur Last gelegt. Insgesamt sollen sich Auerbach, Konirsch und Seibald bei dem Abtretungsgeschäft zu Lasten der Haftentschädigungsberechtigten um rund 800 000 DM bereichert haben.

Dr. Konirsch soll sich durch Inkorrektheit bei der Beglaubigung von eidesstattlichen Erklärungen auswandernder Haftentschädigungsberechtigter fortgesetzt der Falschbeurkundung schuldig gemacht haben.

Neben verschiedenen unsauberen Finanzmanipulationen mit Spenden für Wiedergutmachungszwecke, soll Auerbach versucht haben, vom Wiedergutmachungsamt Württemberg Haftentschädigungen für 111 nicht existierende Personen zu erschwindeln. Landesrabbiner Dr. Aaron Ohrenstein wird vorgeworfen, bei dieser Aktion, den sogenannten „Fall Wildflecken“, bewußt zum Betrüge Mittäterschaft geleistet zu haben. Er soll, ohne jemals die angeblich zur Auswanderung bestimmten DPs in dem Lager Wildflecken aufgesucht zu haben, in unterzeichneten und gesiegelten Niederschriften bestätigt haben, daß die Auswanderer persönlich vor ihm erschienen seien und ihre Angaben über Haftort und Haftzeit eidlich bekräftigt haben. Die beantragten Haftentschädigungen in Höhe von 251 460 DM sollten auf das Privatkonto von Auerbach und Ohrenstein überwiesen werden. Durch die am 2. 2. 1951 erfolgte polizeiliche Besetzung des Landesentschädigungsamtes sei dieser Plan jedoch zerschlagen worden.

In der Hauptverhandlung werden auf Antrag der Staatsanwaltschaft insgesamt 101 Zeugen und 3 Sachverständige vernommen.

November 19, 1951

Mr. Saul Kagan - JRSO N.Y. -

Hq. JRSO N.Y. letter #1177

Dear Saul,

I am attaching two clippings from the "Neue Zeitung" of 16 November 1951 concerning the indictment for Auerbach and the Adenauer statement.

Sincerely yours,

SAMUEL DALLOB

Incl:a/s.

122208

Die Sowjetregierung, heißt es in der Note, habe bereits amtlich darauf hingewiesen, daß der

Gutachten empfiehlt Haftentlassung Auerbachs

München, 4. November (NZ). — Der Münchener Universitätsprofessor Dr. Alfred Schittenhelm befürwortete in einem kürzlich der Münchener Staatsanwaltschaft überreichten ärztlichen Gutachten eine sofortige Haftentlassung des ehemaligen Präsidenten des bayerischen Landesentschädigungsamtes, Philipp Auerbach. In dem Gutachten heißt es unter anderem, eine weitere „Gefangenhaltung“ könne dazu führen, „daß eventuell Lebensgefahr besteht“.

Auerbach leidet an einer Nieren- und Zuckerkrankheit und wurde aus diesem Grunde aus dem Untersuchungsgefängnis in Stadelheim in ein Krankenhaus überführt.

Gindl klagt gegen Ringelmann

Der Zeuge des Auerbach-Ausschusses des bayerischen Landtages und ehemalige Sachbearbeiter im Landesentschädigungsamt, Dr. Otto Gindl, kündigte am Wochenende einen Strafantrag wegen Verleumdung gegen Staatssekretär Dr. Richard Ringelmann an. Sämtliche von Dr. Ringelmann vorgebrachten Behauptungen, so sagte Gindl, seien falsch oder entstellt.

Seine diversen Reorganisationsvorschläge und Hinweise auf Korruptionserscheinungen im Landesentschädigungsamt, führte Gindl weiter aus, die er mit einer Bitte um Ueberprüfung der Geschäftsführung verbunden hatte, hätten sich durch das Prüfungsergebnis des Obersten Rechnungshofes und das inzwischen von der Staatsanwaltschaft eingeleitete Verfahren in ihrer Richtigkeit bestätigt. Dr. Ringelmann sei trotz der zahlreichen Hinweise nicht oder nicht energisch genug gegen die Mißstände eingeschritten. Die Behauptung Dr. Ringelmanns, die Reorganisationsvorschläge Gindls seien eine Kopie der Vorschläge des Staatssekretärs, wies Gindl als unwahr zurück, da diese Vorschläge von Ringelmann in einem Gespräch, nicht aber in schriftlicher Form, ausgesprochen worden seien.

Zu den Behauptungen Ringelmanns, er habe kein Recht zur Führung des Dokortitels, erklärte Gindl, er habe Beweise für die abgelegte Prüfung in der Hand.

Anklageschrift gegen Auerbach fertiggestellt

München, 15. November (NZ). — Nach Mitteilung der Staatsanwaltschaft München wird die Anklage gegen den ehemaligen Präsidenten des bayerischen Landesentschädigungsamtes, Philipp Auerbach, voraussichtlich am Freitagmorgen eingereicht werden. Es ist damit zu rechnen, daß Staatsanwalt Wilhelm Hölper vor dem am Freitag tagenden Auerbach-Untersuchungsausschuß des bayerischen Landtags eine Erklärung zur Anklageerhebung abgeben wird.

Die Anklageschrift ist bereits seit mehreren Tagen im Entwurf fertiggestellt. Die Verzögerung in der Anklageerhebung war durch die technischen Schwierigkeiten der Vervielfältigung der etwa 104 Seiten umfassenden Anklageschrift bedingt. Einzelheiten über den Inhalt der Anklage werden erst bekanntgegeben, wenn die Angeklagten selbst formell in den Besitz der Anklageschrift gelangt sind.

*Seul -
For your
info:
Neue Zeitung
5. Nov 51
Sam*

Auerbach

March 15th, 1951

JRSO Letter No. 526

Mr. Benjamin B. Ferencz
Jewish Restitution Successor Organization
APO 696A, c/o Postmaster, New York, N. Y.

Re: Auerbach

Dear Ben:

It is some time since we have had a report from you regarding the Auerbach fiasco. The matter has been rather dormant also insofar as the Jewish organizations here are concerned, but I was informed this morning that some Jewish "scandal sheet" which may in some way be bound up with the American Council for Judaism, has been harassing the JDC publicity office with a number of unfriendly demands for information, presumably in the hope that they may in some way be able to smear the JDC and the Agency through associations with Auerbach, etc. Fortunately, from the information I have previously received, I gather that at least the JDC has consistently kept its skirts clean and that we have nothing to fear. I am not as well informed regarding the role of the Agency, but it will be quite easy for me, speaking either as JRSO or as the Secretary to the four agencies, to state that neither the four agencies nor the JRSO have in any way been involved, insofar as my information is concerned, and that on the contrary they had previously taken a long line of steps deliberately disassociating themselves from Mr. Auerbach.

One of the questions which has also arisen is the problem of Mr. Auerbach's successor. The charges that the gentleman in question was a former Gauleiter in Poland, etc. have received circulation here, but I of course am in no position to answer any questions on the subject. It would be helpful to have from you some information regarding this aspect of the problem, including a discussion as to the effect of the new appointment on the indemnification program in Bavaria, what can be expected in the future, etc.

Sincerely yours,

Eli Rock

ER:AUN

cc. JJJ

122211

Newsletter - (mispag) 2/1

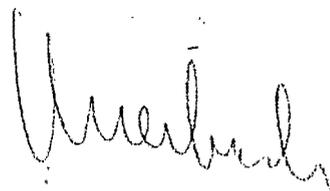
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February 1, 1951



CONFIDENTIAL

Paris-JRSO NY Letter #53

To: Mr. Eli Rock, JRSO NEW YORK
Mr. Robert Pilpel, AJDC NEW YORK

From: AJDC PARIS

Re: Auerbach Crisis - Our Ref. OGC/US/8-7

Dear Eli/dear Bob:

I have just talked to Sam Haber in Munich in order to learn the latest developments in connection with the Auerbach investigation. Haber reports that things continued all of this week at a high pitch with the following developments:

- (1) Auerbach was teetering on the point of tendering his resignation from his government post and, in fact, was scheduled to do so this morning (Thursday) after lengthy sessions with Jewish leaders and organisations which apparently have been pressing him to resign. However, the morning press failed to continue its harping on the Auerbach affair, and the only paper which gave it any attention concentrated on pointing out that no charges existed personally against Auerbach. Hence, after finding one paper favourable and the rest silent Auerbach decided he was rehabilitated and withdrew his intention to resign.
- (2) All of his employees have been released on holiday until February 15, and no one is being paid indemnification benefits. In short, whatever the technique, the authorities have closed down the indemnification payment shop and all is at a standstill.
- (3) Haber reports that high and important forces are at work to oust Auerbach, and while he was unable to mention any names over the phone his remarks seemed to refer to Buttenwieser and other HICOG officials. Haber feels no matter what tactic Auerbach employs they are out to get him removed from office and will do so.
- (4) Notwithstanding all of these difficulties Auerbach in another direction still continues to demonstrate influence. After taking his beating from

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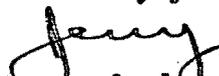
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-2-

Ben Ferencz he went to work on the lump sum settlement question, and in spite of all his headaches he has arranged a meeting for next Monday at 4 p.m. with the Minister President, the Minister of Finance and the State Secretary of Bavaria, Auerbach and JRSO for the purpose of sitting down to a serious consideration of JRSO's bulk settlement in Bavaria. He either has it on the boys or they are humouring him while cutting his throat.

(5) Haber is privately and unofficially working through IRO lawyers to secure emergency arrangements whereby bona fide claimants, particularly those about to depart, should continue to receive their indemnification payments and thereby not be impeded in their resettlement. Haber feels confident that IRO will be able to work it out with HICOG and the Bavarian Government. Haber also stated that there were other important problems developing in connection with this investigation which he could not hint at over the telephone but which he will cover in a confidential written report.

Sincerely yours,


Jerome J. Jacobson

JJJ/hf
cc: Mr. Beckelman

דייטשע רעגירונג קלייבט זיך כטר צו מאכען פארטייגונגען פאר אידישע נאצי-קרבתות

FRONT PAGE

FEB 11 1951

Jewish Morning Journal

פעציעל צום "מארגען זשורנאל" פון דוד ווינאדער

ווערט באהויפטעט; און די אידישע דייטשע פיס האבען אפגעקויפט געוויסע דייטשע בעאמטע פון די דאזיגע אנטשערגונגס-אמטען, כדי ווערע ענינים זאלען וואס זיכער ווערען עלעקטריש און פארלאזען דייטשלאנד. און שנעל ווי מעגליך.

דאס זיינען סתם אויסרידען און תירוצים, כדי צו אנולירען די דייטשע "ווידערגוטמאכונגס" אמטען אויף וועלכע טווענטער, אידישע דייפ'ס האבען געלעבט אזעלכע האפענונגען און צוליב דעם פארבליבען אין דייטשלאנד.

די פיס זיינען איצט אונטער דער "גערעכטיגקייט פון ניוער דייטשלאנד"

נאך דער באנאנאדונג פון די 28 דייטשע קריגס-פארברעכער, האט מר. יעקלאי, דער אמעריקאנער הייקאד יאנער אין דייטשלאנד, אונטערגע- זען אן אויסכעסערונגס-געזעץ אין

וועלכען עס ווערט געזאגט פאלגענדיג:

"אלע דיספליסט פערסאנן וואס געפינען זיך איצט אויף דער דייטשער טעריטאריע, וועלכע געהערט צו דער אמעריקאנער זאנע, קומען אונטער דער "דייטשער גערעכטיגקייט" און אונטערווארפען דער דייטשער יוסטיץ."

"דער אמעריקאנער האייקאמישא- נער", ווערט ווייטער געזאגט אין מעקלאי'ס נייעם געזעץ — האט דאס רעכט צו אינטערווענירען אויב עס האט זיך ארויסגעשטעלט, אז דאס דייטשע געזעץ האט דיסקרימינירט די דייפ'ס צוליב זייער ראסישער און נאציאנאלער צוגעהערניגקייט צו דער נייט-דייטשער ראסע."

דער יונגערט נויפעלד, געוועזענער ראכזינער פון דער דייטשער שטארט עלבינג, אין פרייסען, וועלכער האט די לעצטע 12 יאהר פארבראכט אין ישראל אלס א פליט פון היטלער-דייטשלאנד, איז אויפגענומען געווארען אלס לאנדעס-ראינינער פאר דער פראווינץ וויטענבערג, אמעריקאנער אנט אין דייטשלאנד.

דייטשע רעגירונג "ווידערגוטמאכען" די פארברעכענס פון די נאצייטע נאצ'ס?

די דייטשע פרעסע אונטערגע- זען די דאזיגע מינונג און באהויפטען, אז די אומרעגעלמעסונקייטען וואס זיינען באנאנען געווארען אין די דייטשע "ווידערגוטמאכונגס" אמטען זיינען שרייענדיגע סאנדאלען; עס

סען חלק אין דער שולד, וואס עס האבען געלטען די אידישע דייפ'ס און אויב די ועלכע נאצי-באנדיטען זיינען געווארען אמגעסטירט און כמילא רעהאביליטירט פאר זייערע הימעל-שרייענדיגע מעשים געגען מיין ליאנען אידען, טאן פארוואס זאל די

מינכען שבת. — טווענטער אין דייטשע דייפ'ס אין דייטשלאנד, וואס האבען נים געוואלט אויסוואנדערען מיט דער באגרינדונג אז זיי מוזען אפווארטען כדי צו באקומען די צו געזאגטע פארטייגונגען זיינען אין גרויס פארצווייפלונג צוליב די סלא- גען, און די מערב-דייטשע רעגירונג איז באו האט ברעה אינאנצען צו אנולירען דעם "ווידערגוטמאכונגס" געזעץ מיט דער באגרינדונג אז אין א הויזע דייטשע "ווידערגוטמאכונגס" אמטען זיינען באנאנען געווארען מיאוס'ע קארופציעס אויף דעם גער ביס און עס איז נויטווענדיג אן אויס- פארשונג ארום דעם ענין.

די דייטשע רעגירונג שטעהט אויך אויף דעם שטאנדפונקט, אז צוליב די אמעריקאנער אמגעסטעס, אויף די נאצי-פארברעכער, וואס זיינען ארויס געלאזען געווארען פון דער לאנד בערנער תפיסה, האט בכלל מעהר קיין שום זין זיך צו פארנעהמ'ן די אזוי-גערופענע "ווידע- כונגס" געשיכטעס פאר די א פיס; סוף כל סוף האט באשייטע נאצי-פארברע-

ER MAIL ER WAR
HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U.S. ARMY

February 2, 1951
File 1510
1570

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York, N. Y.

Dear Eli: JRSO Hq. Letter #733-c
Re: Dr. Auerbach

I have before me Jerry's excellent and very interesting report of the Munich gemeinde meeting. I left after the JRSO matters were discussed and was therefore not in on the disputes concerning l'affair Auerbach.

I agree fully with Jerry's statement that we shall have to proceed cautiously in this whole matter.

In this connection I have just received a call from Dr. Kreutzberger's office requesting the JRSO to join in a press release which would deny Auerbach's assertion that the seizure of the indemnification records constitutes a demonstration of anti-Semitism and which would further state that the Jewish organizations do not share Auerbach's views but welcome a cleanup of any illegalities in order to safeguard the interests of honest claimants.

I felt that I could not join in such a statement. Although I certainly was not in favor of shielding Dr. A. from any of the consequences of his evil deeds, the JRSO did agree to a truce in order to obtain his aid on global settlement. Having agreed to accept his friendship, I could not at the first moment in which he is exposed join to strike him down. I suggested that if a statement must be made to counteract the falsehoods being spread by Dr. A. ^{to} avoid such statement becoming a personal attack.

Auerbach sent us a cable today stating that he had arranged a meeting between JRSO and the Bavarian Minister President, the Finance Minister and the State Secretary Ringelmann for Monday, February 5, on the question of bulk settlement. I do not know whether his presence on our side will be a kiss of death or not. However, I have the feeling that since he is not our representative but on the contrary, we deal with him as a German official, his arguments in our favor can do us no harm. I also feel that Auerbach is now in a terrible spot and he will have to argue for us if he is to preserve for himself any possible vestige of friendship among Jewish organizations. At the same time all of his allegations of anti-Semitism will put the Bavarians in a position where they will have to be very careful in their dealings with the JRSO. It may

122216

Rock #733-c

-2-

even persuade them to make a settlement with us in order to refute Auerbach's charges. I therefore see no real damage to the JRSO from all of the excitement and invective concerning the indemnification scandal.

Of course, here as elsewhere, any damage to any Jewish group causes a shadow on all other Jewish organizations. As you know from our correspondence in 1949, the use of fraudulent documents in connection with indemnification was not unanticipated but the situation in Munich had reached such a depth of degradation and exploitation that police action was bound to follow. Most of this could probably have been avoided if a responsible man was in charge and there Auerbach must, I feel, share the blame whether he is ever brought to trial or not. Despite these sentiments I do not believe the moment is opportune for the JRSO to do anything which will add to the man's miseries or invite his opposition in our negotiations with Bavaria.

You will no doubt be hearing more of this same subject.

Cordially yours,

Ben
BENJAMIN B. FERENCZ

BBF.b
cc:JJJ

122219

Toni - send my copy to MB if this not already done

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ER
Has copy gone to Burchstein?
WMA

CONFIDENTIAL.

January 31, 1951

Paris-JRSO NY Letter No. 49

To: Mr. Eli Rock - JRSO NEW YORK
Mr. Robert Pilpel - AJDC NEW YORK

From: AJDC PARIS

Re: Gemeindefeeting Munich - Our Ref. OGC/US/8-7

Dear Eli/dear Bob:

You have already learned from Ben of the Meeting of the Zentralrat of German Gemeinden which took place in Munich last Sunday. The meeting gave Ben an opportunity to air and meet all of the vicious charges which have irresponsibly been thrown at JRSO, and Ben ~~was~~ in turn very ably acquitted JRSO and explained the reasons underlying JRSO activities. On the whole I have the impression that he substantially met objections and for the moment at least JRSO critics have been silenced.

The principal object of this meeting was to find some means of coordinating the various representations which are separately being made on questions of restitution, indemnification, Jewish claims, etc. While the Gemeinden seemed intent on securing a machinery, the effect of which would place all proposed action before them for approval before such action is taken, there was ultimate recognition that this was not feasible nor justified since outside organisations had independent interests which did not warrant soliciting the concurrence of the Gemeinden. In fact, in a short steering committee meeting following the main meeting it was agreed that there should exist an informal clearing house of information so that the General Secretary of the Zentralrat would pass information to the JAFF, the Israeli Consul and ourselves and in turn we would advise him of proposals and activities being undertaken abroad. No formal or physical arrangements will be made to implement this and everyone seemed satisfied with the loose kind of agreement arrived at.

The meeting in fact was overshadowed by a problem involving Auerbach which may assume very serious proportions affecting other questions of Jewish interest. On Friday night the police descended upon Auerbach's office preventing people from entering his building, and by Sunday a cordon of police had been thrown around the offices of the Central Committee at 12a Moehlstrasse. The charge and reasons for these actions are alleged mass falsifications and fraud in connection with indemnification claims and their payment. By Monday it was clear that this action was front page news in every city of Germany and the radios were blaring and commenting throughout the weekend. Curiously it appears

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that Auerbach is not charged with any personal wrongdoing and all official statements exert themselves in underlining this fact. On Monday a meeting of the Zentral Direktorium of the Jewish Gemeinden took place at the Israeli Consulate, and while it had convened for other purposes it was understandably forced to devote its entire attention to the affair Auerbach. In fact, a leak to the press attributed to Auerbach declared that the Zentral Direktorium had been suddenly convened in defence of Auerbach and for the purposes of intervening.

At the moment the facts are beclouded and obscure, but the various threads seem to twist together something like this:

The U.S. Land Commissioner and attorneys from his offices are interested in this investigation and are participating with the State's Prosecutor in pressing the investigation. In their private conversations the various Gemeinde leaders appear to acknowledge that wholesale fraud has been going on in connection with indemnification of the following types:

Large numbers of claims have been filed by people ineligible for payment under the indemnification law because they suffered injuries not covered under the law. In this connection fraudulent documents had been filed and payments made.

A second major category of offence exists in connection with claims filed on behalf of non-existent persons or with respect to damages and injury to persons who had never existed. Obviously again such claims are supported by false documents and here a ring of racketeers would exist.

Thirdly, a category of violations involving required kick back and bribery in order to secure prompt action on claims together with enormous alleged rebates and commissions for paying and illegally transferring indemnification monies.

The investigation is proceeding as a John Doe investigation in search of unknown or unnamed wrongdoers.

At the same time it is emphasized that no charges or evidence exist against Auerbach personally, and he is therefore neither suspended nor deprived of office. His offices, however, are invaded by police, the keys of his buildings have been turned over, his mail and files have been seized and he is virtually under house detention though not formally so.

Auerbach's explanation has been that he has demanded to be personally charged or investigation discontinued and that the whole affair is a political attack against him by the Nazis because of his pro-Jewish activities. He has been trying to induce the Gemeinden to make this an issue of anti-Semitism and thereby defend him on such grounds. The Central Committee has been pressing in similar vein on the argument that the investigation is intended to discontinue indemnifi

The Joint Distribution Committee receives its funds in the United States through the United Jewish Appeal. Outside of the United States, the Joint Distribution Committee has the active cooperation of the South African Jewish Appeal; United Jewish Relief Agencies, Canada; Central British Fund; Organizacion Central de Ayuda, Argentina; Comites Auxiliares do Joint, Brazil; United Jewish Overseas Relief Funds, Australia; Joint Relief Committee, Mexico; and others.

122221

AMERICAN JOINT DISTRIBUTION COMMITTEE

EUROPEAN EXECUTIVE
COUNCIL

110, RUE SAINT-DOMINIQUE
PARIS (7^e)

TELEPHONE
87-83
87-55
79-37
CABLES & TELEGRAMS
JOINTFUND-PARIS

-3-

therefore
cation payments and to close the operation, and they/argue that the Gemeinden must act to insist upon continued payments and no interruption of operations so that DPs about to emigrate may receive their money and depart.

The Bavarian Minister of Justice, Mueller, is an old political enemy of Auerbach's, and on Monday in a Cabinet meeting demanded that Auerbach should resign. Auerbach claims that the Cabinet rejected this demand on grounds that no evidence existed against him and that therefore he is neither under suspension nor removed. The Gemeinden very properly reason that they cannot seek to interfere with the investigations, that they do not have facts sufficient to enable them to understand the aspects of the problem or to make any demands, that it is important that the operation continues so that innocent people could get their money, and accordingly they were unwilling to send a delegation to make any demands such as Auerbach requested. This position, in fact, led immediately to Auerbach's tender of resignation from the Zentralrat which in the next breath he pulled back by continued participation. As of Monday then the compromise was that the Bavarian Gemeinde would send a delegation to the Bavarian Government to ascertain what are the facts and would report to the Direktorium on Tuesday. I left on Monday so that I have no last minute information.

JDC is in no way involved in the work on indemnification either directly or indirectly, nor does it appear that URO whom we finance is involved. However, from the private discussions within Gemeinde circles it seems clear that large scale corruption exists and its effects and reverberations will probably be felt in Jewish quarters and activities entirely separate and unrelated to this matter. I anticipate that notwithstanding the professed intention of the Bavarian officials that there shall be no interruption of indemnification payments and activities a point will come which necessitates the slowing up or halting of such payments in order to find an effective means of sorting out fraudulent claims from valid ones. At this point we will doubtless receive demands for assistance to intervene with U.S. and other authorities to insist upon the continuance of payments. I think we shall have to proceed cautiously and on the basis of considerable thought, since we must avoid being charged with efforts to obscure an investigation or prevent it from being effectively carried out.

Doubtless, anti-indemnification politics will creep into this and will exploit the situation as a means of destroying the indemnification system. It is going to be hard to grapple with or counter-act this. Whether it will spill over into restitution and similar matters one cannot foretell, but certainly opponents of restitution will add this investigation to their fuel.

As soon as additional information is forthcoming we shall pass it on.

cc: B.Ferencz
M.W. Bekkelman

JJJ/hf

Sincerely yours,

Jerome J. Jacobson

THE AMERICAN JEWISH
JOINT DISTRIBUTION COMMITTEE, INC.

270 MADISON AVENUE
NEW YORK 16, N. Y.

Toni
You write
Ben Ferencz
circulated this
Mr. Ferencz
Please return to

MEMORANDUM

it was enjoyed by all.
Incidentally, did Kagan see it?
ER

From Moses A. Leavitt

To Mr. Edward M.M. Warburg
Dr. Joseph J. Schwartz

New York, February 2, 1951. 19

Subject Ben Ferencz is developing into quite a dramatist. You will enjoy this report of a meeting with Dr. Auerbach. Please return it to me when you have read it.

M.A.L.
Mal

MAZ (u) ER

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

January 29, 1951

File 1510

2210

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York, N. Y.

Dear Eli: JRSO Hq. Letter #721-C
RE: Dr. Phillip Auerbach

On January 26 the following comedy was enacted in Munich:

Act. I Scene I Small Munich cafe. Characters seen plotting - Sam Haber, Consul Livneh wearing his most diplomatic air, Saul Kagan, obvious scoundrel, a villain named Ferencz and others lurking in the background. All seem to be enjoying themselves.

Scene 2 Place - the office of the AJDC, the only respectable spot in Munich. All characters from scene I are seated along a rectangular table in anticipation of a round table conference.

Fanfare of trumpets. Enter his majesty Phillip (the great) Auerbach.

Haber begins with his carefully rehearsed speech about how important it is that the JRSO representatives comply with Dr. Auerbach's request for a meeting and that in this friendly atmosphere all good things will come to all men of good will.

Auerbach clears his throat and says:

"You have no doubt heard that the Minister President has designated me as the one to be in charge of and supervise, etc. Furthermore, Mr. Battenwieser, as you know, has written a letter recognizing that I am a very nice and important person, to wit: the millions of dollars which the Americans have paid to German PWs I will receive for the Jews against mark payments for my Wiedergutmachungs Fund. Also, for the whole Bund you know I am in charge of and therefore will grant to Jews millions of billions of millions. (suppressed laughter). The JRSO unfortunately has opposed these great efforts on behalf of Jewry and although there is no global settlement elsewhere, the chances are best in Bavaria, due solely to the "Great's" intervention, but he will not tolerate the shameless sale of dead bodies, cemeteries, historical synagogues, hysterical Jews and other disgraceful acts of the JRSO; Board of Equity Procedure, the treatment of the Landesverband and the failure to recognize late waivers are condemned. Pouting, the big man says that he has been informed by his Washington attorney that Mr. Warburg personally intervened with the State Dept. to have Auerbach's visa to the States cancelled and he cannot understand this attitude toward one of the leading directors of the JRSO."

122224

Rock 721-C

-2-

Act II Scene I

Ferencz replies gently that the information about Warburg intervening is news and incredible. The JRSO has undoubtedly made some mistakes but they are prepared to correct these and to work in friendly harmony with the Fuehrer of Bavaria. The purpose of this meeting is to seek his aid and friendship in connection with the forthcoming bulk settlement in that Land. Auerbach counters that there would have been much more progress if the JRSO had consulted him more frequently but he had the feeling that he was not trusted and therefore all the difficulties. Long pause.

Scene II

Ferencz is seen removing silk gloves and placing on the table a massive file, bulging with documents and letters.

"Dr. Auerbach, " he says in a sinister tone, "I am going to be very frank with you. It is true we have not trusted you and the reasons are here in my personal file. Entre nous, the biggest scandal to damage the Jews in Germany has been the crooked bank, sponsored and organized by Dr. A." Dr. A. mumbles a feeble protest.

He refers to the fact that bulk settlements have been successfully concluded with Hesse and Bremen but the greatest difficulties are in Bavaria and the reasons are known.

A document is waived under the Auerbach nose, showing his signed, falsified minutes of a meeting, where he tried to conceal from the JRSO his statement that "there is no hurry on the global settlement." Ferencz quickly acknowledges that this omission must have been a clerical error.

He refers to Auerbach's meeting with the Nazi defenders of major war criminals, to formulate an attack against the JRSO Board of Equity.

He refers to Auerbach's intervention to prevent or lower the amount of the Hesse global settlement with the JRSO.

He refers to the press attacks launched by Auerbach against the JRSO without foundation and without prior consultation with the JRSO on the facts.

It is suggested that unless there is a sharp reformation in Auerbach's ways he had better not dare to set foot outside Germany. His friendship will be tested on the Bavarian settlement and the personal Ferencz file remains personal only if real friendship is proved.

All this in slow, methodical succession. Without benefit of lighting effects, Auerbach seems to be turning blue, green, yellow, white and red. He is speechless and has shrunken to the same size as Ferencz. The curtain falls with the spotlight on Auerbach sweating,

122225

Rock 721-C

-3-

and wheezing.

Act III, Scene I

Dr. Livneh begins to restore Auerbach by pointing out that once a bulk settlement is concluded, the JRSO will be out of the way and the control of the new company handling restitution will be in Auerbach's hands. That will be his chance to really see a profit from the affair. Auerbach's circulation begins to improve and he says, "Yes of course we will pay the JRSO 25 million and I figure we can make at least 40 million from the claims. The balance will go to my indemnification fund for the Jews. We must not let the Germans make a profit but Bavaria has no money; we cannot pay more than 15 million." Kagan and Ferencz join in chorus, *Ausgeschlossen! Ausgeschlossen!* They have sworn to Hilpert not to accept less from Bavaria. Auerbach grunts in pain.

Scene II

Mr. Haber rebukes Auerbach for his failure to surrender cultural objects to the JCR. Auerbach beaten but nods assent. He vows personal friendship for the JRSO, the Joint, the Consul, the Jews and everybody else. He expresses his eagerness to look forward to a new regime of cordiality. He swears that he will call the Bavarian Minister President and immediately arrange for a meeting with the JRSO where he, Auerbach, will put all his weight (all) behind and in favor of a settlement with the JRSO. Everybody kisses everybody's cheeks and there is a flow of tears and hand shakes. Auerbach departs. (no fanfare).

Act IV, Scene I

Livneh, Haber, Kagan and Ferencz accompanied by Ted Feder join hands around the table and dance the horrah. Curtain.

Faithfully yours,



BENJAMIN B. FERENCZ

BBF.b

cc:JJJ

Dr.K

Dr.L

Dr.S.

Mr.SLH

122226

~~MAIL~~
EYR (HRE)

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

Auerbach
January 29, 1951
File 1510

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York, N. Y.

Dear Eli:

JRSO Hq. Letter 722-C
Re: Dr. Auerbach

As an encore to last night's four act play called, "The Rise and Fall of Phillip Auerbach" you will be interested to learn that the press and radio have just announced the seizure of all of Auerbach's files in his home and in his office. The police have barred his entry to either place and they are seeking evidence of illegal transactions and forgeries in connection with the indemnification claims handed by Auerbach's office.

Cordially yours,

Ben

BENJAMIN B. FERENCZ

BBF.b

122227

Auerbach

February 5th, 1951

MEMORANDUM

To: Nehemiah Robinson
Eugene Hevesi
Seymour Rubin

From: Eli Rock

I am sending you attached a self-explanatory letter from
Ben Ferencz regarding recent developments in connection with Dr.
Auerbach.

Eli Rock

ER:AUB
Enc.

Dictated but not read

122228

January 29, 1951

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York, N. Y.

Dear Eli:

JRSO Hq. Letter 722-C
Re: Dr. Auerbach

As an encore to last night's four act play called "The Rise and Fall of Phillip Auerbach" you will be interested to learn that the press and radio have just announced the seizure of all of Auerbach's files in his home and in his office. The police have barred his entry to either place and they are seeking evidence of illegal transactions and forgeries in connection with the indemnification claims handled by Auerbach's office.

Cordially yours,

Benjamin B. Ferencz

BBF/b

122229

פארניסטונג אין די וועלט
Journal
FRONT PAGE
Journal
JAN 31 1951

די וועלט פארניסטונג פון דער ארגאניזאציע געפינט זיך אין פארין און אינים "הויפטשטאב" זיצען דיין טשעך אידען און פראנצויזען פון עלזאס לאטערינגען וואס באזיצען רעגיסטראציעס פון די אידען וועלן כע האבען אמאל געלעבט אין די דייטשע שטעט מיטגלדער פון דעם אינטערנאציאנאלען "גענג" פארען ארום איבער די דייטשע שטעט און זאמלען אינפארמאציעס ווערן פון די אידישע איינוואוינער אין געבליבען ביים לעבען און ווערן ניט

מינכען דינסטאג. — די דייטשע פרעסע אין מודיע או או אינטערנאציאנאלע שווינדלער באנדע האט אויפן סמך פון פאלשע דאקומענטן טען צוגעשטעלט צו דער דייטשער רעגירונג פארדערונגען צו דאקומענטן ענטשעדיגונגען וואס זיי האבען מכלומרשט געליטען פונם נאצן רעזשים זועלכער האט ביי זיי קאנפיקירט זייערע פארמעגענסעס עס שטעלט זיך ארויס אז דער

November 13, 1950

11/14

Auerbach

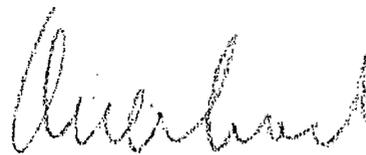
MEMO

TO: Dr. Hevesi, Mr. Rock
FROM: N. Robinson

Re: Dr. Auerbach

I investigated the situation in Germany. I was told that there exists little prospect of succeeding in eliminating or weakening Dr. Auerbach's influence with the local Jews and the German authorities. It is assumed, on the contrary that the Jewish communities would support him in his fight against the JRSO and that it would be better to leave this question as it is now, at least for some time.

122231



LANDESVERBAND

DER ISRAELITISCHEN KULTUSGEMEINDEN

IN BAYERN

Munich
Herzog-Max-Strasse 7

25 October 1950

Jewish Restitution Successor Organization
Mr. Eli Rock
270 Madison Avenue
New York 16, N. Y.

Dear Mr. Rock:

Since I was unable to obtain a visa in time to attend your Annual Meeting on October 20, I hereby wish to lodge formal protest against the decisions reached at the meeting, since these could not be reached without the German representatives.

I expect to hear further from you.

Sincerely yours,

Dr. Auerbach
President

122232

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

20 October 1950
Dr. K/uk

Mr. Benjamin B. Ferencz
c/o Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N. Y.

Auerbach

Dear Ben,

I would like to inform you of the case set out hereinafter.

- 1) On 9 October 1950 Dr. Auerbach addressed a letter to me in the following terms:

"In the restitution matter of the Kultusgemeinden Muenchen against Bender & Hobein I have this day concluded a conditional settlement with right of revocation to be exercised within three weeks. According to the settlement the immovable property Muenchen Landwehrstrasse 71/73 is to be left to Bender & Hobein against an additional payment of DM 30.000 (DM 10.000 on 1 October 1950, DM 10.000 on 1 January 1951 and DM 10.000 on 30 April 1951) to a joint account of Kultusgemeinde and JRSO with the banking house of Seiler & Co in Munich. An agreement will have to be made with JRSO concerning this amount."

- 2) I looked together with Dr. Weis through our property lists but we were unable to find a property with the description of Landwehrstrasse 71/73.
- 3) On 10 October 1950 our Munich Regional Office sent me a copy of Auerbach's letter of 9 October 1950 adding:

"Today we received the enclosed letter and we were informed by Dr. Auerbach that he had already reached agreement with you in this matter. Please inform us if there is anything to be done on our part."

- 4) I replied to our Munich office on 12 October 1950 as follows:

"With regard to your letter of 10 October 1950 with which you sent me copy of Dr. Auerbach's letter concerning Landwehrstr. 71/73 I am at a loss to understand Dr. Auerbach's statement that he had already reached agreement with me in this matter. All he did was that he mentioned the case to me last Sunday in Stuttgart. We were unable to trace Landwehrstr. 71/73 in our list of communal property. We do not know what it is about and we ask for your enlightenment and report."

122233

-2-

5) The Regional Office Munich with letter of 13 October 1950, received on 18 October 1950, thereupon informed us as follows:

- "a) We have filed restitution claim regarding Israelitische Jugendhilfe e.V. Muenchen against Bender and Hobein GmbH. The property is situated at Lindwurmstr. 71/73, not Landwehrstr. 71/73.
- b) One of the former owners of the GmbH had transferred his shares by way of gift to the Israelitische Jugendhilfe. The main share-holder in the GmbH is Dr. Ilja Pentmann, a Jew who has returned to Munich and again holds his former position.
- c) In 1939 the share of the Israelitische Jugendhilfe was sold at a price of RM 155.000 to the firm of Bender & Hobein; however, the sales contract was approved with a purchase price of RM 120.000 only.
- d) On 10 October 1950 Dr. Endres served upon JRSO a settlement made that very day before him between
- 1) The Landesverband der Israelitischen Kultusgemeinden in Bayern, represented by Dr. Auerbach,
 - 2) JRSO
- as claimants, and
The firm of Bender & Hobein, represented by an advocate, Dr. Max Schwarz in Munich
as defendant.

According to the minutes of the Wiedergutmachungsbehoerde nobody appeared on behalf of JRSO and a settlement as outlined in Dr. Auerbach's letter of 9 October 1950 was made.

- e) Together with service of the settlement Dr. Endres requested JRSO to state their view by 20 October 1950, adding:
- 'Dr. Auerbach yesterday, on 9 October 1950, stated to me that on occasion of a meeting in Stuttgart the contents of the settlement had been discussed and that JRSO had declared their agreement thereto in principle.'
- f) An earlier meeting before Endres had taken place on 15 September 1950 and the record of that session already contained the settlement as embodied in the record of the Wiedergutmachungsbehoerde of 10 October 1950."

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- 6) Immediately on receipt of the report of our Munich office I have revoked the settlement by letter of 19 October 1950 addressed to the Wiedergutmachungsbehoerde with copy to Dr. Auerbach.
- 7) You will see from my letter of revocation of 19 October 1950 as well as from the above mentioned facts that:
 - a) the property in question is Stiftungsvermoegeen and never belonged to the former Kultusgemeinde of Munich,
 - b) notwithstanding the undisputable fact that under the relevant legal provisions it is JRSO only which is vested with restitution rights concerning this piece of property, we got no notification of the restitution proceedings from the Wiedergutmachungsbehoerde and Endres held at least two meetings on 15 September 1950 and 10 October 1950 without informing or summoning us although citing us as claimant number two. The record of 10 October 1950 expressly says that nobody appeared on behalf of JRSO,
 - c) needless to say, that I never agreed to the settlement. When Auerbach mentioned it to me I knew nothing about the case and it was only on the 18th of October that we got the necessary information.
 - d) at 6) of my letter to the Wiedergutmachungsbehoerde of 19 October 1950 I erroneously gave the 15th of October 1950 as the day on which I met Auerbach in Stuttgart. In actual fact it was a week before, the 8th of October, which makes the case even worse for Auerbach as I got the necessary information only 10 days after that meeting, i.e. on the 18th of October.
- 8) At 8) of my revocation letter of 19 October 1950 I asked Endres for his comment. I wonder what he will have to say.

Truly yours,



Incl.: ltr of revocation.

E. Katzenstein

cc: JJJ
Dr. Kreutzberger
Dr. Landauer

P.S.: We have just learned that the Restitution Agency only failed to notify us of the meeting of 10 October which, however, was the decisive one. Dr. E.K.

122235

19. Oktober 1950
Dr. K/uk

Herrn Dr. Philipp Auerbach
Präsident
Bayerisches Landesentscheidungsamt
München 2
Arcisstr. 11

Sehr geehrter Herr Dr. Auerbach!

In der Anlage nebstem ist Ihnen Abschrift meines heutigen
Widerrufs-Schriftsatzes an die Wiedergutmachungsbehörde I.

Nur am 18. Oktober 1950 haben wir durch eingehenden, von mir
angeforderten, Bericht unseres Münchener Regional Office Kenntnis
des gesamten Tatbestandes erhalten. Wir sind über die Art
in der unter Einwegsetzung über gesetzliche und prozessuale
Bestimmungen hier prozediert worden ist ausserordentlich betroffen
und ich bedaure, dass ich in meinem anliegenden Schriftsatz zur
Vermeidung künftiger schmerzlicher Vorkommnisse den unzweideutig
Ausdruck geben musste.

Mit vorzüglicher Hochachtung

Ihr ergebener

Dr. E. Katzenstein
Director
Plans and Operations Board

Enl.

122236

19. Oktober 1950
Dr. R/uk

an die
Wiedergutsachungsbehörde I
Oberbayern (WB I)
München 2
Arcisstr. 11/11

AZ: I a 4455 u. DR 1759

In Sachen

1) Landesverband der Israelitischen Kulturgemeinde
in Bayern, München, vertr. durch den Präsidenten
Herrn Dr. Philipp Auerbach, München,

2) IASO Ebernberg/München

Antwortssteller

gegen

Firma Bender & Hobein G.m.b.H. München
vertr. durch RA. Dr. Max Schwarz. Antwortssteller
München.

wird hiermit der unter dem 10. Oktober 1950 in Abwesenheit der IASO
widerruflich geschlossene Vergleich seitens der IASO widerrufen.

Begründung:

1) Mit Schreiben vom 9. Oktober 1950 informierte uns der Herr
Präsident des Bayerischen Landesverbandes folgendermaßen:

"In der Ruckererstattungsangelegenheit der Kulturgemeinden
München gegen Bender & Hobein habe ich heute einen be-
dingten Vergleich geschlossen mit Rucktrittrecht von
drei Wochen unsererseits. Demzufolge ist das Grundstück
München Landwehrstr. 71/73 Bender u. Hobein zu belassen
und eine Nachzahlung von DM 30.000.- (DM 10.000 am 1.
Oktober 1950, DM 10.000 am 1. January 1951 und DM 10.000
am 30. April 1951) auf ein gemeinsames Konto der Kultus-
gemeinde und IASO beim Bankhaus Seiler & Co München zu
bezahlen.
Über diesen Betrag wird alsdann eine Einigung mit der
IASO erzielt werden."

2) Wir stellten daraufhin Nachforschungen in unseren Verzeich-
nissen an, die das Ergebnis zeigten, dass ein Grundstück
München Landwehrstrasse 71/73 dort eingetragen war.

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- 3) Unter dem 12. Oktober 1950 überreichten wir daraufhin Abschrift des vorgenannten Schreibens des Herrn Dr. Auerbach vom 9. Oktober 1950 an unser Regional Office München mit der Bitte um Aufklärung. Es heisst in dem Schreiben wortlich:

"In der Liste des Gemeindegutverzeichnisses konnten wir hier konnten wir hier keine Landwehrstrasse 71/73 finden. Wir wissen nicht warum es sich handelt und bitten um Aufklärung und Bericht."

- 4) Dieser Bericht wurde uns mit Schreiben unseres Regional Office München vom 13. Oktober 1950, bei uns eingehend am 18. Oktober 1950, erstattet.
- 5) Aus diesem Bericht haben wir festgestellt:
- a) Es handelt sich um das Grundstück München Lindensstr. 71/73, nicht, wie von Herrn Dr. Auerbach irrtümlicherweise angegeben war, Landwehrstr. 71/73.
 - b) Es handelt sich nicht um fruchtbares Vermögen der ehemaligen Kulturgemeinde München, sondern um ein Stiftungsvermögen der Israelitischen Jugendhilfe e.V. München.
 - c) Ungeachtet der Tatsache, dass nach Massgabe der einschlägigen Bestimmungen des Baeckerstättungsgesetzes 59 die IRSO die alleinige Trägerin der Baeckerstättungsrechte bezüglich des vorerwähnten Vermögensobjektes ist, hat die IRSO von diesem Verfahren bisher seitens der Wiedergutmachungsbehörden keinerlei Kenntnis erhalten.
 - d) ~~Wieder~~ Aus dem ^{nunmehr} abschriftlich überreichten Schriftsatz des Rechtsanwalts Dr. Max Schwarz, des Vertreters der Antraggeberin, vom 28. September 1950 haben wir ersehen, dass bereits eine Sitzung der Wiedergutmachungsbehörde vom 15. September 1950 stattgefunden hat, in der der im Protokoll vom 10. Oktober 1950 enthaltene Vergleich bereits niedergelegt war.
 - e) Weder zu der Sitzung vom 15. September 1950 noch zu der späteren Sitzung vom 10. Oktober 1950 haben wir irgendeine Zustellung oder Ladung erhalten und aus dem Protokoll vom 10. Oktober 1950 ergibt sich, dass fuer uns niemand erschienen ist.
 - f) Die Verhandlung ueber den Vergleich vom 10. Oktober 1950 ist daher ohne Beachtung der einschlägigen gesetzlichen Bestimmungen erfolgt.
- 6) Am Sonntag, dem 15. Oktober 1950 traf der Unterzeichnete mit Herrn Dr. Auerbach in Stuttgart anlässlich einer Tagung der Israelitischen Kultusvereinigung Huerttenberg zusammen. Es ist zutreffend, dass bei dieser Gelegenheit Herr Dr. Auerbach auf sein Schreiben vom 9. Oktober

122238

-2-

1950 Bezug nahm. Zu diesem Zeitpunkt aber waren die erst aus dem am 18. Oktober 1950 bei uns eingegangenen Bericht unseres Münchener Regional Office vom 13. Oktober 1950 ersichtlichen Tatsachen dem Unterzeichneten *Wey* noch gar nicht bekannt.

- 7) Diese Widerrufserklärung wird von dem Unterzeichneten und nicht von Herrn Dr. Weis als dem verantwortlichen Sachbearbeiter abgegeben, weil Herr Dr. Weis infolge Krankheit abwesend ist.
- 8) Die INSO ist ausserordentlich betroffen von der Tatsache, dass in einer ihrer alleinigen Sachlegitimation unterliegenden Ausackerstatun~~g~~ssache ohne ihre Veratsendung und Einsichtung procediert worden ist und sie bittet um gefl. Erklärung der Wiedergutmachungsbehörde dazu.

Dr. E. Katzenstein
Director
Plans and Operations Board

cc: München
Dr. Auerbach

122239

WESTERN UNION INTERNATIONAL COMMUNICATIONS

W. P. MARSHALL, PRESIDENT

Received VIA WESTERN UNION CABLES at 40 Broad St., New York, N. Y. Telephone HAnover 2-2920

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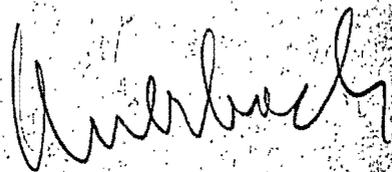
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270 MADISON AVE. 8TH FLOOR XXX

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IMMEDIATELY THANKS=

AUERBACH =..



OCT 19 1950

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10/12

Bayerisches Landesentschädigungsamt
Der Präsident

München 2, Arcisstraße 11

Telefon: 1831
Bank-Konto: Bayerische Staatsbank München,
Konto-Nr. 58802
Postcheck-Konto: München Nr. 152
Telegramm-Kurzanschrift: Generalanwalt
Parteiverkehr:
Dienstag, Donnerstag, Freitag von 10-12 Uhr

Mr. Eli Rock
Jewish Restitution Successor Org.
270 Madison Avenue
New York 16, N.Y.

Ihre Zeichen
Unsere Zeichen **Dr. A/rs**
(bei Rückantwort angeben)

Tag 9. Oct. 1950

Auerbach

Dear Mr. Rock:

I have received the invitation for the meeting on October 20th, and have informed your office already that I will be there by the 19th in order to participate in the meeting.

However, I would appreciate if I could have a conversation with you in the afternoon of October 19th, i.e. before the meeting, in order to discuss certain problems with you concerning the suggestions of the Bavarian Government.

Please, let me know either before my departure or to the Hotel Commodore, where I will arrived during the forenoon of October 19th.

Very truly yours,



Auerbach

Dr. Auerbach
President

122241

CLASS OF SERVICE
This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1201

SYMBOLS
DL - Day Letter
NL - Night Letter
LC - Deferred Cable
NLT - Cable Night Letter
Ship Radiogram

1940 OCT 9 AM 11

W. P. MARSHALL, PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

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'JOINTDISCO'
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270 MADISON AVE. 8TH FLOOR-XXX

=REUR 394 AUERBACH STATES HE WILL ATTEND OCTOBER 20TH MEETING=
FERENCZ.

Auerbach

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

~~ask MR & KA~~

File
10/12

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

9 October 1950

BBF/uk

Confidential

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N. Y.

Auerbach

Hq. JRSO New York Letter # 585

Dear Eli,

I have just sent you the following cable:

"Reur 394 Auerbach states he will attend October 20th meeting Ferencz."

The big question here is whether Auerbach's rejection from the Board of Directors will do us more good than harm. It will undoubtedly put him on a rampage to destroy the JRSO. Up to now his actions have been limited to insidious attempts at subversion by giving private aid and comfort to our opponents.

If he is present in New York an attempt to oust him will be much more difficult.

As far as I know it is not true that Auerbach ever resigned from the Wiedergutmachungsbank although he now purports to have made such an effort.

Assuming that Auerbach will be present I think you ought to sound out the sentiment before the meeting and unless a clear majority is strongly in favor of his ouster it would be better not to raise it at all. Although his separation from the JRSO would prevent his making any statements in the name of or on behalf of the JRSO we here are a bit apprehensive that we will suffer even more if he is ungracefully rejected.

Sincerely,

Ben

BENJAMIN B. FERENCZ

cc: JJJ

122243

Auerbach

October 2nd, 1950

JRSO Letter No. 394

Mr. Benjamin B. Ferencz
Jewish Restitution Successor Organization
APO 696A, c/o Postmaster, New York, N. Y.

Re: Auerbach

Dear Ben:

With further reference to our above friend, it seems to me that the time has now at last arrived for us to take some definite action. Specifically, I would like to suggest that the following action be taken at our next Annual Meeting on October 20th. I believe that we should notify Auerbach that, in the opinion of the Board of Directors, he is no longer qualified to serve with the JRSO. This decision could be based primarily on a conclusion that Auerbach's official duties and responsibilities in Bavaria conflict with and are at times inconsistent with his responsibilities as a member of the JRSO Board. (Certainly, this would seem to have been the case in our dealings with Bavaria on the subject of a global settlement.)

In addition to the latter ground, we may or may not premise the decision on Auerbach's involvement with the Morgenbesser-Klibanski bank and the scandal which has arisen around that institution. While I understand that Auerbach had earlier resigned from that institution, I do believe that we are justified in using his past association in disqualifying him from serving with the JRSO. However, whether or not this latter ground should be included is something that I would prefer first to have your judgment on. Similarly, please let me know how you feel about the whole thing.

As indicated above, I would like to present this to the Annual Meeting which, as you know, will take place on October 20th.

Sincerely,

Eli Rock

ER:AU

122244

*To Epstein, 400 ggs
9/22*

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

BBF/gs

18 September 1950

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N. Y.

Hq. JRSO New York Letter # 563

Dear Eli,

Again just to keep you fully informed. "Atid" the Jewish Journal of Belgium, in its issue of 9 September 1950, has published a story which covers about two full pages on "L'affaire Philippe AUERBACH". It reprints the old charges of the editor Bernhard Klieger that Auerbach is a war criminal who worked for and with the Germans in the concentration camp Gross-Rosen in beating Jewish inmates and stealing their food. It reprints the full text of the hearing by a Commission of Inquiry held in Bruxelles on 6 June 1950 by the council of Jewish associations of Belgium. Three witnesses were interrogated concerning their personal knowledge of Dr. Auerbach's behaviour.

One of the witnesses stated that Auerbach disclosed himself as a real brute and worse than the Germans and he refers to him as a Capo (the dreaded camp police). He says that he saw Auerbach throwing chairs at some of the inmates. Another witness implicates him in the abuse of Jewish inmates and says that because of his conduct Dr. Auerbach should never be permitted to raise his voice in the name of Jews.

Copies of this testimony can be obtained by writing to "Atid", 56 Rue de la Commune, Bruxelles, Belgium.

With best regards,

Ben

BENJAMIN B. FERENCZ

cc: SSH
MK
JJJ

LExington 2-5200

Jewish Restitution Successor Organization
270 MADISON AVENUE
New York 16, N. Y.

Auerbach

July 25th, 1950

MEMORANDUM

To: JRSO Executive Committee

From: Eli Rock, Secretary

You will be interested in the attached material concerning Dr. Auerbach, which we have recently received from Mr. Ferencz.

Eli Rock

ER:AU
Enc.

MEMBER ORGANIZATIONS

AMERICAN JEWISH COMMITTEE · AGUDAS ISRAEL WORLD ORGANIZATION · WORLD JEWISH CONGRESS · COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY · BOARD OF DEPUTIES OF BRITISH JEWS · CENTRAL COMMITTEE OF LIBERATED JEWS IN GERMANY · CONSEIL REPRESENTATIF DES JUIFS DE FRANCE · CENTRAL BRITISH FUND · JEWISH AGENCY FOR PALESTINE · AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. · JEWISH CULTURAL RECONSTRUCTION, INC. · INTERESSENVERTRETUNG ISRAELITISCHER KULTUSGEMEINDEN IN THE U. S. ZONE OF GERMANY · ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

JEWISH AGENCY FOR PALESTINE · AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. · JEWISH CULTURAL RECONSTRUCTION, INC.



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C O P Y

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696A U.S.ARMY

14 July 1950

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N. Y.

Hq. JRSO New York Letter #480

Dear Eli:

Dr. Auerbach has collected a file in his office concerning several of our Board of Equity cases. On the 5th of July, 1950, upon the invitation of Dr. Auerbach a group of German lawyers were assembled in Dr. Auerbach's office in order to discuss this problem. The lawyers presumably represent late claimants. Of the six attending, only two of them are known to me. One of them is Dr. Schilf, defense counsel in the war crimes case against the Krupp munitions firm and head of the Restitutors' Protective Society in Nuernberg. Another is Dr. Aschenauer, defense counsel for SS-General Ohlendorf, confessed slayer of 90,000 Jews. From my association with Dr. Aschenauer during the Einsatzgruppen trial I would judge that he felt quite sympathetic toward his client.

Dr. Auerbach has the incredible gall to purport that his invitation to the gentlemen concerned was motivated solely by a desire to avoid a concentrated attack upon the JRSO. He has sent us a copy of the minutes of his meeting and we are invited to meet with the gentlemen in the immediate future in order to discuss the equities involved in our handling of the late claimants. I, of course, have no intention whatsoever of sitting down with these gentlemen in order to discuss the fairness of the JRSO's handling of Jewish claimants. A copy of my reply is attached.

Since Dr. Auerbach is on our Board of Directors, I think this particular story might be of interest to his colleagues on the board.

With best regards,

BENJAMIN B. FERENCZ

122247

T R A N S L A T I O N

Bayerisches Landesentschaedigungsamt
Referat 7 - Restitution -

Munich 2, Arcisstr. 11
Tel. 1831

6 July 1950

Dr. Katzenstein
JRSO Hq.
Nuernberg
Fuertherstr. 301

Dear Dr. Katzenstein:

Enclosed please find a short extract from the minutes of the meeting of 5 July 1950, in which several lawyers participated who are engaged in cases in which the JRSO is involved.

May I ask you to consider the minutes and to inform me at your earliest convenience whether and when Mr. Ferencz and Dr. Weis would be prepared to come to Munich for a mutual discussion in the course of July?

Sincerely yours,

/s/ Dr. Auerbach
President

122248

T R A N S L A T I O N

Bayerisches Landesentschaedigungsamt
Referat 7 - Restitution -

Munich 2, Arcisstrasse 11
Tel. 1831

Ref.: Sa/M - VII

SUBJECT: JRSO - Discussion on 5 July 1950
17:00 hrs. in the Conference-Room
of the BLE

M I N U T E S

On 5 July 1950, upon the suggestion of President Dr. Auerbach, a discussion on the interpretation of Arts. 10, 11, and 56(4) of MG Law No. 59 took place, with particular consideration being given to the JRSO's intervention in restitution proceedings.

In the discussion participated:

1. Dr. Auerbach	President of the BLE	Munich, Arcisstr. 11
2. Mr. Sachs	Main Referate, Dept. VII	Munich, Arcisstr. 11
3. Dr. Ascherauer	Lawyer	Munich, Auenstr. 85
4. Mr. Jr. Seidenberger		Munich, Widenmayrstr. 49
5. Dr. Swoboda	Lawyer	Munich, Hildebrandstr. 7
6. Dr. Will	Lawyer	Munich, Maximilianstr. 35
7. Dr. Thorwart	Lawyer	Muernberg, Karolinenstr. 16
8. Dr. Schilf	Lawyer	Muernberg, Koenigstorgr. 9

Right from the beginning there was a mutual understanding among the participants that by the intervention of the JRSO in restitution proceedings in many cases hardships would arise - which are not intended by the Law - for the rightful restitutees who had failed to file their claims at the Central Filing Agency within the time-limit prescribed, as well as for many restitutors. It also was mutually agreed that the intervention of the JRSO is not only advisable but even necessary in cases where heirless property would - pursuant to Par. 1936 BGB - go to the Laender respectively to the Reich Treasury.

By virtue of actually pending examples proof was shown that, at any rate, something has to be done in changing the present situation; especially to the effect that the JRSO can only be considered as a "presumed successor" pursuant to Art. 56(4) in case the "real successor" or his rightful heirs are still alive. The persons present refuse to accept the interpretation which Godin in his Comments to MG Law No. 59 gives to the Art. 56(4) with regard to the successor organization, as not being in compliance with the Law. (Godin, who is one of the leading commentators on restitution, concluded that the claimant loses all rights if he has not filed his claim on time.) In this connection we refer you to the publication in the NJW No. 7, page 255, of the article by lawyer Hans Reiff, Stuttgart, with which the participants in general agree.

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After conclusion of the discussion President Dr. Auerbach's suggestion to meet the competent gentlemen of the JRSO in the course of July 1950 for a discussion was mutually accepted. The purpose of this discussion would be to agree upon a certain procedure whereby JRSO's intervention could be limited to certain cases. In all other cases as well efforts should be made to come to an amicable settlement which would be agreeable to all parties. President Dr. Auerbach would be available for the more difficult cases.

In the conference to be held together with the JRSO the following points would be discussed:

1. Failure to Meet the Deadline (Art. 7, MG Law No. 59)

- a. As a result of the restitutee's own fault
- b. through ignorance of the law and its provisions
- c. because the restitutee as the heir due to lack of documents was not informed about the extent of his inheritance
- d. through the restitutee's voluntary waiver for any other reasons.

2. JRSO's withdrawal from the proceedings

has to be demanded in all cases, where:

- a. the restitutee is able to prove his active legitimation
- b. the restitutee waives its claim by deliberately not filing it.

3. Proof of Indigency

The indigency proof of the restitutee by certificate of a welfare organization must be eliminated.

President Dr. Auerbach will send the invitations to the planned discussion between the JRSO and the participants of today's conference.

/s/ Sachs

Bayerisches
Landesentschädigungsamt
Referat 7-Rueckerstattung

122250

C O P Y

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696A U.S.ARMY

14 July 1950

Dr. Philipp Auerbach, President
Bayerisches Landesentschaedigungsamt
11 Arcisstrasse
Munich 2

Dear Dr. Auerbach:

I have received a copy of the minutes of your meeting on 5 July 1950 with several German lawyers to discuss the merits of the JRSO's claim as against other Jewish claimants who failed to file their claims on time. I am grateful for your consideration in keeping us informed about this meeting. I have also received your invitation for another meeting this month with the same group in order to discuss the same problem.

Aside from yourself and Dr. Sachs only the names of two of the remaining 6 lawyers are familiar to me. One of them is Dr. Schilf of Nuernberg who was defense counsel in the war crimes prosecution against the Krupp munitions firm and who is now one of the leading figures in the Protective Society for Restitutors in Nuernberg. The other is Dr. Aschenauer of Munich, who is undoubtedly the same Rudolf Aschenauer who served as defense counsel for SS-General Ohlendorf, the confessed murderer of 90,000 Jews. You may recall that I was the Chief Prosecutor in the Ohlendorf case and that Ohlendorf is still under death sentence in Landsberg along with 13 other colleagues for the murder of more than a million Jews. It came as quite a surprise to me to learn that Dr. Schilf and Dr. Aschenauer were interested in protecting the rights of Jewish claimants who failed to file their claims on time.

As you know, our Executive Committee has carefully considered this problem and has worked out an elaborate procedure in order to assure that a just result is reached in every case. I think that our Executive Committee is in a much better position to decide what is fair for Jewish claimants and what is in the best Jewish interest than the gentlemen attending your meeting. For that reason I can see no purpose or advantage to be gained by my joining such discussions. The JRSO will therefore not be represented at any such meeting.

Sincerely yours,

BENJAMIN B. FERENCZ
Director General

122251

Auerbach

JRSO Letter No. 347

July 25th, 1950

Mr. Benjamin B. Ferencz
Jewish Restitution Successor Organization
APO 696A, c/o Postmaster, New York, N. Y.

Dear Ben:

This will reply to your letter No. 490 of July 18, 1950, replying in turn to the Executive Committee minutes of July 7th. I have not as yet heard from Jerry regarding the French successor department and the JRSO, but I assume that he will write to me when he gets back to Paris.

On the question of Auerbach, I had thought that you might feel that even the type of letter proposed by the Executive Committee would be going a little bit too far at the present time. Apparently, however, I am the only one who has any concern on this score. It seemed to me that this type of letter could do little else than stir up a crisis and an additional headache at the present time, when we already have more than enough headaches to occupy us. After all, Gemeinden were taken into the JRSO at the specific request of General Clay and as part of that representation, they would undoubtedly argue that they certainly have the right to name their own directors. If we now threaten our friend Auerbach with the possibility of expulsion, isn't it likely that he will use this as a means of bringing the whole Gemeinde problem to a head and perhaps exert his influence to bring about the resignation of the Gemeinden from the JRSO. (I recognize of course that there is the possibility that his enemies within the Gemeinden might welcome this type of action by us against him, and that they would not go along with whatever retaliation he would attempt; it is a little difficult for me to weigh this factor accurately at this distance.)

Perhaps, particularly in view of our recent difficulties with the Gemeinden and with Auerbach, a crisis would be welcome from our own viewpoint. If this is your feeling, then I agree that the letter to Auerbach should go off without further delay. On the other hand, the impression I get at this end is that you are more than weighed down with really serious problems at the present time than ever before and it would seem to me that you might prefer to be left free, at least for the moment, to dispose of such headaches as the recent unfavorable court decisions, bulk settlement, Board of Equity, etc. If you feel that the letter should go off, are you in general agreement with the kind of language suggested by the Executive Committee, or would you want it changed in any way?

Sincerely,

Eli Rock

cc. JJJ

122252

Heberich

MINUTES

JRSO EXECUTIVE COMMITTEE MEETING

July 7th, 1950

Present were: Dr. Israel Goldstein, JAFP - Presiding
Mr. Maurice M. Boukstein, JAFP
Mr. Moses A. Leavitt, JDC
Dr. Isaac Lewin, Agudas
Dr. Nehemiah Robinson, WJC
Mr. Eli Rock, Secretary

Also attending: Dr. Eugene Hevesi, AJC
Mr. Herman Muller, Council of German Jews

Mr. Rock began the meeting by reporting to the Committee on a number of events which had recently taken place. They were as follows:

a) Passage is expected shortly of an amendment to Section 32 of the Trading with the Enemy Act in the U.S. This law was previously passed by the Senate and has now been reported out by the House Interstate Commerce Committee. The next step involves passage by the House, whereupon the differences between the House and the Senate versions of the bill will have to be reconciled. As soon as the bill is finally passed, the JRSO will want to apply for designation as a Jewish successor organization under that bill. The Committee authorized the filing of such an application when it becomes timely.

b) Mr. Rock reported that JRSO has been designated as successor organization in the French Sector of Berlin and an implementing regulation would be issued. A problem has arisen in Berlin stemming from the fact that the British and the French seem inclined to give Directive 50 precedence over the restitution law. This is currently being discussed and the staff is attempting to achieve a solution favorable to the JRSO.

c) A license for URO to operate under the General Claims Law is shortly expected to be issued.

d) The French are definitely committed to a revision of their restitution law to make a provision for a Jewish successor organization. It is legally impossible to have a French-based organization for these purposes, and affiliation was therefore considered with the JRSO or the JTC. For political reasons, the French organizations and French authorities preferred affiliation with the JTC, and steps have been taken to effect this. Dr. Robinson pointed out that it would be much better and more efficient to have the French organization affiliated with JRSO instead of JTC and he suggested that one more attempt be made to effect this. It was the decision of the Committee that, if still possible, one more attempt be made by the people in Europe to bring about affiliation with

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JRSO, if they felt that this could in fact be achieved. In connection with the general JTC question, Mr. Boukstein pointed out that it had been decided in Jerusalem that policy questions with regard to JTC would be decided by the Agency in New York, rather than in Jerusalem.

Upon Rabbi Lewin's inquiry, it was reported that no significant progress had been recently made in the bulk settlement discussions. It was suggested that Mr. Ferencz keep Mr. McCloy informed of the progress or lack of progress in these matters, and that subsequently the possibility of an approach through the State Department here be explored.

One of the questions before the Committee involved the problem posed by the interpretation of Article 56(4). Mr. Ferencz had originally been instructed by the Committee to request a ruling on this section from the Court of Restitution Appeals. In the meantime, however, the Office of General Counsel of HICOG had prepared a legal opinion supporting the JRSO position on this article, and the question arose whether under the circumstances JRSO should actively intervene in requesting an opinion from the Court or whether it should allow HICOG to elicit such an opinion. It was the feeling of the Committee, as expressed by Mr. Leavitt, that under the circumstances it would be preferable not to have JRSO participate actively in this matter, but that Mr. Ferencz should remain entirely free to do so if he felt it to be necessary. The question was also raised of possible amendment of Law 59, so as to clarify this point. Dr. Robinson felt that this would be dangerous, since it would give the appearance that the individual daimants had in fact had certain rights prior to the amendment of the law; it was his strong suggestion that the matter should therefore be handled through an interpreting regulation, several of which had already been issued under Law 59. It was the sense of the meeting that all of these comments should be called to Mr. Ferencz's attention, leaving to his discretion the choice of future steps in the matter.

The next question before the Board was the selection of members of a Board of Equity. In view of the fact that JRSO would probably be making no approach to the Court of Appeals in Germany for the time being, it was felt that there was no longer the same urgency about setting up a Board of Equity made up of prominent individuals, and the Committee therefore decided to defer the matter until September. On the question itself, Dr. Lewin pointed out that in his opinion it was of greatest importance to include among the members of the Board of Equity a number of experts on Jewish law. This consideration was to be discussed in September, when the entire question would again come up.

The last item on the agenda involved the problem posed by the behavior of Dr. Auerbach in Germany. Dr. Auerbach has continually and publicly attacked the JRSO and generally engaged in damaging actions, from the JRSO and overall Jewish viewpoint. Mr. Ferencz had therefore raised the question of possible action by the Executive Committee or the Board of Directors in the matter. It was the decision of the Committee that the Secretary should send a letter to Dr. Auerbach, stating that his frequent and derogatory attacks on the JRSO had been called to the attention of the Executive Committee, that in the opinion of the

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latter these were entirely inconsistent with his role as a member of the JRSO Board of Directors and that unless he desisted in future from such actions and submitted any grievance he might have to the Executive Committee instead of to outsiders, serious question would arise as to the propriety of his remaining on the Board of Directors of JRSO.

122255

Jewish Restitution Successor Organization

270 MADISON AVENUE

New York 16, N. Y.

Auerbach

June 12, 1950

MEMORANDUM

CONFIDENTIAL

To: JRSO Executive Committee

From: Eli Rock

For your information, I am sending you attached a self-explanatory letter recently received from Ben Ferencz, as well as a copy of a letter from him to Dr. Auerbach.

E.R.

ER:AU

MEMBER ORGANIZATIONS

AMERICAN JEWISH COMMITTEE • AGUDAS ISRAEL WORLD ORGANIZATION • WORLD JEWISH CONGRESS • COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY • BOARD OF DEPUTIES OF BRITISH JEWS • CENTRAL COMMITTEE OF LIBERATED JEWS IN GERMANY • CONSEIL REPRESENTATIF DES JUIFS DE FRANCE • CENTRAL BRITISH FUND JEWISH AGENCY FOR PALESTINE • AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. • JEWISH CULTURAL RECONSTRUCTION, INC. INTERESSENVERTRETUNG ISRAELITISCHER KULTUSGEMEINDEN IN THE U. S. ZONE OF GERMANY • ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

JEWISH AGENCY FOR PALESTINE • AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. • JEWISH CULTURAL RECONSTRUCTION, INC.

C O P Y

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696A U.S. ARMY

9 June 1950

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N. Y.

Hq. JRSO New York Letter #435

Dear Eli,

Dr. Katzenstein received a phone call from Dr. Auerbach a short while ago telling us that on 8 June 1950 there was a meeting in the Office of Mr. Buttenwieser where the JRSO Gemeinde problem was discussed. Persons present were Dr. Auerbach, Dr. Spanier of Munich, Dr. Nuernberger of Nuernberg, and Rabbi Orenstein of Munich. All of the latter have in the past taken positions of violent opposition to the JRSO and it is a reasonable assumption that these positions were repeated to Mr. Buttenwieser. Dr. Auerbach indicated that Buttenwieser had not been too sympathetic to the Gemeinde position and did not want to hear only one side of the story. He suggested a meeting with the JRSO and the Bavarian Gemeinde representatives in his office on 26 June 1950. I have just confirmed that date and fact with Mr. Buttenwieser.

As you know, Dr. Katzenstein was in the midst of negotiations with several of the Bavarian communities and this action on their part is nothing less than an act of infamy designed to present the JRSO with a fait accompli in their favor. Some of our immediate reactions to this behavior were rather violent with considerations ranging from having Auerbach ejected from our Board of Directors, immediately pressing for a court decision, or ignoring the entire matter. It was finally resolved by the attached letter to Dr. Auerbach which certainly is most mild. The operating agents or the Executive Committee may decide upon more vigorous steps. We are continuing to turn the other cheek but are rapidly running out of cheeks to turn.

If more positive action is desired, please try to let us know before the June 26 meeting with Mr. Buttenwieser.

Cordially yours,

BENJAMIN P. FEMENCZ

122257

C O P Y

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696A U. S. ARMY

9 June 1950

Dr. Philipp Auerbach, President
Bayerisches Landesentschadigungsamt
Munich
Arcisstr. 11

Dear Dr. Auerbach:

I have just had a phone conversation with Mr. Buttenwieser who informed me of his recent meeting with you and other representatives of the Bavarian Landesverband. Dr. Katzenstein has been keeping us informed of all his negotiations for settlement with the Bavarian Gemeinde and we all felt that these negotiations were progressing in a friendly manner which would eventually lead to satisfactory agreements. It came as a rather unpleasant surprise to learn that in the midst of these negotiations and without warning or advice to the JRSO the Bavarian Landesverband has seen fit to suddenly raise the problem with the Assistant High Commissioner.

I informed Mr. Buttenwieser that the JRSO would be prepared to meet with the Bavarian Gemeinde representatives in his office in order to attempt an amicable settlement. I am still hopeful that the differences between the JRSO and the Bavarian Gemeinden can be eliminated without the necessity of bringing our internal problems before the Office of the High Commissioner or the Restitution Courts. I want it to be clear to you, however, and to the other members of our Board of Directors that the initiative in placing this problem before the occupation authorities has not come from the JRSO and that we shall continue our endeavours to reach the same type of fair settlements with the Bavarian communities as we have already concluded with several of the other Gemeinden in the U. S. Zone.

Sincerely yours,

BENJAMIN B. FERENCZ
Director General

122258

HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on Jewish Affairs
APO 403, U.S. Army

Dr. Auerbach,
Dr.
December 27, 1949

Dear Eli:

Following my telephone conversation with you on December 19th, I inquired into Dr. Auerbach's ambition to represent German Jewry at Bonn and into the attitude of the gemeinden towards the general problem of having a representative there.

The picture apparently has not changed since the Kultusgemeinden meeting in Stuttgart on December 4.

A week before the meeting Dr. Auerbach had solicited my endorsement of his candidacy. He told me then that he had been formally asked to accept the post. In view of the fact that he showed me no written offer, I question whether it was in fact extended. However, I had the definite impression that unless general sentiment were mobilized against him, he would present himself as the candidate for the position.

It did not take very long for this sentiment to crystallize. Dr. Auerbach's tremendous drive, his energy, the position which he occupies and the connections of which he boasts put his opponents at a disadvantage in meeting him in an open fight. Despite the unflattering things people say of him, he has been able to maintain a position of leadership in the Gemeinde set-up. While no one spoke out against him, when it was learned that he was trying to maneuver himself into the job, a number of people called to warn me that Auerbach's appointment would be most unfortunate. I took the position that our office could neither support nor oppose the candidacy of any person and that we would make no recommendation on this issue unless our opinion were solicited by the High Commissioner.

To me it was obvious that the representatives of the Kultusgemeinden came to the meeting in Stuttgart with their minds made up on this issue. Every major Jewish community in the American zone was represented at that meeting. The most articulate of the representatives spoke on the question and, with only one person dissenting, they agreed that this was no time to accept

93210 *zn*
122259

-2-

Adenauer's proposal. Not a word was said about the candidacy of any person and Dr. Auerbach, who, I thought had come primed to advance his own cause, took the cue from those who preceded him and went on record as personally endorsing the majority point of view.

You probably know the reasons assigned by the Kultusgemeinden for their position. In the first place, they said that the representative would serve as a "yes man" to the German government. In the second place, they maintained that if the present German government is interested in consulting with German Jewry on any issue, the government could reach out to the elected representatives of the Kultusgemeinden.

When I spoke with Dr. Auerbach after your telephone call, he told me that not only were the Kultusgemeinden in the US Zone resolute in their position taken at Stuttgart but that the gemeinden in the French Zone were of the same opinion. He added that he was confident that the Jews in the British Zone would take the same stand.

You indicated to me in your telephone conversation that you would like my opinion on the general issue, as to the advisability of having a representative at Bonn. I start with the premise that regardless of what Jews elsewhere think about the wisdom of reconstituting a Jewish community in Germany, such a community is a fait accompli. Although its ultimate size is unpredictable, I feel that given favorable conditions in Germany, it is not improbable that this community, strengthened by the erstwhile DPs, will grow. In any event, to deny the existence of this community is to blind oneself to present realities and to conclude that the people who comprise this group have no problems unique to them is obviously unrealistic. My present thinking leads me to the conclusion that it would be valuable for this Jewry to be represented at Bonn by someone who might properly guide the government in its formative period, on issues affecting Jews. I do not believe that the person occupying the post would necessarily have to be a "rubber stamp" of the government.

The principal obstacle to this point of view, and there is respectable local opinion which is in agreement, is the unavailability of a suitable individual to fill this post. Despite the reasons assigned by the Kultusgemeinden for rejecting the

122260

-3-

Menauer proposal, I have reason to believe that a different decision would have been reached if a man of real stature were available for the position.

If before I leave there are any new developments on this issue, I will share them with you.

Sincerely,



ABRAHAM S. HYMAN
Major FA
Acting Adviser
on Jewish Affairs

Mr. Eli Rock
American Joint Distribution Committee
270 Madison Avenue
New York, N. Y.

122261

Benjamin B. Ferencz
Dr

December 23, 1949

Letter No. 204

Mr. Benjamin B. Ferencz
Jewish Restitution Successor Organization
APO 696A, c/o Postmaster, New York, N.Y.

Dear Ben:

I am sending you attached a self-explanatory excerpt
from the JTA of December 13, 1949.

Sincerely yours,

Ell Rock

ER:AU
Enc.

122262

BAVARIAN RESTITUTION OFFICE NOT RESPONSIBLE FOR DELAY OF DP EMIGRATION TO ISRAEL

MUNICH, Dec. 13. (JTA) -- Dr. Philip Auerbach, president of the Restitution Office in Bavaria, today denied a report that his office is responsible for a slow-down of restitution payments to Jews in Germany. His denial was substantiated by Major Abraham S. Hyman, adviser on Jewish affairs to the American High Commissioner in Germany.

Dr. Auerbach revealed that since the Restitution Law went into effect more than 9,000 applications of displaced persons, each of whom has received 500 German marks, have been processed by his office. Between 300 and 400 persons are being taken care of daily, he said, adding that within two days of November 26, the date of publication of the first regulations governing restitution, 40 cases have already been fully settled.

Dr. Auerbach also stressed that under no circumstances can his office be blamed for any delay of Jews desiring to emigrate from Germany to Israel. He stated that if negotiations which were started in New York with representative of the Jewish Agency are continued in Munich and are successfully concluded, Jewish refugees who are already residing in Israel will receive prefabricated wood homes from Germany in place of blocked German marks owed them.

Major Hyman, in a statement to the Jewish Telegraphic Agency, declared that Dr. Auerbach "has been very aggressive in the implementation of the General Claims Law in Bavaria" and it is not within his discretion to accelerate the payments of the amounts due under the law.

"Actually," Major Hyman said, "the law in each of the states provides for staggered payment of sums due, and in making the initial payment of 500 German marks for the deprivation of liberty, Dr. Auerbach was, as an official of the Bavarian Government, paying the limit that the law in its implementary regulations permitted." The adviser on Jewish Affairs added that he understands that within the past several days Dr. Auerbach has been authorized to pay up to 3,000 German marks to claimants who are departing immediately from Germany for Israel and other countries.

Major Hyman emphasized that except in isolated instances, most people who plan to go to Israel are not affected by the expectation of receiving money under the Restitution Law and will not postpone their departure. "Emigration to Israel has slowed down principally because of reports emanating from Israel that newcomers have to endure hardships because of lack of housing," Major Hyman stated.

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A

17 December 1949

BBF/HW.

Jan Auerbach

Mr. Eli Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N.Y.

Hq. JRSO N.Y. letter # 285

Dear Eli,

I have now received additional copies of the Sueddeutsche Zeitung article which states:

"... A Brussels newspaper recently certified that the District Attorney in Antwerp has a file on the basis of which he tried in vain to have the Belgium Commission for War Criminals present an indictment against Dr. Auerbach. He is accused of having worked in collaboration with the Kapos (inmate guards detested for their severity) during his internment in a concentration camp, of having killed Jewish prisoners and of having stolen the rations of his fellow prisoners ..."

A copy is enclosed for your information.

With best regards,

Ben

BENJAMIN B. FERENCZ

DEC 22 1949

Incl.

CC: Mr. Jacobson

92668

hw

122264

16 December 1949 RBF/HW.

Mr. Eli Rock
Jewish Restitution Successor Organisation
270 Madison Avenue
New York 16, N.Y.

Hq. JR30 N.Y. letter # 281

Dear Eli,

I have received your confidential letter No. 186 and, since Dr. Auerbach says nothing, I would suggest that no reply is called for. Dr. Landauer during his recent visit to Hamburg had occasion to meet with the representatives of the Deutsche Waren-Treuhandgesellschaft and to renew some old acquaintances. He has assured us that the ~~persons~~ we are dealing with are of highest moral and political character and has promised to give us a testimonial to that effect. You have probably already heard about the front page accusations in the German press against Dr. Auerbach. One story simply says, Dr. Auerbach is wanted by the Antwerp police for past activities and another story describes a file containing evidence that Auerbach worked together with the concentration camp guards, murdered inmates, and stole their food. It is slightly incongruous for him now to be calling people "Nazi" simply because they found a job after 1933.

With best regards,

BENJAMIN E. FERENCZ

122265

31st January 1956

Mr. Saul Kagan
JRSO - New York

Letter #2312.
7080

Dear Mr. Kagan:

With reference to your letter #3110 of 9 January, Ben asked me to send you the enclosed copy of a letter of transmittal from the Berlin Document Center which enclosed an unsigned copy of a statement made by Ernst Cremer. Ben says that you have a copy of the statement in New York - he can't find his here.

Sincerely yours,

Lilith Lehner

Encl.

122266

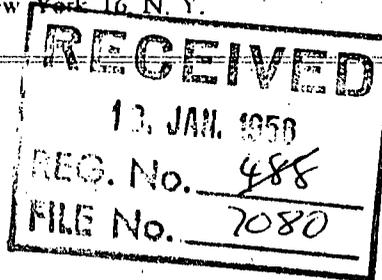
Cable Address: JOINTDISCO

LEXington 2-5200

Jewish Restitution Successor Organization

270 MADISON AVENUE

New York 16 N. Y.



Letter No. 3140

9 January 1956

Mr. Benjamin B. Ferencz
URO - Frankfurt/Main, Germany

Dear Ben:

The attached copy of Werner Lowenthal's letter is self-explanatory. If I remember it correctly you have obtained from the head of the Berlin Documentation Center a copy of Cremer's affidavit. It is now clear from Werner's letter that we would have to try to find the original or a photostat of it, as well as additional identifying data to which Werner refers.

The latest information would indicate that von Clemm hearings are dragging on at the customary O.A.P. pace and it is not likely that our turn will come much before the end of the month.

Sincerely yours,

Saul Kagan

encl.

cc: WL; SR; GW

122267

MEMBER ORGANIZATIONS

AMERICAN JEWISH COMMITTEE . AGUDAS ISRAEL WORLD ORGANIZATION . WORLD JEWISH CONGRESS . COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY . BOARD OF DEPUTIES OF BRITISH JEWS . CONSEIL REPRESENTATIF DES JUIFS DE FRANCE . CENTRAL BRITISH FUND . JEWISH AGENCY FOR PALESTINE . AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. . JEWISH CULTURAL RECONSTRUCTION, INC. . INTERESSENVERTRETUNG ISRAELITISCHER KULTUSGEMEINDEN IN THE U. S. ZONE OF GERMANY . ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

JEWISH AGENCY FOR PALESTINE . AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. . JEWISH CULTURAL RECONSTRUCTION, INC.

January 4, 1956

Mr. Saul Kagan
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, New York

Dear Saul:

I refer to your letter of December 30, 1955, concerning the von Clemm diamonds.

At the time you asked me to check whether the Cremer statement and the enclosures mentioned therein were among the OAP exhibits, I was informed that I could not be given access to the records because they were constantly needed by OAP officials in connection with the hearings now being held. I thereupon turned to Mr. Friedman, from whom I received the scanty information mentioned in my letter to you of November 29, 1955.

Accordingly, my hands are tied so far as obtaining information from OAP records is concerned. I have, however, reexamined the Cremer statement and the extracts I made from the OAP exhibits.

From all indications, Cremer's statement itself is not among the OAP exhibits, but the shipping documents and invoices described in the statement and referred to as being enclosed therewith are identical with the shipping documents and invoices submitted to OAP by von Clemm. This leads to the assumption that von Clemm had Cremer's statement, but decided to offer in evidence only the enclosures and not the statement itself. I can think of at least one plausible reason why von Clemm may have made this decision: he is trying to prove that he was not an "enemy agent" and that he was not "enemy tainted". In this connection, he may

have

122268

-2-

have considered it disadvantageous to introduce a statement of a top Nazi official, no matter how favorable its contents may be.

By contrast, it appears to be of distinct advantage to the JRSO that the Cremer statement be made part of the OAP records and, if possible, complete with enclosures and accompanied by a statement as to its original purpose and for whom and when it was made.

I have discussed the foregoing with Sy, who feels that it would be well if the missing information could be obtained. His present thinking is to offer in evidence the complete Cremer statement, taking a chance on certain parts of the material being rejected because they had been introduced already.

With best wishes for the New Year,

Cordially yours,

Werner M. Loewenthal

Enclosures

122269

CAJP

NOV 14 1955

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM, 8th of November 1955
FONTANESTRASSE 16
TELEFON: 76 19 81

Dr. Wr/rtr

Mr. Saul K a g a n
c/o JRSO
270 Madison Avenue
New York 16, N.Y.
=====

SUBJECT: Property Berlin-Schöneberg, Gustav Müllerstr. 16
IRSO (Reichenstein) ./.. Kreissler
Akt.Z.: III / G 43

Dear Mr. K a g a n ,

Would you be good enough to make inquiries as to whether Mrs. Ada Reichenstein, formerly of Kopernikusgasse 14, Lemberg, was of the Jewish faith or descent? Her husband was Dr. Marek Bisig Reichenstein, a doctor, who died 56 years old, at Lwow (Lemberg) on February 21, 1932. His last residence was at Lwow, Senatorska 3, or Sykstusa 14. His parents were Manas (? Mandel) Reichenstein and Ettel née Dorf. The husband was Jewish - we have a copy of his death certificate -, but we have no evidence of the religion of his wife, the persecutee and former owner of the above property.

Yours truly,

W.K. Wronker
Dr. W.K. Wronker

IRSO Berlin Regional Office

122270

Beck - Polish Jews

November 14, 1955

Club of Polish Jews
214 West 92nd Street
New York 25, New York

Attention: Mrs. Borzekowska

Gentlemen:

We are sending copy of the enclosed letter in which the JRSO in Berlin is asking for detailed information certifying that Maurycy BESSER was Jewish.

We would be much obliged if this matter is followed up.

Sincerely yours,

Saul Kagan
Secretary

BK/af
Enc.

122271

Aug 14 1955

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM 7th of November 1955
FONTANESTRASSE 16 Bö./Da.
TELEFON: 76 19 81

Mr. Saul K a g a n
c/o IRSO
270 Madison Avenue
N e w Y o r k 16, N.Y.
=====

SUBJECT: Property Berlin NW, Huttenstr. 72
IRSO (Besser) ./ . Calies
Akt.Z.: VIII / B 824

Dear Mr. K a g a n ,

In answer to our inquiry the Club of Polish Jews in New York wrote this on 5th of November 1954 that according to information received by the Club the persecutee Maurycy Besser was jewish. The chamber did not consider this short information as certificated evidence and ask us to give the facts on which this information was based.

I should be very much obliged if you would kindly contact the Club of Polish Jews and obtain detailed information and evidence of the fact that Mr. Maurycy Besser was jewish.

Yours sincerely,

DR. G. WEIS *P. G.*

122272

July 5th, 1955

Mrs. Borzekowska
Club of Polish Jews
214 West 92nd Street
New York 25, New York

Dear Mrs. Borzekowska:

During your last visit to our office you were kind enough to promise to let us know of the developments concerning the affidavits which the JRSO in Berlin is requesting from the Club of Polish Jews. As we have had no news from you since your last visit, I would be much obliged if you would call me at your convenience at WExington 2-5200.

Sincerely yours,

WB/af

William Bein

122273

Berlin - Polish
Jews

March 18, 1955

Club of Polish Jews
214 West 92nd Street
New York 25, New York

Attention: Mr. Lichtenbaum

Gentlemen:

The J.R.S.O. in Berlin sent us copy of a letter in which you wrote that Maks and Cecylja Pons were Jews.

Now the Court is requesting substantiation of this statement, and we would be obliged to you if you would obtain an affidavit in the usual form.

Enclosed we are sending you photostatic copy of the correspondence.

Sincerely yours,

SK:B/f
Encs.

Saul Kagan
Secretary

122274

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

MAR 18 1955

**BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81**

15. März 1955
Sch/ha

Mr. Attn.
Saul K a g a n
270 Madison Ave.
N e w Y o r k, N.Y.

Luftpost!

Betr. Grundstück Berl in-Neukölln, Hertzbergstr. 14
Pons ./ Schäfer
Uns.Z. VI/P 108

Sehr geehrter Herr Kollege !

In der obigen Rückerstattungssache haben wir die abschriftlich beigefügte Auskunft erhalten. Das Gericht hat nunmehr angefragt, auf Grund welcher Unterlagen diese Auskunft erteilt worden sei. Wir wären Ihnen für gefl. Mitteilung dieser Unterlagen dankbar.

Mit vorzüglicher Hochachtung

I.A. *S. Müller*
Schindler, Sen.Präs.a.D.
JRSO Berlin Regional Office

Anlage !

DEPT. III

122275

Abschrift

Club of Polish Jews, Inc.
214 West 92nd Street
New York 25, N.Y.

MAR 18 1954

7.13.1954

Betr. Grundstück Berlin-Neukölln, Hertzbergstr. 14
Pons ./.. Schäfer

In Beantwortung w.vom 7.9.1954 wir bestätigen
auf Grund von uns erhalten Auskünften, das Maks
und Cecylja PONS Juden waren.

Hochachtungsvoll

gez. ~~B.~~ Lichterbaum(?)
secretary

122276

יידישער וועלט-קאנגרעס

הקונגרס היהודי העולמי

WORLD JEWISH CONGRESS

CONGRES JUIF MONDIAL • CONGRESO JUDIO MUNDIAL

15 EAST 84TH STREET
NEW YORK 28, N. Y.

FEB 21 1955

CABLES: WORLDGROSS, NEW YORK
TELEPHONE: TRAFALGAR 9-4500

ALGIERS
1 rue Mahon

BUENOS AIRES
Pasteur 633 P.5

GENEVA
37 Quai Wilson

JERUSALEM
1 Ben Yehuda Street

LONDON W1
55 New Cavendish St.

MEXICO CITY
Calle de Cuba 81

MONTEVIDEO
Calle Florida 1418

MONTREAL
493 Sherbrooke St., W.

PARIS VIII
78 Av. des Ch. Elysees

RIO DE JANEIRO
aixa Postal 2344

ROME
Lungotevere Senzio 9

SANTIAGO
Terapeca 868

STOCKHOLM
Grev Magnigatan 11

SYDNEY
243 Elizabeth Street

TEL AVIV
Montefiore Street 24

Beli - Polish Jews

February 18, 1955

Mr. Saul Kagan
Conference on Jewish Claims
270 Madison Avenue
New York City

Dear Saul:

I have your letter of January 17 and have written
to Mr. Fiszlowicz as per the attached copy.

With kindest regards,

Sincerely yours,

Nehemiah Robinson

NR:ms
encl.

122277

February 18, 1955

Mr. Stanislaw Fiszlowicz
Av.N.S. de Copacabana 1391, apart.907
Rio de Janeiro - Copacabana

Dear Mr. Fiszlowicz:

I was informed by former Polish Jews that you may be in a position to supply us with information regarding the treatment during the Nazi regime of Polish Jewish properties located in Germany.

Some German courts are of the opinion that the so-called Friendship Treaty between Germany and Poland at that time ensured that the Nazi legislation and practices against Jews were not applied to Jews insofar as they were of Polish nationality - whether they resided in or outside of Germany.

I would be grateful for an expose of your experience in this question. In view of the fact that such an expose may be of considerable usefulness to a number of fellow Jews, I hope you will find the time to compose it at your earliest convenience.

Sincerely yours,

Nehemiah Robinson

NR:ms

122278

(Handwritten initials)

FEB 7 1955

LAW OFFICES
LANDIS, COHEN, RUBIN AND SCHWARTZ

1832 JEFFERSON PLACE, N. W.
WASHINGTON 6, D. C.

JAMES M. LANDIS
WALLACE M. COHEN
SEYMOUR J. RUBIN
ABBA P. SCHWARTZ

STERLING 3-5905

February 4, 1955

Berlin - Polish Jews

Mr. Saul Kagan
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, New York

Dear Saul:

Mr. Lipski, the former Polish Ambassador to Berlin, and I finally got together yesterday for a lengthy luncheon discussion.

I found Mr. Lipski informed and willing to be as helpful as possible. In the absence of specific inquiry, he was not able to give me much detail. He volunteered, however, the following:

1. The so-called German-Polish Friendship Agreement was really nothing other than a non-aggression pact. It had none of the usual clauses with respect to treatment of nationals, etc. It was referred to often by the Polish Ambassador, Mr. Lipski, and might have been referred to as a friendship agreement in those cases in which he was protesting against the persecution of Polish Jews in Germany.

2. Lipski estimates that there were about 80,000 Polish Jews living in Germany, of whom a large number owned real estate in Berlin. Another large group was in the fur business in Leipzig. He states that he knows that there were forced sales and other seizures of these various assets, as well as numerous instances of physical violence.

3. At one time, Mr. Lipski considered the possibility of trying to negotiate a general agreement with the Germans, under which a lump sum payment would be made, to be distributed to the Polish nationals involved. The reason for this was that so much

Polish-

122279

-2-

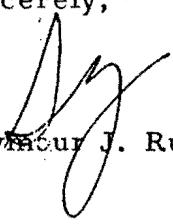
Polish-Jewish property was disappearing at such low values that he thought that perhaps a device of this sort might rescue some of the values. This proposal was never put forward, but it indicates the general situation.

4. There was a considerable amount of correspondence between the German Foreign Office and the Polish Embassy on this very matter. Mr. Lipski believes that he may himself be able to put his hands on some examples of this correspondence. He also volunteered to write to two former associates of his in the Polish Embassy, both of whom I believe are now in London, in order to get further details.

5. Mr. Lipski would be prepared to give an affidavit or to help in any other way possible.

Best regards.

Sincerely,


Seymour J. Rubin

CC: Dr. Weis, JRSO Berlin
Dr. Hevesi
Dr. Robinson
Mr. Kagan (Paris)

122280

Berlin - Polish

January 17, 1955

Jews

Dr. Nehemiah Robinson
World Jewish Congress
15 East 84th Street
New York 28, N. Y.

Dear Nehemiah:

This will refer to your letter of January 6th concerning Mr. Fiszlowicz. I would appreciate very much if you could get in touch with him to obtain the information which our Berlin office desires in connection with the cases of Jews who retained their Polish nationality in Germany.

Cordially,

Saul Kagan

SK:w

122281

יידישער וועלט-קאנגרעס

B-1 (8)

קאנגרעס היודוי העולמי

WORLD JEWISH CONGRESS

CONGRES JUIF MONDIAL • CONGRESO JUDIO MUNDIAL

(82)

JAN 10 1955

15 EAST 84TH STREET
NEW YORK 28, N. Y.

CABLES: WORLDGRESS, NEW YORK
TELEPHONE: TRAFALGAR 9-4500

ALGIERS
1 rue Mahon

BUENOS AIRES
Corrientes 1979

GENEVA
37 Quai Wilson

JERUSALEM
1 Ben Yehuda Street

LONDON W1
55 New Cavendish St.

MEXICO CITY
Calle de Cuba 81

MONTEVIDEO
Calle Florida 1418

MONTREAL
493 Sherbrooke St., W.

PARIS VIII
78 Av. des Ch. Elysees

RIO DE JANEIRO
aixa Postal 2344

ROME
Lungotevere Sanzio 9

SANTIAGO
Tarapaca 868

STOCKHOLM
Grev Magnigaten 11

SYDNEY
243 Elizabeth Street

TEL AVIV
Montefiore Street 24

January 6, 1955

Mr. Saul Kagan
Conference on Jewish Claims
270 Madison Avenue
New York City

Dear Saul:

Following my letter of November 26 re: treatment of Polish Jews in Germany I wish to inform you that in the meantime I received the address of Mr. Fiszlowicz, it is:

Mr. Stanislaw Fiszlowicz
Av. N.S. de Copacabana 1391, apart. 907
Rio de Janeiro- Copacabana

If you want me to get in touch with Mr. Fiszlowicz I will gladly do so.

With kindest regards,

Sincerely yours,

Nehemiah Robinson

NR:ms

122282

January 4th, 1955

Club of Polish Jews
214 West 92nd Street
New York City
Attention: Mr. Walter Lichtenbaum

Gentlemen:

Enclosed we are sending you copies of eleven (11) letters received by us from JRSO in Berlin with the request to furnish proof that the respective persons of Polish nationality were of the Jewish faith.

As discussed with your Mr. Lichtenbaum, in order to make these documents effective it is important that it should be made out in affidavit form and signed before a notary.

We are likewise enclosing sample of the affidavit form in German language which should be applied.

Thanking you for your cooperation.

Sincerely yours,

SK:B/f
Encs.

Saul Kagan
Secretary

122283

DEC 6 1954

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

**BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81**

den 30. November 1954
WL/lm

Mr. Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.

Via Air Mail

Re: Property Kienitzer Str. 109, Berlin-Neukölln
Akt.-Z.: VI/K 234

Dear Mr. Kagan:

We have to furnish proof to the Restitution Agency that Itzig Knoll, formerly resident in Lemberg was a Jew and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

" Wir bestätigen hiermit, daß nach eingezogenen Erkundigungen Jude war. "

The term 'according to information received' is insufficient. The courts want to know what the information has been like and who has furnished it.

Sincerely yours,

H. Tink

JRSO Berlin Regional Office. c

122284

DEC 13 1954

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

den 9. Dezember 1954
WI/lm

Mr. Saul Kagan
c/o J R S O
270 Madison Ave.,
New York 16, N.Y.

Re: Property Kaiser Friedrichstr. 51
Berlin - Charlottenburg

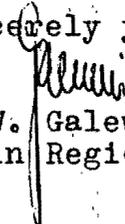
Dear Mr. Kagan:

We have to furnish proof to the Restitution Agency that Zypher H a b e r m a n n, formerly resident in Warschau, Rymarska No 16 and Stanislaus C e g l a r s k i formerly resident in Warschau, Skolna 1 Ulice Sienna 20 were Jews and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

'Wir bestätigen hiermit, daß nach eingezogenen Erkundigungen Jude war.'

The term 'according to information received' is insufficient. The courts want to know what the information has been like and who has furnished it.

Sincerely yours,


W. Galewski
JRSO Berlin Regional Office. c

122285

J R S O

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

30th December 1954
WL/her

Via Air Mail

Mr. Saul K a g a n
c/o J R S O
270 Madison Ave.,
New York 16, N.Y.
=====

Re: Property Weserstr.53, Berlin-Neukölln

Dear Mr. Kagan !

We have to furnish proof to the Restitution Agency that

Mauryzy F e l d, merchant,
formerly resident in Tarnow, ul Lwowska 15

was a Jew und should be grateful to you if you could approach
the Club of Polish Jews for an affidavit confirming this fact.
We should like to mention here that the Club of Polish Jews
usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen
Erkundigungen Jude war."

The term "according to information received" is insufficient.
The courts want to know what the information has been like and
who has furnished it.

Copy of this letter is attached.

Sincerely yours,


W. GALEWSKI
JRSO Berlin Regional Office

122286

J R S O

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

29th December 1954
WL/her

JAN 4 1955

Mr. Saul K a g a n
c/o J R S O
270, Madison Ave.,
N e w Y o r k 16, N.Y.
=====

Via Air Mail

Re: Property Güntzelstr.12, Berlin-Wilmersdorf.

Dear Mr. Kagan !

We have to furnish proof to the Restitution Agency that

Willy K l e i n b e r g
formerly resident in
Antwerpen, Avenue de la Reine Elisabeth 4
and Henri (Herschel) K l e i n b e r g,
formerly resident in
Antwerpen, Rue Conscience 23,

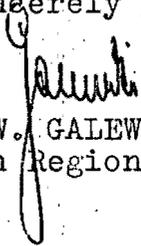
were Jews and should be grateful to you if you could approach the Club of the Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen Erkundigungen Juden waren."

The term "according to information received" is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter is attached.

Sincerely yours,


W. GALEWSKI

JRSO Berlin Regional Office

122287

JRSO

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

21st December, 1954
WL/her

DEC 27 1954

Via Air Mail

Mr.

Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.
=====

Re: Property Landshuter Str.30/31/Barbarossastr.39,
Berlin-Schoeneberg.

Dear Mr. Kagan!

We have to furnish proof to the Restitution Agency that

Maksymilian (Mendel) FLOCKSTRUMPF,
died at 26.12.1931

and his heirs

- a) widow Franziska FLOCKSTRUMPF
- b) Mrs. Jadwiga BEMSKA born Flockstrumpf
- c) Dr. Mieczyslaw FLOCKSTRUMPF
- d) Mr. Ludwik FLOCKSTRUMPF

- all formerly resident in Warsaw,

were Jews and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen Erkundigungen Juden waren."

The term "according to information received" is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter is attached.

Sincerely yours,



W. GALEWSKI
JRSO Berlin Regional Office

122288

JRSO

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

December 15th 1954
WL/her

DEC 20 1954

Via Air Mail

Mr.

Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.
=====

Bitte verwenden Sie
diesen Klebezettel
für Ihre Antwort

DEPT. XI

Re: Property Melanchthonstr.13, Berlin NW 40

Dear Mr. Kagan!

We have to furnish proof to the Restitution Agency that

- a) Abraham HOLCMANN, formerly resident in Cracovia, Gertrudgasse 2/10
- b) Abraham BECK, " " " " , Dietlagasse 15/100
- c) Leib TRAU " " " " , Kolsteckgasse 3/10
- d) Bernhard KRIEGER " " " " , Krakauergasse 15/100
- e) Juda HIRSCHBERG " " " " , Meiselcagasse 2/10

were Jews and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

"Wir bestätigen hiermit, dass nach eingezogenen Erkundigungen Jude war."

The term "according to information received" is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter is attached.

Sincerely yours,

W. GALEWSKI
JRSO Berlin Regional Office

122289

J R S O

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

December 14th 1954
WL/her

DEC 20 1954

Bitte verwenden Sie
diesen Klebezeitel
für Ihre Antwort

DEPT. XI

Mr.
Saul Kagan
c/o J R S O
270 Madison Ave.,
New York 16, N.Y.
=====

Re: Property Graefestr.36, Berlin SW 29.

Dear Mr. Kagan !

We have to furnish proof to the Restitution Agency that
Moritz Schreiber,
formerly resident in cracovia, ul Lwowska 19

was a Jew and should be grateful to you if you could approach
the Club of Polish Jews for an affidavit confirming this fact.
We should like to mention here that the Club of Polish Jews
usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen
Erkundigungen Jude war."

The term "according to information received" is insufficient.
The courts want to know what the information has been like
and who has furnished it.

Copy of this letter is attached.

Sincerely yours,

W. Galewski
W. GALEWSKI
JRSO Berlin Regional Office

122290

JRSO

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

December 14th 1954
WL/her

DEC 20 1954

Bitte verwenden Sie
dieses Klebeetikett
für Ihre Antwort

Mr.
Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.
=====

DEPT. XI

Re: Property Neckarstr.5, Berlin-Neukölln.

Dear Mr. Kagan!

We have to furnish proof to the Restitution Agency that

Majer Szwarcbaum, merchand,
formerly resident in Czenstochau, Aleja 32,

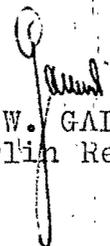
was a Jew and should be grateful to you if you could approach
the Club of Polish Jews for an affidavit confirming this fact.
We should like to mention here that the Club of Polish Jews
usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen
Erkundigungen Jude war ."

The term "according to information received" is insufficient.
The courts want to know what the information has been like
and who has furnished it.

Copy of this letter is attached.

Sincerely yours,


W. GALEWSKI
JRSO Berlin Regional Office

122291

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

NOV 23 1954

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM , den 18. November 1954
FONTANESTRASSE 16
TELEFON: 76 19 81
Ku/ju

Mr.
Saul Kagan
c/o IRSO
270 Madison Ave.
New York 16, N, Y,

DEPT XII

Bitte verwenden Sie diesen Klebezettel für Ihre Antwort

Re: Property Westfälische Str. 41
Berlin-Schöneberg

Dear Mr. Kagan:

We have to furnish proof to the Restitution Agency that Schotz, Adolf, formerly resident in:

1927 - 1931	Lwow (Lemberg)	ulica Kraszewskiego 15
1932	"	ul Badenich
1936	"	ulica Technika

and Schutzmann, Leo, resident in:

1927 - 1936 Boryslaw/ Polen, ul Panska

were Jews and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

" Wir bestätigen hiermit, dass nach eingezogenen Erkundigungen..... Juden waren. "

The term according to information received is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter ist attached.

Sincerely yours,

W. Galewski

W. Galewski

IRSO Berlin Regional Office

122292

JRSO

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

8th november 1954
WL/her

Via Air Mail

Mr. Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.
=====

Re: Property Claudiusstr. 17
Berlin N W

NOV 15 1954

Dear Mr. Kagan,

we have to furnish proof to the Restitution Agency that Dr. Moritz S a i d m a n n, physician, formerly resident in Warsaw, Senatorsova 6, was a Jew and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen Erkundigungen..... Jude war. "

The term "according to information received" is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter is attached.

Sincerely yours,



W. Galewski
JRSO Berlin Regional Office

122293

JRSO

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

Berlin-Dahlem, den 5. November 1954
WL/her

NOV 12 1954

Via Air Mail

Mr. Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.
=====

Re: Property Pestalozzistr.83
Berlin-Charlottenburg

Dear Mr. Kagan,

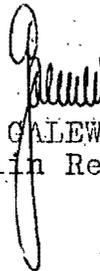
we have to furnish proof to the Restitution Agency that Gregory Klueger, formerly resident in Warsaw, Zielna 29, was a Jew and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen Erkundigungen Jude war. "

The term "according to information received" is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter is attached.

Sincerely yours,



W. GALEWSKI
JRSO Berlin Regional Office

122294

JK 50

Berlin - Polish
Inc

(Same letter, November 30, 1954)

copy of inc.

Seymour J. Rubin, Esq.
1832 Jefferson Place N. W.
Washington, D. C.

Dear Sy:

The enclosed material is self-explanatory. It concerns a considerable volume of claims which we are pursuing in Berlin. As you know, right after World War I a considerable number of Jews from Eastern and Central Europe settled in Germany, particularly in Berlin. Many of them acquired property and actually had to dispose of the assets just as the German Jew did after 1933. Nonetheless some of the restitutors now contend that the Jews who were Polish Nationals enjoyed the protection of the Polish-German Treaty of Friendship.

I would appreciate it very much if you could meet with Mr. Joseph Lipski, former Polish Ambassador in Berlin, now representing the Polish National Committee in Washington. His address is: 1650 Harvard Street, N.W., Apt. 208, Washington 9, D. C.

I am sure he can give the best testimony concerning the operations of the German-Polish Treaty of Friendship, particularly after 1933. Following your discussion with him, we will have to decide whether an affidavit from him on this subject will be necessary.

Cordially yours,

Saul Kagan

SK:h
encl.

cc: BHF
GW

122295

Berlin

November 29, 1954

Dr. Nehemiah Robinson
World Jewish Congress
15 East 84th Street
New York, New York

Dear Nehemiah:

Thank you for your letter of November 26, with the names of Polish pre-war diplomats who may have knowledge of the workings of the Polish-German Friendship Treaty.

I have requested Sy to get in touch with Mr. Lipski and I shall make arrangements here to meet with Mr. Karl Kraszkewicz, who is now with the United Nations.

Sincerely yours,

Saul Kagan

SK:h

122296

יידישער וועלט-קאנגרעס

הקונגרס היהודי העולמי

WORLD JEWISH CONGRESS

CONGRES JUIF MONDIAL • CONGRESO JUDIO MUNDIAL

15 EAST 84TH STREET
NEW YORK 28, N. Y.

NOV 29 1954

CABLES: WORLDGROSS, NEW YORK
TELEPHONE: TRAFALGAR 9-4500

November 26, 1954

ALGIERS
1 rue Mahon

BUENOS AIRES
Pastour 633 P.5

GENEVA
37 Quai Wilson

JERUSALEM
1 Ben Yehuda Street

LONDON W1
55 New Cavendish St.

MEXICO CITY
Calle de Cuba 81

MONTEVIDEO
Calle Florida 1418

MONTREAL
493 Sherbrooke St., W.

PARIS VIII
78 Av. des Ch. Elysees

RIO DE JANEIRO
aixa Postal 2344

ROME
Lungotevere Sanzio 9

SANTIAGO
Tarapaca 868

STOCKHOLM
Grev Magnigatan 11

SYDNEY
243 Elizabeth Street

TEL AVIV
Montefiore Street 24

Mr. Saul Kagan
Conference on Claims
270 Madison Avenue
New York 16, N.Y.

Dear Saul,

I have your letter of Nov. 23 and copy of Dr. Weis' letter dated
Nov. 15,

I did not really believe that a "center" of Polish Jews would have authentic information regarding the working of the German-Polish agreement. Neither was there much hope that the Polish pre-war newspapers would contain factual data regarding the effectiveness of the protection by the Polish Government. My doubts were fully corroborated by a talk with Dr. Schwarzbart who, although he was not only a lawyer but also a member of the Polish Parliament, was not even aware of the agreement. I also spoke to another Polish lawyer who knew about the agreement but, in his practice, never encountered any case coming thereunder.

It seemed to me the best bet to look for Polish pre-war diplomats who were in Berlin during the Nazi period. I was informed that there are two of them in this country:

(a) Karl Kraszkewicz - now serving in the United Nations. He could be reached by phone through the UN number; his extension is 2897.

(b) Josef Lipski, former Polish Ambassador in Berlin, now representing the shadow (exile) Polish "Government" in Washington. His address is: 1650 Harvard St. NW, Apt. 208, Washington 9, D. C.

I am also looking for the address of a certain Fiszlowicz who was a high Polish official and is now apparently living in Rio de Janeiro.

Sincerely,

Nehemiah Robinson

MR:ls

122297

Berlin

November 26, 1954

Dr. G. Weis
Jewish Restitution Successor Organization
Fontanestrasse 16
Berlin-Dahlem, Germany

Dear Dr. Weis:

We received your letter of November 15th (Dr. W/cz) in the matter of the decision of the Kammergericht in Berlin that the Polish Jews are not persecutees in the meaning of the Restitution Laws. We are contacting the competent personalities for the purpose of obtaining the necessary information and will keep you currently posted of the results of our inquiries.

Sincerely yours,

SK:B/f

Saul Kagan

122298

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

NOV 19 1954

15 November 1954
(Dr. W/cz)

Mr. Saul Kagan
c/o J R S O
270 Madison Avenue
New York 16, N.Y.

Dear Mr. Kagan,

1. For years the Kammergericht Berlin decided that foreigners (including Polish Jews) were not persecutees in the meaning of the Restitution Laws. Persecutees in the meaning of these laws were, the Kammergericht said, only persons who belonged to a class of persons which the German Government or the NSDAP intended to eliminate in its entirety from the cultural and economic life of Germany. Foreign Jews had never taken part in the cultural life of Germany and could, therefore, not be excluded. In addition the Kammergericht said that foreign Jews were protected by the foreign Governments and had nothing to fear. These "Auslaenderentscheidungen" belonged to those decisions of the Kammergericht which are difficult to read without losing one's temper (they are not the only ones). Seldom can a legal mind have come to conclusions which are so obviously hypocritical.

2. Thanks to the work of Dr. Tuch who for years fought against these decisions of the Kammergericht and submitted to the ORG convincing material, the Supreme Court decided some weeks ago that a Jew is a Jew and a persecutee whether he was Polish, Austrian or German.

This decision was a great blow to all the lawyers representing defendants as their clients are not too pleased to learn that they should better have compromised their cases two or three years ago.

3. We have now received a brief from one of the lawyers who is a leading loyal restitutor which shows that some concerted

122299

action has started to convince the Supreme Court that at least Polish Jews had nothing to fear from the Nazi regime being in a position to rely upon the "deutsch-polnische Freundschaftsabkommen" and the, of course, intensive efforts of the Polish diplomatic services to protect Polish Jews. The brief reads as follows:

"Im Hinblick darauf, dass diese Unrechnungsfrage fuer mehrere hundert gleichgelagerter Faelle von ausschlaggebender Bedeutung wird, wird darum gebeten, die angetretenen Beweise auch dann zu erheben, wenn es fuer den vorbezeichneten Fall nicht mehr ausschlaggebend sein sollte.

Im uebrigen wird ergaenzend vorgetragen, dass Juden polnischer Nationalitaet auf Grund des deutsch-polnischen Freundschafts-abkommens eine privilegierte Behandlung genossen haben und keinerlei Verfolgungsmassnahmen ausgesetzt waren. Auf Grund dieses Abkommens waren Juden polnischer Staatsangehoerigkeit nicht aus dem wirtschaftlichen und kulturellen Leben Deutschlands ausgeschlossen. Diese Tatsache ergibt sich mit aller Deutlichkeit aus den Kommentaren der polnischen Zeitungen nach Abschluss des deutsch-polnischen Freundschaftsabkommens. Das Beweismaterial hierueber wird z.Zt. zusammengetragen und wird auf Erfordern dem Gericht eingereicht werden."

I should be much obliged if you could contact a center of Polish Jews, which could give us some information on the working of the deutsch-polnische Freundschaftsabkommen in respect of Jews. Maybe there exists in New York or Washington a collection of Polish Jewish papers where some evidence can be found how effectively the Polish Government protected Polish Jews in Germany.

The matter is of great importance as some hundred individual cases are involved and a great number of ^{own} own cases.

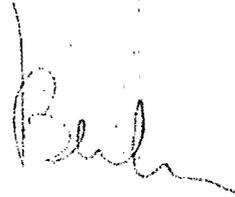
Yours sincerely,

DR. G. WEIS

" In view of the fact that this question (Umrenhmungsfrage) is of decisive significance in hundreds of similar cases, it is request to obtain the indicated evidence even where it would not be decisive in the particular case.

Moreover it is set forth additionally that Jewish of Polish Nationality, on the basis of the German-Polish Friendship Agreement, enjoyed privileged treatment and were not exposed to any persecutory measures. On the basis of this Agreement Jews of Polish nationality were not excluded from the economic and cultural life of Germany. This fact emerges with complete clarify from the commentaries in the Polish newspapers after the conclusion of the German-Polish Friendship Agreement. Evidential material in this connection is presently being collected and will be submitted upon request of the Court."

122301



November 26, 1954

Dr. G. Weis
Jewish Restitution Successor Organization
Fontanestrasse 16
Berlin-Dahlem, Germany

Dear Dr. Weis:

The Club of Polish Jews handed to us the enclosed two letters from the Wiedergutmachungsamt in Berlin with the request to provide them with the cost of publication of the contents of the letters in the Yiddish newspapers which amounts to \$15 or \$20.

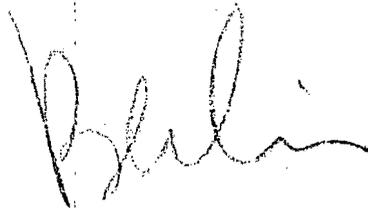
Will you please let us know whether the cases mentioned in the enclosures are of any interest to the JRSO and whether we should, in your opinion, pay the cost of advertising.

Sincerely yours,

SK:B/f

Saul Kagan

122302



November 23, 1954

Dr. Nehemiah Robinson
World Jewish Congress
15 East 84th Street
New York, New York

Dear Nehemiah:

Referring to our last night's conversation I am sending you herewith enclosed copy of a letter received from the JRSO in Berlin, dated November 15th, in matters of the Berlin Kammergericht decision that Polish Jews are not persecutees.

I would very much appreciate your advice in the matter.

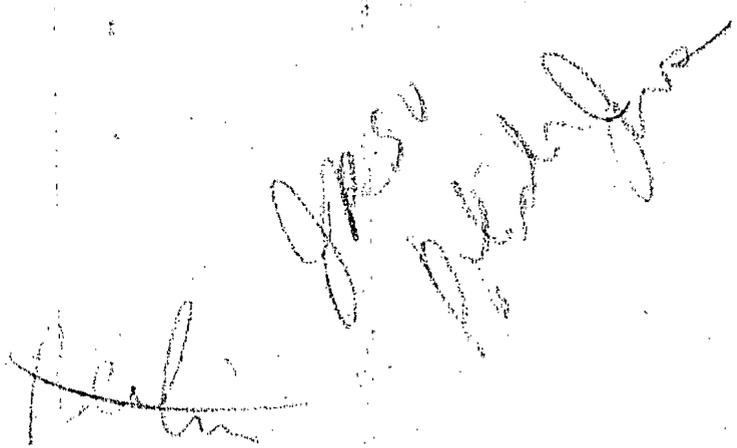
Best regards.

Sincerely yours,

Saul Kagan

SK:B/f
Enc.

122303



November 4th, 1954

Club of Polish Jews
214 West 92nd Street
New York, New York

Gentlemen:

With reference to the visit of your Mr. Lichtenbaum, we are sending you herewith enclosed copy of a letter received from the JRSO Berlin Regional Office, in which we are requested to furnish through your intermediary the proof that Herz (Hersz) Rojter and Roza Rojtorowa, his wife, both formerly resident in Warsaw, ul. Zlota 62, were Jews. We would be very much obliged if you would obtain an affidavit from a person or organization confirming this fact. This affidavit should be made out in accordance with the form we handed your Mr. Lichtenbaum. We hope that you will be able to locate an appropriate person or organization and prepare the affidavit in accordance with the request of the JRSO.

Expecting to hear from you on the subject in the very near future.

Sincerely yours,



Saul Kagan
Secretary

SK:B/r
Enc.

122304

*Open File Berlin - Polish Jews
JRSO*

JEWISH RESTITUTION SUCCESSOR ORGANIZATION NOV 1 1954

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

October 28, 1954

Ga/tz.

Via Air Mail

Mr. Saul K a g a n
c/o J R S O
270 Madison Ave.
New York 16, N.Y.

Re: Property Luitpoldstrasse 24
Berlin-Schoeneberg

Dear Mr. Kagan:

We have to furnish proof to the Restitution Agency that Herz (Heress) R o j t e r and Roza R o j t o r o w a, his wife, both formerly resident in Warsaw, ul. Zlota 62, were Jews, and should be grateful to you if you could approach the Club of Polish Jews for an affidavit confirming this fact. We should like to mention here that the Club of Polish Jews usually formulates such confirmations as follows:

'Wir bestaetigen hiermit, dass nach eingezogenen Erkundigungen Jude war.'

The term 'according to information received' is insufficient. The courts want to know what the information has been like and who has furnished it.

Copy of this letter is attached.

*affidavit sent directly by the Club
10/28*

Sincerely yours,

W. Galewski
W. Galewski

JRSO Berlin Regional Office

122305

JRSO

Berlin Regional Office
Berlin-Dahlem, Fontanestr. 16
Telefon-Sammel-Nr. 76 19 81

2nd november, 1954
Ga/her

Via Air Mail

Mr. Saul Kagan
c/o JRSO
270 Madison Ave.,
New York 16, N.Y.
=====

NOV 5 1954

Re: Property Kiautschoustr.6
Berlin N 65

Dear Mr. Kagan:

We have to furnish proof to the Restitution Agency
that

Jankiel Bruner, his wife
Ester Bruner born Goldmintz,
both formerly resident in Bendzin/Poland,
Kollonga 27 or Kolhataja 27,

and

Abraham Weinstock, his wife
Scheindla Weinstock born Guttman(Salomea),
both formerly resident in Bendzin/Poland,
Kollonga 35 or Nalachowskastr.38

were Jews and should be grateful to you if you could approach
the Club of Polish Jews for an affidavit confirming this fact.
We should like to mention here that the Club of Polish Jews
usually formulates such confirmations as follows:

"Wir bestaetigen hiermit, dass nach eingezogenen
Erkundigungen Jude war".

The term "according to information received" ist insufficient.
The courts want to know what the information has been like
and who has furnished it.

Copy of this letter is attached.

Sincerely yours,

W. GALEWSKI

W. GALEWSKI
JRSO Berlin Regional Office

122306

Handwritten notes:
copy given to
Mr. Lichterbaum
11/9/54

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

**BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81**

August 3, 1954

Ga/tz.

Jewish Restitution
Successor Organization, Inc.
Attn.: Mr. Saul Kagan
270 Madison Ave.,
New York 16, N.Y.

Via Air Mail

AUG 6 1954

Dear Mr. Kagan:

You are probably aware by now that JRSO Berlin has won a major battle in that Dr. Tuch succeeded in eliciting from the Supreme Restitution Court a decision reversing the Berlin Kammergericht which in several hundreds of opinions had ruled that Jews of foreign nationality and residing abroad were not persecutees. The new decision of the Supreme Restitution Court, which holds that Jews had been persecuted wherever they lived, is presenting us with a basis for prosecuting several scores of cases which so far we had held back. Almost all of these cases are concerned with the property of Polish Jews, and you can imagine that it is almost always extremely difficult for us to prove that the former owners of the properties have been Jews, as almost never records to that effect are available.

As a preliminary measure we have approached the Club of Polish Jews, 214 West 92 Street, New York, which quite willingly has furnished us with a letter (not a sworn affidavit) confirming that the person mentioned in our inquiry was a Jew.

- 2 -

We do not expect the Berlin courts to be satisfied with the information contained in an ordinary letter; we expect the courts to demand specific proof by sworn statements of specific witnesses, and we should very much like you to prepare the way for obtaining such sworn statements or affidavits, which would have to be signed not by the Club but by individual members.

I propose the following tenor of such statements:

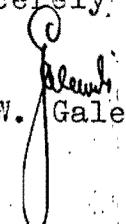
"We, the undersigned, used to live from ,.... to in We have personally known Mr. (Mrs., Miss) from to We know from personal acquaintances that Mr. (Mrs., Miss) belonged to the Jewish faith. We have frequently met him (her) in the synagogue. (Additionally, where applicable: We have attended the circumcision, barmizwah of his son, brother, nephew ... or: We have attended his (his son's, his daughter's) wedding .. or: We have attended his father's, mother's funeral.) The services were conducted according to the Jewish rites."

I trust that you will be willing and able to start immediately the necessary preparations for obtaining such affidavits and to inform us of the results in order to enable us to send the necessary details to the Club of Polish Jews in the very near future.

Thanking you in anticipation,

I am, with best regards,

Sincerely yours,


W. Galewski

Copy: Dr. Weis
Dr. Tuch

122308

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

**BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81**

21 April 1954
HT/rm

Jewish Restitution
Successor Organization
Attn. Mr. K a g a n
Suite 800
270 Madison Avenue
New York 16, N.Y.

*Berlin
Polish Jews
Berlin*

Re: Restitution Claims in respect of Berlin property
previously owned by foreign Jews whose residences
were outside Germany, particularly Polish Jews

Dear Mr. Kagan,

may we draw your attention to our letter of 6 February 1954
in the above mentioned matter.

We shall be very obliged for a reply ^{to} of our letter.

Yours sincerely,

H. Tuch

H. TUCH
JRSO Berlin Regional Office

122309

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN - DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

6 February 1954
HT/lm

Jewish Restitution
Successor Organization
Attn. Mr. K a g a n

FEB 10 1954

SM

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

Airmail

Berlin Polish Jews

Re: Restitution Claims in respect of Berlin property previously owned by foreign Jews whose residences were outside Germany, Particularly Polish Jews.

Dear Mr. Kagan,

We have filed hundreds of claims of the above mentioned type. Two of the 3 Kammergerichtssenate who exclusively deal with restitution cases refuse most of these claims because they maintain that foreign Jews who had their residences outside Germany when they sold their properties do not belong to a class of persons which the German government or the NSDAP intended on any of the grounds referred to in Article 1 to eliminate in its entirety from the cultural and economic life of Germany (art. 3 BK/O(49)180).

In order to prepare our petitions for reviewing the decisions of the Kammergericht to the Supreme Restitution Court for Berlin we contacted Dr. Roman Pretzel, Tel Aviv, a former Berlin lawyer of Polish nationality who had many Polish clients in Berlin as you will see from the attached copies of our correspondence. We do not propose to make use of the services of that gentleman. We are sure that there are some members of the Association of Polish Jews or of the Club of Polish Jews, Inc., 24 West 92 nd Street, New York who are qualified and willing to answer the questions we put to Dr. Pretzel. As the decision of the Supreme Restitution Court for Berlin is of very great importance and the Court will start hearing the first cases under review early next week we need the requested affidavits urgently. We do not know when a petition dealing with the above mentioned

- 2 -

question will be heard and decided by the Supreme Court, but we wish to be prepared as soon as any of these cases will appear.

It would be, therefore, greatly appreciated if you could give this matter your immediate attention.

Yours sincerely

H. Tuch

H. TUCH

JRSO Berlin Regional Office.

122311

A b s c h r i f t / lm

Dr. jur. Roman Pretzel
8, Sirkin St., Tel-Aviv

8, Sirkin St.,
Tel-Aviv
4 th January, 1954

Herrn H. Tuch
JRSO, Regional Office
Berlin - Dahlem

Ihr Aktz.: HT/rm

Sehr geehrter Herr Tuch,

In Beantwortung Ihres Schreibens vom 9.12.53, welches ich vorgestern erhalten habe, beeile ich mich Ihnen folgendes mitzuteilen:

Aus dem Inhalt Ihres Schreibens entnehme ich, daß es sich hier nicht um einen einzigen Fall sondern um eine grundsätzliche Frage handelt, die für hunderte von Fällen entscheidend ist. Dies gibt mir die Veranlassung, Ihnen mitzuteilen, daß in meiner früheren langjährigen Praxis als Spezialanwalt für polnisches und internationales Recht in Berlin W. Kurfürstendamm 48, hunderte und hunderte polnische Juden -- -- sowohl in Deutschland lebende als auch in Polen und im übrigen Ausland wohnende -- durch mein dortiges Büro in den Jahren: 1937-1938-1939 gegangen sind. Sie alle haben gerade in dieser jetzt so grundsätzlichen Frage meinen Rat und Hilfe damals gesucht und auch gefunden. Ich fühle mich daher in der Lage auf Grund meines Wissens und noch vorhandenen Notizen die erforderlichen Feststellungen zu machen.

Es ist jedoch für mich nicht so einfach einen diesbezüglichen Bericht von hier aus schriftlich auszuarbeiten und Ihnen einzusenden und so komme ich auf folgenden Vorschlag:

Da ich in diesem Jahre, im Monat Mai oder Juni, circumstances permitting, nach Italien und der Schweiz mit meiner Frau zu reisen beabsichtige, wo ich an zwei Kongressen sprechen soll, so könnte ich es vielleicht einrichten, von Italien aus oder von der Schweiz zu Ihnen und zurück, auf Ihre Kosten, zu kommen, d. h. für paar Tage. Wir könnten dann den ganzen Fragenkomplex durchdiscutieren und den erforderlichen Bericht ausarbeiten.

Bei dieser Gelegenheit, denke ich daran, daß wir auch die ganze Liste der fraglichen jüdischen Abstammung von den Sie interessierenden polnischen Juden durchgehen und an Ort und Stelle ich Ihnen beantworten könnte.

In Erwartung Ihres gefl. Bescheides zeichne ich mit hochachtungsvollem Gruß,

gez. Unterschrift.

122312

A b s c h r i f t / lm

Hardman, Phillips & Mann
Successors to Swann, Hardman & Co.
Solicitors
Hastings House
10 Norfolk Street
London W. C. 2

M/EG Ihr Zeichen: HT/rm

1. Februar 1954

Herrn Dr. H. Tuch,
Jewish Restitution Successor Organization,
Berlin Regional Office,
Fontanestraße 16
Berlin - Dahlem, American Sector,
Germany.

Sehr geehrter Herr Dr. Tuch,

Ich danke Ihnen verbindlichst für Ihren Brief vom
25. Januar.

Die Verfahrensordnung war mir in der Zwischenzeit zuge-
gangen. Allerdings deckt Art. 2 unsern Fall nicht in vollem
Umfang, aber wir versuchen gerade, die Einstellung der
Gerichte durch Rücksprache mit dem Präsidenten zu eruieren.

mit vorzüglicher Hochachtung

gez. Unterschrift.

122313

A b s c h r i f t / lm

den 4.2.54.
HT/rm

Herrn
Dr. Roman Pretzel
8, Sirkinstr.

T e l A v i v

Betr.: Jüdische Grundstückseigentümer polnischer Staats-
angehörigkeit.
Ihr Brief vom 22. 1. 1954.

Sehr geehrter Herr Dr. Pretzel,

wir können uns leider nicht entschließen, auf Ihre Forderungen einzugehen. Wir sind selbstverständlich bereit, die effektiven Auslagen zu ersetzen, jedoch sind wir nicht in der Lage, Ihnen ein Honorar zu bewilligen. Abgesehen davon, daß wir selbst in dieser Sache im allgemeinen Interesse gerade aller jüdischen Grundstückseigentümer, die die polnische Staatsangehörigkeit besaßen, tätig sind, sind wir der Ansicht, daß durch Zahlung eines Honorars der Zweck der eidesstattlichen Versicherung, ein unanfechtbares Beweismittel zu sein, leiden würde.

Hochachtungsvoll,

Dr. H. TUCH
JRSO Berlin Regional Office.

122314

A b s c h r i f t

rm

den 9.12.54.
HT/rm

Herrn
Dr. Roman Pretzel
8, Sirkinstr.

T e l A v i v

Sehr geehrter Herr Dr. Pretzel,

wir waeren Ihnen zu grossem Dank verbunden, wenn Sie uns in folgender Sache, die fuer eine grosse Reihe von juedischen Grundstuecks-eigentuemern polnischer Staatsangehoerigkeit von Bedeutung ist, helfen koennten.

Wir Sie aus der anliegenden Abschrift einer Entscheidung des Kammergerichts entnehmen wollen, vertritt dieses Gericht den Standpunkt, dass Verkaeufe auslaendischer Juden, insbesondere Juden polnischer Staatsangehoerigkeit, vor dem 26.4.1938, dem Tage, an dem die Anordnungsverordnung erging, sich nicht auf die Vermutung berufen koennen, dass sie ihr Grundstueck wegen des auf die Juden ausgeuebten Druckes verkauft haben. Die Frage wird demnachst vor dem obersten Gericht, das jetzt in Berlin als letzte Instanz fuer Rueckerstattungssachen eingesetzt ist, entschieden werden.

Das Hauptargument des Kammergericht ist auf eine, zunaechst von Harmening in seinem Kommentar ueber das Rueckerstattungsgesetz gebrachte, Ausfuehrung gestuetzt. Harmening erklarte:

"Fuer auslaendische Juden wird man gleichfalls eine Kollektivverfolgung verneinen muessen, da sie als Angehoerige anderer Nationen diplomatischen Schutz genossen."

Nach unserer Ansicht koennte man dieses Argument erschuettern, wenn man nachweist, dass der diplomatische Schutz auslaendischer Juden in Deutschland wirkungslos war, sei es, dass der Heimatstaat es ueberhaupt ablehnte, einzuschreiten, sei es, dass die Nazis Vorstellungen unbeantwortet liessen, verspaeetet beantworteten oder ihnen unzuhaengliche Rechnung trugen.

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Wir bitten Sie, uns mitzuteilen, ob Ihnen Anwaelte aus Polen bekannt sind, die in der massgebenden Zeit (30.1.1933 bis zum Kriegsbeginn gegen Polen) juedische Grundstueckseigentuemern polnischer Nationalitaet, die ihren Sitz in Polen hatten, ueber Verkaeufe ihres Grundbesitzes in Deutschland beraten haben. Wir wuerden gern wissen, ob diese Anwaelte ihren Klienten zugeredet haben, den Grundbesitz rasch zu veraeussern und ob sie jemals den Schutz des polnischen Aussenministeriums oder der polnischen Botschaft in Berlin oder der Konsulate angerufen haben und wenn ja, mit welchem Ergebnis.

Zur Klarstellung bemerken wir noch, dass es sich fuer uns nicht um einen Einzelfall handelt, in dem die in Abschrift beigefuegte Entscheidung ergangen ist, sondern um eine grundsuetzliche Frage, welche hunderte von Faellen betrifft.

Wir danken Ihnen fuer Ihre Bemuehungen.

Mit vorzueglicher Hochachtung

H. TUCH
JRSO Berlin, Regional Office

Inlage

122316

A b s c h r i f t

rm

den 12.1.54.

III/rm

Herrn
Dr. Roman Pretzel
8, Sirkinstr.

T e l A v i v

Betr.: Juedische Grundstueckseigentuemern polnischer Staatsangehoerigkeit
Ihr Brief vom 4.1.54.

Sehr geehrter Herr Dr. Pretzel,

wir danken Ihnen fuer das oben genannte Schreiben.

Es ist richtig, dass es sich um eine allgemeine Frage handelt, die von grundsuetzlicher Bedeutung ist, die aber, wie wir betonen moechten, keinen Aufschub duldet.

Wenn wir uns der Aufgabe unterziehen, diese generelle Frage zu klaeren, so tun wir es selbstverstaendlich, um in den von uns durchzufuehrenden Rueckerstattungsfaellen einen obsiegenden Beschluss zu erwirken. Aber unser Interesse ist gleichlaufend mit denen nach hunderten oder tausenden zaehlenden Individualberechtigten, Wir wissen nicht, welche dieser Sachen die erste sein wird, die vor dem obersten Rueckerstattungsgericht zur Entscheidung kommt. Von der Art der Prozessfuehrung des ersten vor dem obersten Rueckerstattungsgerichtshof zu verhandelnden einschlaegigen Falle wird also die Entscheidung dieser so bedeutsamen Frage abhaengen. Es ist deshalb unser Bemuehen, diese erste Sache, von wem immer sie als Antragsteller anhaengig gemacht worden ist, mit allen Mitteln zu unterstuetzen.

Daraus wollen Sie zweierlei ersehen:

1) Wir koennen schon aus dem Grunde, dass wir nicht wissen, wann die erste Sache ansteht, die Erledigung unserer Frage nicht bis zum Mai oder Juni vertagen.

2) Fuer die Klaerung der entscheidenden Streitfrage beduerfen wir nicht der Besprechung unserer Einzelfaelle. Es ist deshalb nicht erforderlich, wie Sie anzunehmen scheinen, das Material unserer Listen durchzugehen. Es erscheint aber auch vermeidbar, dass wir

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die Erledigung unserer Anfrage bis zu Ihrer Mai- oder Junireise nach Europa vertagen. Da Sie, wie Sie uns mitteilen, hunderten von Juden polnischer Staatsangehoerigkeit in den Jahren 1937/39 Rat und Hilfe in der uns interessierenden Frage gewahrt haben, sind Sie auf Grund des in Ihrer Praxis erlangten Wissens und der in Ihrem Besitz noch befindlichen Notizen in der Lage, uns folgende Frage zu beantworten:

1) Haben Sie Ihren Klienten geraten, den Grundbesitz rasch zu veräußern und zwar mit Rücksicht auf die diskriminierende Behandlung der juedischen Grundstueckseigentuerer in Deutschland?

2) Haben Sie jemals den Schutz des polnischen Aussenministeriums oder der polnischen Botschaft in Berlin oder der polnischen Konsulate in Deutschland angerufen, damit Ihren Klienten diplomatischer Schutz von jenen Stellen gewahrt werde?

3) Welche Ergebnisse haben diese Ersuchen an die polnischen Vertretungen gehabt?

4) Sollten Sie oder Ihre Klienten diesen Schutz nicht angerufen haben, aus welchen Gruenden ist dies unterblieben?

Die Antwort auf diese Fragen, wuerde, um vor dem obersten Rueckerstattungsgerichtshof als Material verwandt zu werden, vor einem dortigen Notar oder Gericht abgegeben und an eidesstatt versichert werden muessen. Wir sind selbstverstaendlich bereit, Ihre Auslagen hierfuer zu ersetzen.

Wir hoffen, dass Sie uns, nach Aufklaerung dieses Missverstaendnisse die Erklaerung abgeben koennen.

Mit den besten Empfehlungen und dem Ausdruck vorzueglicher Hochachtung

H. TUCH
JRSO Berlin Regional Office

122318

ידישער וועלט-קאנגרעס

הקונגרס היהודי העולמי

WORLD JEWISH CONGRESS

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TELEPHONE: TRAFALGAR 9-4500

December 9, 1953

DEC 11 1953

Mr. Saul Kagan
Conference on Claims
270 Madison Avenue
New York 16, N.Y.

Dear Saul,

I am referring to Dr. Weis' request for material regarding the status of Jews, non-residents of Germany, under the U.S. zonal restitution law. If I don't err, the problem was whether foreign Jews could be considered as designed by the Nazis to be eliminated from the economic and cultural life of Germany.

I found by accident a decision of an Austrian court which may be useful in this connection.

This is a decision by the Austrian Supreme Rstitution Commission RKV 26/48 dated 3.13.1948 (Rkb Wien 235/47) in which this commission quotes approvingly the reasoning of the lower commission which read as follows:

"Insoweit die Beschwerde das bisherige Vorbringen dahingehend wiederholt, dass die Eigentuerin zur Zeit des Vertragsabschlusses laengst nicht mehr im Begiete des Deutschen Reiches, sondern in Palaestina gewohnt habe und daher keinerlei politischer Verfolgung durch den Nationalsozialismus ausgesetzt war, ist sie unstichhaeltig, weil sie sich mit der sowohl aus dem Gesetze und dem Ausschussberichte eindeutig hervorgehenden als nun auch seit dem Inkrafttreten des 3. Rueckstellungsgesetzes von der Judikatur in beiden Instanzen uebereinstimmend angenommenen Rechtsansicht in "iderspruch setzt, dass unter allen Umstaenden eine Vermoegensentziehung dann vorliege, wenn der geschaedigte Eigentuerer dem Kreise derjenigen Personen angehoerte, welche zur Zeit der Herrschaft des Nationalsozialismus schon von vornherein wegen der Zugehoerigkeit zu einer bestimmten Personengruppe reichsgesetzlich deklassiert und entrechtet waren, wozu die Juden, Mischlinge und juedisch Versippten zaehlten. Alle Darlegungen und Erzaehlungen der Antragsgegner

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2.

ueber Umstaende, welch dartun sollen, dass die Antragstellerin persoendlich infolge frueherer Ausreise aus Oesterreich keinem wie immer gearteten politischen Drucke oder irgendwelcher gegen sie unmittelbar gerichteter Verfolgungen unterworfen gewesen sei, gehen daher ins Leere und sind nicht geeignet, die sachlich und rechtlich einwandfreien Feststellungen und Schlussfolgerungen des angefochtenen Erkenntnisses zu erschuettern" (Rkb Wien 235/47).

Regards,



Nehemiah Robinson

NR:ls

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