

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

L

Rm/R

In reply refer to
L/C 263.1141 Saxl,
Charlotte/11-861

December 7, 1961

Dear Dr. Saxl:

Your letter of October 27, 1961, with enclosures, to the American Ambassador at Vienna, regarding the claim of the estate of Charlotte Saxl against Austria has been referred to the Department of State for reply.

The records of the Department show that on December 30, 1950, it received from Mr. George A. Schmiedigen, attorney for the estate, a claim on behalf of the estate of Charlotte Saxl for espousal by this Government against the Government of Austria. The records further show that on January 24, 1951, the Department advised Mr. Schmiedigen to the effect that, since Charlotte Saxl was not an American citizen at the time her alleged losses occurred, this Government was afforded no basis for espousing the claim under generally accepted principles of law. The Department also stated in that letter it would retain the documents for possible future consideration pending the enactment of any legislation adopted in Germany or Austria that would provide for the determination and payment of such claims. On September 1, 1954, Mr. Schmiedigen requested the Department to retain the documents submitted in support of the claim for possible future action when a definite program for the processing of such claims is adopted. There has been no further correspondence from Mr. Schmiedigen regarding the claim.

The

Dr. Erwin J. Saxl,
Pin Hill,
Harvard, Massachusetts.

(2) 12/8/61

L: L/C: O A Christenson. EGM: wib microfilmed by NARA

263.1141-Saxl, Charlotte
12-761

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263.1141-SAXL
Charlotte Estate
Box 420

The American Embassy at Vienna has expressed the view that the claim in part may be paid out of the Fund for the Settlement of Certain Property Losses of Political Persecutees established by the Government of Austria. There is enclosed for your information the Department's press release No. 387 of June 3, 1959, regarding this program. Also enclosed as of possible interest is the Department's press release No. 504 of July 18, 1961, regarding legislation recently enacted by Austria concerning restitution of certain property.

In the event that you wish the Department to return the documents filed on behalf of the estate by Mr. Schuedigen in 1950, the Department will be pleased to send them to you upon request.

Sincerely yours,

For the Secretary of State:

Edward G. Misay
Deputy Assistant Legal Adviser

Enclosures:

- 1. Press release No. 387, June 3, 1959.
- 2. Press release No. 504, July 18, 1961.

CC: American Embassy, Vienna. *By DS-4*

EGM *EGM*
L:L/C:GChristenson:EGMisey:mab

12-6-61

S/S-CR
AMJ
DEC 6 1961 PM

DECLASSIFIED
 Authority 949660
 By EK NARA Date 7/31

RG 59
 Entry CDF 1960-63
 File 263-1141 SAXL
Charlotte Estate
 Box 420

AIR POUCH
 HANDLING INDICATOR UNCLASSIFIED

For Department Use Only
263-1141 SAXL,
CHARLOTTE/11-8-61

FROM : American Embassy, VIENNA
 TO : THE DEPARTMENT OF STATE, WASHINGTON.
 REF :

406
 NO.
 November 8, 1961
 DATE
 NOV 9 1961

18 For Dept. Use Only 2	ACTION	INFO	DEPT	RM/R	REP	AF	ARA	EUR	FE	SCS	CU	INR	E	P	IO	ICA		
				AGR	COM	FRB	INT	LAB	TAR	TR	XMB							
				AIR	ARMY	CIA	NAVY	OSD	OCB	USIA								

SUBJECT: Claim of Charlotte Saxl

The Embassy has received a letter dated October 27, 1961 from Dr. Erwin J. Saxl of Harvard, Massachusetts, executor of the estate of his mother, Charlotte Saxl. Mr. Saxl stated that on December 30, 1950, he wrote to the Department of State requesting its assistance in furthering his deceased mother's claims against the Austrian Government for injuries suffered as a result of religious persecution. According to Mr. Saxl, he has not received a reply from the Department. Nor has he apparently taken any additional steps to press his claim.

The Embassy's files contain no record of a claim by Mr. Saxl. No inquiry has been made by the Embassy of the Austrian Government to see if anyone has ever filed any claim on Saxl's behalf because of the difficulty of providing such information on the basis of incomplete data. In the Embassy's opinion, Mr. Saxl might hope to satisfy some of the claims listed under paragraphs 16 and 19 of the affidavit attached to his letter by applying to the Abgeltungsfond (\$6 million fund) before September, 1962.

Mr. Saxl's letter and supporting documents are transmitted as enclosures for appropriate disposition.

For the Charge d'Affaires, ad interim:

John Devine
 John Devine
 Counselor of Embassy for
 Political Affairs

- Enclosure: *att*
- Letter dated Oct. 27, 1961 and attachments to that letter consisting of photostat of letter dated Dec. 30, 1950 and photostat of undated affidavit

P-GBHerman/aj

UNCLASSIFIED

ltr to Saxl 12/6/61
 LEGAL ADVISER
 L/C. EGM
 NOV 20 1961

FORM 6-61 FS-439

For Department Use Only - To be Filled In on Yellow Original ONLY

ACTION ASSIGNED TO	ACTION TAKEN	DIRECTIONS TO RM/R	DEPARTMENT OF STATE
NAME OF OFFICER	DATE OF ACTION		
OFFICE SYMBOL			

DECLASSIFIED

Authority 949660
By EK NARA Date 7/31

RG

Entry

File

Box

59CDF 1960-63263-1191-SAXL
Charlotte Estate420re: Restitution of the Estate of the late Charlotte Saxl

My dear Mr. Ambassador:

I must ask for your help and advice in the following matter. I am the executor of the estate of my deceased Mother, Charlotte Saxl, originally from Vienna, Austria. She immigrated into the United States under duress in 1938 and became a United States citizen. She died in 1949.

As executor of her estate, I caused a claim to be filed, as per enclosure. This was against the Republic of Austria and we requested at that time its espousal by our Department of State.

While I realize, of course, that legal work of such nature may take a year or two, it is beyond my understanding that a claim filed on December 30, 1950 has not been acted upon by the Austrian authorities as of October 1961.

Perhaps there are some steps that can be taken to bring this matter at long last to a successful conclusion. I also feel that there may be a political course of action indicated (this being a rather political matter).

I would be immensely grateful if in your overcrowded schedule and in our anxious times, you will find a possibility of having this matter checked into as quickly as possible by your legal department and inform me of what I am to do, if I am to do anything.

With many thanks, I am,

Sincerely yours,

Erwin J. Saxl

Dr. Erwin J. Saxl
Executor of the Estate of
the late Charlotte Saxl



U. S. Ambassador to Austria
United States Embassy
Vienna, Austria

342981

DECLASSIFIED

Authority 949660
By EK NARA Date 7/91RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

December 30, 1960

Hon. Dean Acheson
Secretary of State
Washington 25, D.C.

Attention: Legal Adviser's Office

Re: Estate of Charlotte Saxl
v. Republic of Austria

Mr. Secretary:

The undersigned have been empowered by Dr. Erwin Joseph Saxl of Harvard, Mass., executor of the estate Charlotte Saxl to present the claim of the said estate against the Republic of Austria, and to seek the espousal of such claim by the Department of State.

Enclosed herewith please find a comprehensive affidavit in duplicate of the said executor setting forth all pertinent facts and supporting documents.

I should like to reserve the privilege of amending the enclosed claim and affidavit in view that there may be as yet undiscovered documents and other evidence which would materially increase the value of the claim.

Kindly proceed as you deem proper and advise at my Washington address.

Assuring you of my cooperation herein, I am

Respectfully yours,

George A. Schmiedigen

342982

DECLASSIFIED

Authority 949660
 By EK NARA Date 7/91

RG 59

Entry U D F 1960-63

File 263-1141-54X L

Box 202107 + e 25 state

420

Dr. ERWIN JOSEPH SAIL of Harvard, was being duly sworn, deposes and say:

1. That he is the son of the late Charlotte Saxl and executor of the estate Charlotte Saxl and thereby fully familiar with all the facts herein stated.
2. That the said Charlotte Saxl, was born in Vienna, Austria on the 14th day of February 1880, immigrated to the United States in 1939, became a Naturalized American Citizen on the 28th day of February 1944 by decree of the District Court of Providence, Rhode Island, and was issued naturalization certificate number 6144697.
3. That Charlotte Saxl died on December 11, 1949 in Providence, Rhode Island.
4. That your deponent qualified as executor of Charlotte Saxl estate on January 10, 1950 by decree of the Probate Court of the City of Providence, State of Rhode Island. Photostatic copy attached hereto and marked exhibit 1.
5. That the deceased Charlotte Saxl did possessed of certain securities which securities were derived by inheritance from the estate of her husband Richard Saxl who died in Vienna, Austria on September 25, 1930 and her father Heinrich Mayer who died in Vienna, Austria on _____.
6. That your deponent was born in Vienna, Austria May 7, 1904 and became a Naturalized American Citizen October 5, 1937 in the Supreme Court of Providence, Rhode Island and was awarded naturalization certificate number 4571619.
7. That on March 11, 1936 the Republic of Austria became a Fascist State and enacted discriminatory legislation, as a result of which the property of Charlotte Saxl was confiscated and she was forced to flee Austria. Photostatic copy attached hereto and marked exhibit 2, also photostatic copy and authentic english translation attached hereto and marked exhibit 3.
8. That in the fall of 1938, Charlotte Saxl joined deponent in the United States.
9. By direction of the Nazi Government and as a prerequisite to leave Austria, Charlotte Saxl was compelled to deposit all her property in the Bankenbank-Vienna, Austria and in the bank Walter & Co. Vienna, Austria. Photostatic copy and authentic english translation attached hereto and marked exhibit 4, 5, 6, 7 and 8.
10. The bank Walter & Co. merged in 1939 with bank Glro & Kassen Vienna, which in turn was liquidated sometime later in 1939 and the remaining securities of Charlotte Saxl were ordered by the Nazi Government to be transferred to the Landesbank, Vienna-Austria which opened an account for Charlotte Saxl, earmarked deposit for immigrant Charlotte Saxl no. 12881. Photostatic copy and authentic english translation attached hereto and marked exhibit 9; see also exhibit 4, 5 and 8.

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 By EK NARA Date 7/31

RG 59
 Entry CDF 1960-63
 File 263-1141-SAXL
 Charlotte Estate
 Box 420

11. That on June 25, 1938 Charlotte Saxl, was notified by the Mercurbank that they had received certain securities for her account and that she was compelled to be represented by an attorney Dr. Franz Reinbrexler Vienna 1. Hapsburgergasse 5, and that thereafter all future correspondence would be directed to the said Nazi attorney. See exhibit 7.

12. That on the same date, June 25, 1938 the Mercurbank notified the Treasury Department of Austria, that in accordance with the Nazi confiscation laws, the bank was to hold the property of Charlotte Saxl to secure payment of the Jewish Expiation Fee and the Reichsfluchtsteuer. See exhibit 8.

13. A passport was issued to Charlotte Saxl in the summer of 1938 and she was permitted to leave Austria, taking with her the sum of RM 10.

14. That your deponent as executor of the estate Charlotte Saxl has conducted an extensive investigation in Austria by his attorney George A. Schmiedigen in order to discover what properties of Charlotte Saxl were confiscated by the Nazi Government.

15. The discovery proved to be an extremely difficult task since the Gestapo, before the defeat of the German armies, had burned most of the records pertaining to Jewish property.

16. The U.S. Department of State, on July 22, 1946 informed Charlotte Saxl that records of the Treasury Department of Austria indicate that on July 8, 1938 Charlotte Saxl was assessed with Reichs flight tax in the amount of RM 22,452, plus RM 618.93 for costs and that this amount was paid in six installments between March 17, 1939 and January 31, 1940.

These installments were paid from the proceeds of various forced sales, made at the order of the Nazi Government by Mercurbank, Walter & Co and Laenderbank. See exhibit 2.

17. We have ascertained that the following securities were among the property of Charlotte Saxl seized by the Nazi Government:

Nominal value # of units	Type of security	Value in Schillings	Value in \$
\$4,000	7% Inter. Bundes Loan 1930 Am. issue. Photostatic copy and authentic english translation attached hereto and marked exhibit 10, 11 and 12. See also exhibit 4.....	8 21,020	4,210
Swiss Francs 4,000	4% Loan of the City of Vienna see exhibit 10, 11 and 12.....	8 4,690	915
Guilders 22,000	4% Austrian Gold Bonds CC St. see exhibit 4, 10 11 and 12.....	8 7,040	1,505.88
Units 350	Danube - Save - Adriatic bonds see exhibit 4, 10 and 12.....	518,742.50	5,784
Eng. Pounds 200	7 1/2 4 1/2% Hungarian State Loan 1924 Eng. issue. See exhibit 4, 10 and 11..		329
			Total \$10,805.88

over

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Authority 949660
 By EK NARA Date 7/31

RG 59
 Entry CDF 1960-63
 File 263-1141-5A-XL
Charlotte Estate
 Box 420

Nominal value # of units	Type of security	Value in Schillings	Value in \$
			\$10,805.88
\$1,000	7% Intern. Bundes Loan 1930 see exhibit 4, 10 and 11.....	8 5,255	1,052
Eng. Pounds 100	7% Intern. Bundes Loan 1930 english issue see exhibit 4, 10 and 11.....	8 2,650	505
Swiss Francs 1,000	4% Loan of the City of Vienna see exhibit 4, 10 and 12.....	8 1,172.50	217.49
Units 10	5% Railroad Priorities I - I with certificates see exhibit 4, 10 and 11.....	8 497.50	106
Units 50	State Railroad Corporation see exhibit 4, 10 and 12.....	8 900	166.94
Units 125	Galician Karpathian stock see exhibit 4, 10 and 12.....	8 1,562.50	252.75
Units 24	Trifail Coal stock see exhibit 4, 10 and 11.....	8 800	115
Krones 12,000	4% Bosnian Railroad Loan see exhibit 10 and 12.....	8 108	20.05
Units 15	Serbian Tobacco Redeemable Loan see exhibit 10 and 12.....	8 15	2.78
Units 18	Serbian Southern RR strips see exhibit 4, 10 and 12.....	8 90	16.69
Units 5	# 8 Southern Railway strips exhibit 10 and 12.....		2.78
Units 29	Austrian Building Loan 1928 see exhibit 10 and 12.....	8 495	91.45
Units 18	Austrian Building Loan 1925 see exhibit 10 and 12.....	8 189.80	31.46
Units 21	Austrian Building Loan II Edition 1925. See exhibit 10 and 12.....	8 151.20	28.05
			<u>28.05</u>
			Total \$13,414.24

342985

over

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Authority 949660
By EK NARA Date 7/31RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

5

Nominal Value / Units	Type of security	Value in Schillings	Value in \$
			\$25,077.77
Coupon 1	of August 1, 1939 of 7% Hungarian State Loan 1924, eng. issue Photostatic copy attached hereto and marked exhibit 18, see exhibit 12		14.18
Coupon 8	of Feb.1, 1940, Aug.1, 1940, Feb.1, 1941 Aug.1, 1941, Feb.1, 1942, Aug.1, 1942 Feb.1, 1943, Aug.1, 1943 of 7 1/2 % Hungarian State Loan 1924, eng. issue see exhibit 10, 12 and 18		113.49
			<u>Total \$25,205.45</u>

18. That the above mentioned securities were confiscated in whole by the Nazi Government. RM 25,270.95 of the proceeds were allocated to meet payments of the Reichs-Flight-Tax, and the entire balance was either converted into German Reichs Loan or Jewish Expiatory Offerings. See exhibit 2, 4, 7, 8, 10 and 12.

19. That a few thousand schillings originally derived from the deceased pension, and left in Charlotte Saxl's account #12281 in the Laender bank, were seized by the Austrian Government in 1947 under the pretext that the Government was exercising its normal function in protecting the national currency, and that persons investing money in Austria expected to be subject to such provisions. Photostatic copy and authentic english translation attached hereto and marked exhibit 19, 20 and 21.

20. That Charlotte Saxl made no voluntary investments in Austria. She was forced in 1938 to deposit her securities in the Mercurbank, and the seizure made by the Republic of Austria in 1947 of her account #12281 in the Laenderbank Vienna, Austria was wrongful, illegal and in violation of commonly accepted principles of international law and morality.

WHEREFORE your deponent, as executor of the estate of Charlotte Saxl, respectfully requests that the claim of the estate of Charlotte Saxl against the Republic of Austria in value of \$25,205.45 plus interests and cost, be espoused by the Department of State

Attached hereto and marked exhibit 22, a power of attorney for George A. Schmiedigen Esq. of Washington D.C.

Respectfully submitted,

Dr. Erwin Joseph Saxl

Sworn to and subscribed before me,
this the day of 1950

Notary Public in and for County

342986

DECLASSIFIED
Authority 949660
By EK NARA Date 7/91

RG 59
Entry CDF 1960-63
File 263.1141-SAXL
Charlotte Estate
Box 420

September 9, 1954

In reply refer to
L/C 263.1141 Saxl,
Charlotte Estate/9-154

263.1141 SAXL, CHARLOTTE
ESTATE/9-154

*263.1141 Saxl Charlotte
Estate/9-154*

General Entry

Dear Mr. Schmiedigen:

The receipt is acknowledged of your letter of September 1, 1954, relating to the claim of the estate of Charlotte Saxl against Austria based upon the alleged confiscation of bank accounts in Vienna in 1938.

In accordance with your request the documents submitted in support of the claim will be retained in the Department's file for possible future action when a definite program for the processing of such claims is adopted.

Appropriate record has been made of your change of address.

Sincerely yours,

For the Acting Secretary of State:

Joseph B. Matre
Assistant to the Legal Adviser

Mr. George A. Schmiedigen,
901 American Building,
1317 F Street, N. W.,
Washington 4, D. C.

69
[Signature]

*263.1141 Saxl Charlotte Estate
19-154
CS/VJ*

S/S - CR
SEP 9 1954 P.M.

L:L/C:JBMatre:mab 9-9-54

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

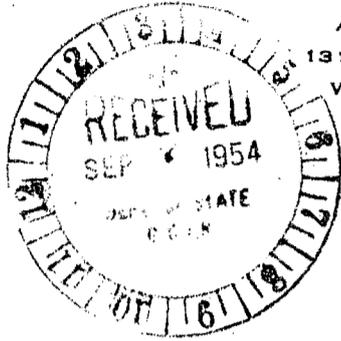
RG 59
Entry CDF 1960-63
File 263.1141-SAXL
Charlotte Estate
Box 420

ACTION
is assigned to

GEORGE A. SCHMIEDIGEN
COUNSELLOR AT LAW
AMERICAN BUILDING
1317 F STREET, N. W.
WASHINGTON 4, D. C.
DECATUR 2-2582

LEGAL ADVISER
msd 9-9-54
SEP - 9 1954
L.C. 263
DEPARTMENT OF STATE
file

7561



September 1, 1954

Joseph B. Matre, Esq.
Assistant to the Legal Adviser
Legal Adviser's Office
Department of State
Washington 25, D.C.

Re: L/C 263 Saxl, Charlotte Estate/123050

My dear Mr. Matre:

Reference is made to your letter of January 24, 1951, relating to the claim of the Estate of Charlotte Saxl against the Government of Austria growing out of the confiscation by the Nazis of her accounts in the banks of Vienna at the time of her departure from Austria in 1938.

Kindly retain the documents and said claim for future consideration by the Department.

Would also appreciate taking notice that my new address is as follows:

George A. Schmiedigen
901 American Building
1317 F Street N.W.
Washington 4, D.C.

Sincerely yours

FILED
SEP 10 1954
CS/W

263.1141 SAXL,
ESTATEX-9-154

CHARLOTTE

263.1141 SAXL,
CHARLOTTE ESTATE
/9-15-54

gs:aak

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39
Rev
Cat

244840

342988

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

JAN 24 1951

In reply refer to
L/C 263.1141 Saxl,
Charlotte Estate/12-3050.

My dear Mr. Schmiedigen:

The receipt is acknowledged of your letter of December 30, 1950, and its enclosures, relating to the claim of the Estate of Charlotte Saxl against the Government of Austria growing out of the alleged confiscation by the Germans of her accounts in the banks of Vienna at the time of her departure from Austria in 1938.

The statement of claim indicates that the claim arose in 1938, that the securities were sold in order to pay the discriminatory taxes levied during the Nazi regime and that the deceased was naturalized as an American citizen on February 28, 1944. Under the recognized principles of international law and practice, one nation cannot successfully present a claim for international reclamation against another nation unless the claimant was a national of the nation presenting the claim at the time the claim arose. The reason for the rule is that a nation is injured through the injury to its national and only the injured nation can demand reparations. If a claim should be presented, the respondent government would invoke the rule. While naturalization transfers allegiance, it does not transfer international obligations existing at the time of naturalization. The Department is unable to state whether this situation may be modified in the German peace settlement or Austrian peace treaty.

Any claim which the estate of the deceased may, in the future, have against Germany or Austria will depend upon the terms of the peace settlement made with those countries or

upon

Mr. George A. Schmiedigen,
Attorney at Law,
1918 "N" Street, N. W.,
Washington, D. C.

263.1141 SAXL, CHARLOTTE ESTATE
/12-3050
CS/H
263.1141 Saxl, Charlotte Estate
/12-3050

DC/R
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Rev _____
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DECLASSIFIED

Authority 949660
By EK NARA Date 7/31RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

-2-

upon the remedies which may be open to eligible claimants under any future legislation which may be adopted in those countries. Wide publicity will be given to such legislation if and when it is adopted. In this situation, the Department will retain the documents for possible future consideration or return them to you whichever you prefer.

As you are doubtless aware, Section 8 of the War Claims Act of 1948, as amended, required the War Claims Commission, established pursuant to the terms of the Act, to report to the President on or before March 31, 1950, for submission to the Congress, recommendations regarding the consideration of claims arising out of World War II other than those which may be adjudicated under the terms of the Act. The report has been published as House Document No. 580, 81st Congress, 2nd Session. The Department has no copies of the report available for distribution. Copies, however, may be purchased from the United States Government Printing Office, Washington, D. C. The price of the report is 25 cents.

There is enclosed, as of possible interest to you, a general information sheet concerning American property interests in Austria.

Sincerely yours,

For the Secretary of State:

Joseph B. Matre
Assistant to the Legal Adviser

Enclosure:

✓ General Information Sheet
Concerning American Property
Interests in Austria.

EMW
S/S - CRJ
JAN 24 1951 A.M.

L:L/C:JBMatre:eg
1-23-51.

342990

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

GEORGE A. SCHMIEDIGEN
ATTORNEY AT LAW

1204 PALMETTO BLDG.
COLUMBIA, S. C.
POST OFFICE Box 987
COLUMBIA S. C.
TELEPHONE 2-8697

December 30, 1950

ACTION
is assigned to
12/14/50

EUR INDEX
LRW

ICB

462 11 E. W. Saxl, Charlotte
10-1947
11-1347
8-1947
9-147
11-1947
Saxl, Charlotte
Estate / 2-1050

Hon. Dean Acheson
Secretary of State
Washington 25, D.C.

2-1-1951
PROTECTED SERVICES

JAN 5 1951
DEPARTMENT OF STATE

Attention: Legal Adviser's Office

Re: Estate of Charlotte Saxl
v. Republic of Austria

Mr. Secretary:

The undersigned have been empowered by Dr. Erwin Joseph Saxl of Harvard, Mass, executor of the estate Charlotte Saxl to present the claim of the said estate against the Republic of Austria, and to seek the espousal of such claim by the Department of State.

Enclosed herewith please find a comprehensive affidavit in duplicate of the said executor setting forth all pertinent facts and supporting documents.

I should like to reserve the privilege of amending the enclosed claim and affidavit in view that there may be as yet undiscovered documents and other evidence which would materially increase the value of the claim.

Kindly proceed as you deem proper and advise at my Washington address.

Assuring you of my cooperation herein, I am

Respectfully yours,

George A. Schmiedigen
George A. Schmiedigen

RECEIVED
DEPARTMENT OF STATE

1951 JAN 2 PM 12 07

DC/RECORDS BRANCH

ESTATE / 12-30-50
CS/W

OF EUROPEAN AFFAIRS
MESSAGE

1951 JAN 4 AM 9 00

DEPARTMENT OF STATE

encs att.
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DC/R
Anal 38
Rev 5
Cat

000133

JAN 26 1951
PT. 1111

263-1141
Charlotte, Estate / 12-30-50

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263.1141-SAXL
Charlotte Estate
Box 420

APR 14 1950

In reply refer to

My dear Mr. Schmiedigen:

*263.1141 Charlotte Estate
Pouch 80 to 96
2/10/50
42*

Further reference is made to your letter of February 10, 1950 and the Department's letter of February 17, 1950 concerning the Estate of Mrs. Charlotte Saxl.

On the basis of information received from the Legation in Vienna the Department's understanding of the assets of Mrs. Saxl, deceased, is as follows:

(1) No law has so far been passed which would compel the Austrian Government to grant compensation for losses incurred by the assessments and collections of Polish Flight tax and Jewish Expiation levy paid into the German treasury. The Austrian currency laws enacted after World War II applied to all bank accounts in Austria irrespective as to whether the owner is an Austrian citizen or an alien.

(2) The Oesterreichische Landesbank AG, Vienna states that the account No. 12201 Charlotte Saxl, deceased, shows a balance of 3216 schillings which may be remitted to the United States to be applied to the payment of the lost illness of Mrs. Charlotte Saxl provided the necessary consent of the Austrian National Bank can be obtained.

(3) In addition to the schilling account the Oesterreichische Landesbank is holding the following securities and coupons for the account of the Estate of Charlotte Saxl:

- Russian 12,000 4 1/2% Russian Railway Bonds 1902, loco Beograd.
- 125 shares Galician Carpatho shares, 100 Aloty each, with Polish registration.
- 24 redeemable coupons of old Southern Railway Preferential Bonds (4/1/19-1/1/23).
- Coupons of 4 1/2% Hungarian League of Nations Bonds 1924 per 2/1/1930 (English issue, loco London).

Mr. George A. Schmiedigen,
1204 Palmetto Building,
P. O. Box 997,
Columbia, S. C.

SEARCHED	INDEXED
SERIALIZED	FILED
APR 14 1950	
FBI - CHARLOTTE	

Handwritten initials and marks

263.1141 SAXL CHARLOTTE ESTATE 7-1050
CS/F
Charlotte Estate
2/10/50

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263.1141-SAXL
Charlotte Estate
Box 420

If the trustee of the estate desires to secure custody of these securities, it is suggested that they raise the question with the Austrian National Bank in order to ascertain what policy is currently in effect with respect to such holdings. It has been indicated by the Legation in Vienna that the current opinion is that these securities have no present value, but direct inquiry may be useful.

Because of the Austrian Exchange Control system, it is not usually possible to transfer the dollar equivalent of schilling accounts out of the country. Austria has exercised a comprehensive control over such transfers in the interest of conserving her limited foreign exchange resources for the purposes most essential to reconstruction.

Sincerely yours,

For the Secretary of State:

Roswell H. Whitman
Officer in Charge of
Economic Affairs
Office of Western European Affairs

A true copy of
the original
sent.

EUR:WE:RWilliams:ls
4/7/50
13 1950

Clear L/E WE

(Dullin)

DECLASSIFIED
Authority 949660
By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263.1141-SAXL
Charlotte Estate
Box 420

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Williams - WE
FROM : Mrs. Dulles - WE
SUBJECT: Mr. Schmiedigen's letter

DATE: April 6, 1950

I believe the last two paragraphs need to be changed. I suggest the following:

If the trustee of the estate desires to secure custody of these securities, it is suggested that they raise the question with the Austrian National Bank in order to ascertain what policy is currently in effect with respect to such holdings. It has been indicated by the Legation in Vienna that the current opinion is that these securities have no present value, but direct inquiry may be useful.

Because of the Austrian Exchange Control systems, it is not usually possible to transfer the dollar equivalent of schilling accounts out of the country. Austria has exercised a comprehensive control over such transfers in the interest of conserving her limited foreign exchange resources for the most essential reconstruction purposes.

prevailing in Austria

purpose

*from Schmiedigen letter
2/24/51*

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By EK NARA Date 7/31

RG 59
Entry CDF 1960-63
File 263-1141-SAXL
Charlotte Estate
Box 420

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263.1141 SAXL, CHARLOTTE,
ESTATE/3-2250

HH

TO: Department of State

263.1141 Saxl,
Charlotte, Estate
/3-2250

FROM: VIENNA 175 March 22, 1950

REF: DEPTS 30, February 17, 1950

SUBJECT: BANK ACCOUNT AND SECURITIES IN AUSTRIA OF THE
LATE CHARLOTTE SAXL.

EUR INDEX

263.1141 Saxl, Charlotte Estate, 2-10-50

No law has so far been passed which would compel the Austrian Government to grant compensation for losses incurred by the assessment and collection of Reichs Flight Tax and Jew Expiation Levy paid into the German Treasury.

The Austrian currency laws enacted after World War II apply to all bank accounts in this country irrespective as to whether the owner is an Austrian citizen or an alien.

Mrs. Saxl was advised to that effect in a letter which the Department addressed to her on August 28, 1948, a copy of which was transmitted to the Legation with the Department's instruction No. 155 of August 28, 1948, file 462.11 EW Saxl, Charlotte/6-2548.

In reply to an inquiry which the Legation addressed to the Oesterreichische Laenderbank AG, Vienna, the latter stated that the account No. 1221 Charlotte Saxl, deceased, shows a balance of 3216 schillings. Provided it is able to obtain the necessary consent of the Austrian National Bank, the Oesterreichische Laenderbank AG. would be willing to convert these schillings into dollars and to remit them to the United States for payment of at least part of the hospital bill of the late Mrs. Charlotte Saxl. The bank has already written to that effect to the decedent's son, Dr. Erwin J. Saxl, Harvard, Mass.

In addition to the aforementioned schilling amount the Oesterreichische Laenderbank AG. is

holding

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59Entry CDF 1960-63File 26-1141-SAXL
Charlotte's EstateBox 450

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2 Vienna 175
175 52 1820

holding the following securities and coupons for the account of the estate of Charlotte Saxl:

Kronen 12,000 $4\frac{1}{2}\%$ Bosnian Railway Bonds 1902, loco Beograd

125 shares Galician Carpato shares, 100 Zloty each, with Polish registration

24 redeemable coupons of old Southern Railway Preferential Bonds (4/1/19-1/1/23)

Coupons of £ 200,-, - $4\frac{1}{2}\%$ Hungarian League of Nations Bonds 1924 per 8/1/1939 (English issue, loco London)

According to the bank these securities and coupons have, at least for the time being, no market value. It is doubtful whether Yugoslavia, Hungary, Czechoslovakia, or Poland will ever honor their obligations under these securities.

If the trustee of the estate desires and proves his authority he can doubtless obtain the release of these securities by the Oesterreichische Laenderbank and the necessary consent of the Austrian National Bank for their shipment abroad.

Walter Dowling
Walter Dowling,
Charge d'Affaires a.i.

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263-1141-TIEGER, CHARLES (Mrs) 7-116

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HANDLING INDICATOR (With UNCLASSIFIED Enclosure)
FOREIGN SERVICE DESPATCH

563.883/2-862
XR 213.8511

FROM : American Embassy, VIENNA NO. 682
TO : THE DEPARTMENT OF STATE, WASHINGTON. DATE February 8, 1962
REF : Embassy's A-364, January 26, 1962 FEB 9 1962

For Dept. Use Only	ACT I O N	I N F O	DE P	RM/R	REP	AF	ARA	EUR	FE	NEA	CU	INR	E	P	IO	ICA
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REC'D			OTHER	AIR	ARMY	CIA	NAVY	OSD	OCB	USIA	NSA					
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SUBJECT: Iranian Student Activities in Austria

A five member delegation claiming to represent about 1000 Iranian students in Austria called at the Embassy on February 7 to request assistance in its efforts to have the Austrian Government remand a deportation order against two fellow students. The Austrian Government took action against the students, Pahlavan and Ehsany, following a demonstration on January 25 by Iranian students in Vienna to protest the actions taken by the Iranian Government against students in Tehran and elsewhere. Ali Rabum, a medical student and the spokesman for the delegation, insisted that the students who were ordered deported were selected by the Austrian police at random.

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File 263-1141-1199
Charles Simons File
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263-0041

Mr. Wolff WF

800-46

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FOREIGN SERVICE DESPATCH

FROM AmEmbassy TEL AVIV

693

DESP NO

TO THE DEPARTMENT OF STATE, WASHINGTON

April 22 1960

REF Embassy's Despatch 573 of March 16, 1959

For Dept.	ACTION	DEPT				
Use Only	REC'D	OTHER	RMA-2	L-2	ENR-5	SCS-2
	H-27	CIA-10	USIA-10	IR-8	IO-4	

SUBJECT World-Association of Jews from Austria and Jewish Claims for Restitution from Austria

There is enclosed, in reproducible form, a copy of a letter to Ambassador Reid, dated April 6, 1960, from the World Association of Jews from Austria for the Protection of their Right (sic), requesting the Ambassador to receive a delegation to submit information relative to restitution claims against the Austrian Government. In reply, the Association was informed that a copy of its letter would be forwarded to the Department of State but that, in the circumstances, the Ambassador would be unable to receive its representatives without instructions from the Department.

The British Ambassador, it is understood, received a similar communication, to which a like reply is being made.

The Austrian Ambassador states that the Haifa group has made no approaches to his office in this matter save one approximately a year ago when a memorandum was sent to him. From his description it would appear to be identical to the one sent to the Embassy and transmitted to the Department in February 1959. He understands that copies of the same memorandum were sent also to the British and French Embassies in Tel Aviv.

A Knesset question addressed to the Foreign Minister inquired what steps the Israeli Government had made or intended to make to assure that ex-Austrian victims of Nazism resident in Israel were compensated by Austria to the same degree that ex-German victims were indemnified by Western Germany. In her reply April 6 Mrs. Meir stated that the claims of this group of Jews have not yet been settled but that the Government of Israel did not believe it desirable to distinguish between the claims of this particular group and the demands of all Austrian Jews who survived Austrian Nazi measures, hence it was maintaining contact with world-wide Jewish organizations representing ex-Austrian Jews, which in turn were discussing the matter with the Great Powers and the Austrian Government. In addition, the Government continued to be active in pressing, appropriately for satisfaction of the demands of the victims both before the Austrian Government and the four signatory Powers to the Austrian peace treaty. She concluded with the hope that the Austrian Government and the treaty signatories

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263-84A41/4-2260

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Page 2 of
Encl. No. _____
Desp. No. 693
From TEL AVIV

would regard it as their duty to bring the matter to an early conclusion. The full text of the Knesset question and Mrs. Meir's reply, as reported in THE ISRAEL DIGEST of April 15, 1960 (Volume III, No. 8), constitutes Enclosure No. 2 to this despatch.

ACTION REQUESTED: The Department is requested to inform the Embassy what action, if any, it should take in response to the proposal of the World Association of Jews from Austria.

For the Ambassador:

William Bruce Lockling
William Bruce Lockling
First Secretary of Embassy

Enclosures: *AK*

1. Copy of letter to Ambassador Reid from World Association of Jews from Austria for the Protection of their Right
2. Copy of THE ISRAEL DIGEST, April 15, 1960 report of text of Knesset question and Mrs. Meir's reply.

Department please pass to Vienna, London, Paris and Moscow

Copies sent to Jerusalem, Haifa

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Page 1 of 1
Encl. No. 1
Desp. No. 693
From Embassy TEL AVIV

COPY

WELT-VEREINIGUNG DER JUDEN AUS OESTERREICH ZUM SCHUTZ IHRER RECHTE
World-Association of Jews from Austria for the Protection of their
Right.

Postbank Konto Nr. 22.300
Haifa, POB 11793

6th April, 1960.

Hrs. Excellency,
Mr. Ogden Rogers Reid,
Ambassador Extraordinary and
Plenipotentiary of the
United States of America,
19, Rothschild Boulevard,
T e l - A v i v .

Your Excellency,

Further to our letter of 25th January 1959 under cover
of which we submitted a Memorandum to your esteemed predecessor
and further to the letter of acknowledgement from the American
Embassy, Tel Aviv, dated 6th February 1959, we would respectfully
ask you to grant us an interview in order to give us an opportunity
of submitting to you further particulars in connection with the
subject in question which has now become of extreme urgency.

Yours respectfully,

WORLD-ASSOCIATION OF JEWS FROM AUSTRIA
FOR THE PROTECTION OF THEIR RIGHT

s/ R.V. Rosenmann

s/Dr. S. Schoenblum

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263-1141-Telegram
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Page 1 of

Encl. No. 2

Disp. No. 693

From AMEMBASSY TEL AVIV

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THE ISRAEL DIGEST, VOLUME III, NO. 8, APRIL 15, 1960.

Problem of Austrian Reparations

The steps taken by the Government to expedite a solution of the problem of reparations from Austria were outlined by the Foreign Minister, Mrs. Golda Meir, in answer to a question on the subject put to her in the Knesset by Mr. Yacov Katz, a representative of Poalei Agudat Israel.

The question was as follows:

"In view of the fact that in paragraphs 25 and 26 of the 1955 Peace Treaty, the Austrian Government has undertaken to enact laws providing for reparation to be made to the victims of Nazism;

"That the damage caused by the Nazis to Austrian Jews was estimated by official Nazi sources as amounting to half a billion dollars, without taking into account the damage caused by impairment of health and loss of livelihood;

"That Austrian Jews have received no compensation from Germany, the reason given being that it is up to the Austrian Government to make such compensation;

"That thus far Austria has passed but a few laws in favor of the victims of Nazism, providing for indemnification to the extent of approximately 5% only of the damage caused;

"That the majority of the Austrian people received the armies of Nazi Germany with open arms, and that the Moscow Declaration of the United Nations specifically recognized Austrian responsibility for the Nazi crimes;

"That of the 75,000 Jews who have remained alive a total of 195,000 who lived in Austria in 1938, approximately 20,000 are living in Israel;

"And considering further that the Austrian Parliament has asked the Austrian Government to enact at an early date laws providing for the indemnification of the victims of Nazism;

"The Foreign Minister is requested to state what approaches the Government of Israel has made or intends to make... to ensure that ex-Austrian victims of Nazism living in Israel, most of whom are persons of an advanced age and social cases, shall be indemnified by Austria in the same measure... as persons of German origin were indemnified by the West German Government."

Mrs. Meir replied:

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Page 2 of
 Encl. No. 2
 Desp. No. 693
 From AmEmbassy TEL AVIV

"(a) The Government of Israel states with regret that the claims of Jews who were victimized in Austria in 1938-1945, have not yet been settled, as justice demands;

(b) In the actions it has taken in order to expedite a solution of the problem, the Government of Israel has been guided by the principle that the claims of Israel citizens of Austrian origin should not be dealt with separately from the demands of all Austrian Jews who survived the Nazi holocaust. As a result, the Government of Israel has been consulting on a regular basis with the world-wide Jewish organizations representing all ex-Austrian Jews, on the steps to be taken in this matter. These organizations are in constant contact with the great powers, as well as with the Austrian Government.

"(c) The Government has been and continues to be active in pressing for satisfaction of the demands of the victims. In deciding the form that its action would take, the Foreign Ministry takes into consideration the general Jewish interest as well as the interests of ex-Austrian residents of Israel. Our diplomatic representatives in Austria avail themselves of every opportunity to point out to the Austrian Government the identity of views on this matter between the Government of Israel and the various Jewish organizations, as well as the urgency of Israel's demands on behalf of her own citizens.

"Obviously, the existence of the Austrian Peace Treaty, which provides for the Four Powers as the proper authority for the interpretation of the Treaty, is taken into consideration by the Ministry for Foreign Affairs -- with due respect to the Treaty's importance and to its various aspects.

"(d) I would like from this rostrum to express the Government's hope that the Austrian Government and the Powers linked to it by the State Treaty will regard it as their duty to bring this matter to an early conclusion."

* * * * *

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DEPARTMENT OF STATE INSTRUCTION

1464

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(Security Classification)

FOR DC USE ONLY

NO.: CA-9615 May 18, 1960

SUBJECT: Jewish Claims for Restitution from Austria.

TO: The American Embassy, TEL AVIV.
For Info: The American Embassy, VIENNA.

263.84241/4-2260
XR 263.0041
850.46

In despatch No. 693 of April 22, 1960 the Embassy asked what action, if any, it should take in response to a letter from the "World Association of Jews from Austria for the Protection of Their Right" in which the Ambassador was requested to receive a delegation of Association members who wished to submit information relative to restitution claims against the Austrian Government. The Ambassador sent an interim reply stating that he was unable to receive the delegation without instructions from the Department.

A reply should be sent to the Association suggesting it address any communication to the Committee for Jewish Claims on Austria, 3 East 54 Street, New York 22, New York., with which the Association is undoubtedly familiar. Since 1953 the Committee has been the only private organization with which the Austrian Government has been negotiating on the subject of persecutee claims. This Committee has represented on a world-wide basis Jewish claims against Austria. The Ambassador in his reply could therefore suggest that, in view of the fact that representations on behalf of Jewish persecutees have been concentrated in this Committee, no useful purpose would be served by his meeting with a delegation from the Association.

FYI. In connection with claims under Article 26 of the Austrian State Treaty, the Department has maintained close contact with a representative of the principal Jewish organizations in the United States interested in this problem. In May, 1959, the United States, France and Great Britain reached a settlement with Austria of claims under Article 26 of the State Treaty which was acceptable to the Jewish organizations in the United States. The settlement agreement (Treaty and Other International Act Series No. 4253) provides that the United States will neither advance nor support through diplomatic channels against the Austrian Federal Government any further claims of persecutees based on Article 26 of the State Treaty. END FYI.

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CLEARANCES:

5/13/60

APPROVED BY: hs
EUR:WE - Wells Stabler

NE - Mr. Hamilton

L/EUR - Mr. Wehmeyer *Daew*

cat 5/5-OR
MAY 18 1960 P.M.

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XR 784a.521

FOREIGN SERVICE DESPATCH

FROM : AmConsul HAIFA
TO : THE DEPARTMENT OF STATE, WASHINGTON.
REF : Tel Aviv Desp. 693, April 22, 1960.

DESP NO. 11
DATE July 25, 1960

50 For Dept. Use Only	ACTION	DEPT.
	REC'D	OTHER

NEA-4 RMR-2 IRC-7 EUR-5 K-2 805-2 TO-4
8-3 0 0 IA-10 USIA-10 Vienna-1

SUBJECT: Austrian (Honorary) Consul's Comment on Question of Austrian Restitution.

Austria is represented in the Haifa and Northern District by an honorary Consul, Dr. Leopold Ludwig GOTTESMANN, a prominent local businessman and former right-wing "revisionist" Zionist of Czech origin. He came to Israel in 1946 after dramatic wartime experience with the Nazis, and was named honorary Consul at Haifa about one year ago. He is on very good personal terms with the former Austrian Minister to Israel, Dr. Kurt ENDERL, now reportedly due for an ambassadorial post, and with Foreign Minister KREISKY.

During a recent conversation, this reporting officer asked Dr. Gottesmann about the issue of restitution from Austria. He said he felt reasonably sure that "Austria would pay," and suggested that the figure of \$30,000,000 was under consideration. He had the impression that both the United States and Great Britain were endeavoring to influence the Austrian Government to settle the matter.

A confidential biographic sketch of Dr. Gottesmann based on personal observation and acquaintance is attached as an enclosure.

WJH
Philip A. Mangano
Philip A. Mangano
American Consul

Enclosure: Biographic sketch.

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JUL 26 1960

cc: AmEmbassy Tel Aviv
Dept. please pouch to AmEmbassy Vienna

PAMangano:dkc
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Page 1 of
Encl. No. 1
Desp. No. 11
From HaifaBiographic Data on Dr. Leopold Ludwig GOTTESMANN - Honorary
Consul at Haifa.

He was born at Smolnik, Czechoslovakia in 1903. After schooling in that country, he did his university studies in Vienna. Entering business in Czechoslovakia, he became manager in Bratislava for the big insurance company, Riunione Assicurazioni Adriatica. He was tennis champion of Czechoslovakia at one time and a Davis Cup player. He became prominent as a member of the "Revisionist" wing of the Zionist movement in Europe, and was imprisoned by the Nazis at Bergen-Belsen concentration camp from which he escaped late in the war period. Impersonating a Nazi SS officer in Hungary, he "liberated" his wife, a Hungarian Jewess (Katharina SZEGOE) from imprisonment near Budapest. They then escaped to Geneva, Switzerland, after Gottesmann vainly sought to persuade other Jewish leaders hiding in Hungary that they should organize partisan-type resistance rather than rely on financial bargaining with the Nazis as advocated by Kastner to save Jewish lives. Despite friendly offers of full reestablishment and promising opportunity after the war in Czechoslovakia, including expressions of warm personal interest by Dr. BENES, Mr. Gottesmann determined to come to Palestine as a determined supporter of, and believer in, establishment of a Jewish state. They came here in 1946.

He is Managing Director of the Kadima Insurance Company which has special connections with British insurance companies. He acquired principal ownership of the agency about fifteen months ago, taking over from Mr. Eli ELIACHAR. Together with such men as Advocate TAMIR (of Tel Aviv), Dr. Reuben HECHT (of Haifa), Advocate WEINSHALE (of Haifa) and Eri JABOTINSKY (of the Haifa Technion), Dr. Gottesmann was a co-founder of the New Regime Party. That political group emerged before the last Knesset elections, and several of its founders were formerly Herut members. Gottesmann, however, withdrew from active connection with this movement after disagreement with his associates over methods of building up a larger following.

Today, along with his consular duties in Haifa, he concentrates on expanding his business which may soon require him to move to Tel Aviv. He states, in confidence, that the Austrian Foreign Ministry is quite willing to have him retain his consular post, coming to Haifa once or twice a week. He has even been urged to adopt Austrian nationality, without sacrifice of his Israeli citizenship, but he looks upon such a proposal with very strong reserve.

At one time, he confides, he was sounded out by high Foreign Ministry officials concerning a possible ambassadorial appointment, but the idea lapsed after he explained that his "independent" nature and views might produce difficulties. He is strongly anti-Communist, just as he was anti-Nazi and anti-Fascist. He is very well-disposed toward the United States which he hopes to visit soon for business and general orientation purposes.

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DEPARTMENT OF STATE

MEMORANDUM OF CONVERSATION

263.8441/10-460

Approved by U
10/19/60

SUBJECT: Jewish Claims

DATE: October 4, 1960

PARTICIPANTS: Austrians

- Dr. Bruno Kreisky, Austrian Foreign Minister
- Professor Franz Gschnitzer, Austrian State Secretary for Foreign Affairs
- Dr. Wilfried Platzer, Austrian Ambassador
- Dr. Kurt Waldheim, Director, Western Section, Austrian Foreign Office
- Dr. Rudolf Kirchschlaeger, Chief of the Legal Section, Austrian Foreign Office

Americans

The Acting Secretary (Mr. Dillon)

EUR - Mr. White JOW

WE - Mr. McBride
WE - Mr. Phelan

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263.8441/10-460

After discussing Austrian-Yugoslav economic relations, the Acting Secretary observed that the Article 26- Jewish claims, settlement still seemed to be in about the same position it was in when he was in Vienna last summer.

Minister Kreisky replied that, to his regret, the Acting Secretary's assumption was entirely correct. The Minister said that he had proposed the law which would provide for the settlement of the Article 26 claims plus an additional AS 450 million for settlement of all the remaining persecutee claims. He had run into difficulties within the coalition government, in that he had encountered strong resistance to any compensation proposal which did not also take into consideration all the claims of Jews and other persecutees still residing in Austria. Moreover, upon his arrival in New York, he had had a long talk with Mr. Goldman, Chairman of the Committee on Jewish Claims in Austria and had learned that his proposal of AS 450 million would not be adequate to cover the remaining claims. According to Mr. Goldman the amount should be doubled. In this connection, the Minister said that the proposal had been made to utilize counterpart to pay off all claims immediately, with the Austrian government reimbursing the Counterpart Fund

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over a period of ten years on a pro-rata basis. The Minister pointed out that, while it would be relatively easy for the Austrian government to repay the Fund in installments, it would be politically impossible to take away such a large sum from the Fund since this would necessarily involve a drastic reduction in the investment program which had already been set up. In the Austrians' view, the Germans also had a moral responsibility in connection with Austrian Jewish and persecutee claims. He had felt that Austria and Germany could go along on a 50/50 basis in settling all claims once and for all. However, in New York, Mr. Goldman had told him that the Jews were trying to get an AS 500 million contribution out of the Germans. If they were successful then he'd have to abandon his 50/50 idea because the best Austria could do toward settlement of residual claims would still be AS 450 million. The Minister reiterated that his principal difficulty was over the question of how to compensate foreign Jews without at the same time meeting domestic claims in full. He also felt that, as soon as money was available, new groups of claimants would appear on the scene, further complicating a settlement.

The Acting Secretary observed that these new groups would not fall under the Treaty provisions. Dr. Kreisky readily admitted this, but observed that the Treaty was one thing and Austrian politics were something else.

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FOREIGN SERVICE DESPATCH

FROM : Amembassy, Vienna

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DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON

October 25, 1960

DATE

REF : G-210, October 24, 1960

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	REC'D <u>11/1</u>	OTHER	<u>CIA-10, USIA-10</u>

SUBJECT: Persecutee Claims

There is enclosed a memorandum of a recent conversation on the above subject between Dr. Nehemiah Robinson, Legal Advisor of the World Jewish Congress, and officers of the Embassy.

For the Ambassador:

John W. Fisher
John W. Fisher
First Secretary of Embassy

*File
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Enclosure:

Memorandum of Conversation.

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Page 1
 Enclosure 1
 Despatch 420
 VIENNA

MEMORANDUM OF CONVERSATION
 American Embassy
 October 19, 1960

PARTICIPANTS: Dr. Nehemiah Robinson, Legal Advisor of the World
 Jewish Congress
 John W. Fisher
 Marion L. Nash

SUBJECT: Article 26. Developments. Persecutee Claims

1. The 12th Amendment to the War Victims Welfare Law, Property Restoration Fund.

Dr. Robinson said that the joining of the 12th Amendment legislation, in favor of war victims in Austria, with the passage of the Property Restoration Fund, for the benefit of former Austrians now living abroad, was a settled fact. He was convinced that the Restoration Fund would never be passed without the 12th Amendment. He said that in his opinion the whole issue would make no progress towards solution until the Austrian government recognized that it must change its tactics in its efforts to obtain a contribution from the Federal Republic of Germany. He said the Federal Republic is willing to make a contribution, but will insist on its being a stated percentage of specific benefits paid by the Austrian government. The Austrians, particularly Foreign Minister Kreisky, oppose this principle, and have declined to negotiate on that basis. They favor, instead, a global contribution by the Federal Republic, their objective being to have discretion over the disbursement of funds available so that Austrians suffering from persecution originating in the events of 1934 could benefit from the German contribution as well as those who suffered from persecutions resulting from the events of 1938. Dr. Robinson said that the Austrian tactic was wrong and would fail because the Germans would never contribute to funds used to benefit the 1934 persecutees since in the German view there was no connection whatever between the Nazis and the measures taken by Dollfuss against his Austrian opponents.

Dr. Robinson predicted the legislation in question would not be passed until 1962; but he thought that the Germans might eventually contribute as much as 150 million DMarks in order to take care of the Volksdeutsch claims.

Dr. Robinson said that the Austrian project for AS 600 million is in his view inflated by 100% by the Austrians in the hope that the Germans will contribute the equivalent of AS 300 million, which he said is about the total amount the Austrians really intend to pay out. He predicted that nothing would come of the conversations scheduled to be held in February, 1961 between German Foreign Minister Von Brentano and Austrian leaders.

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Dr. Robinson said that contrary to our impression that Kreisky had sincerely tried to push the passage in Parliament of the Property Restoration Fund, Kreisky had told him in February that he had received a note from the Embassy about the Fund which he had dutifully passed on but had accompanied it by advice to do nothing.

Dr. Robinson said that the Jewish organizations were seeking to get from the Austrians additional benefits for Jewish claimants under the provisions for compensation for professional disability and for compensation of detainees. He said the benefits would amount to about 12,000 AS per person, and would effect about 5,000 individuals. He asserted that in his opinion these efforts would in no way jeopardize the fate of the Property Restoration Fund.

Miss Nash reiterated that it was important that the organizations concentrate their efforts on passage of the Property Restoration Fund, that it was only on this point that the Embassy could make representations under the State Treaty, and that the organizations should not scatter their fire on too many targets but take one at a time.

During the conversation Dr. Robinson switched his ground on the organization's stand concerning the 12th Amendment, first asserting that the deductions on Hilfsfonds awards from any Haftentschädigung increases was a violation of the terms of reference of the Hilfsfonds, but later admitting that it was due to the Germans' contributing to Wiedergutmachung that the organizations were "wanting a cut too."

Later on Miss Nash mentioned to Dr. Robinson that it would be very difficult for the Embassy formally to advise the Austrians to negotiate with the Germans, but that Embassy officers could pass on individual opinions about the advisability of agreeing to a percentage contribution instead of insisting on a global amount.

2. Self-Employed Persons Pensions.

Dr. Robinson raised the question of interpretation of Article 62.1 of the Self-Employed Persons Pensions Law. He said that individuals now living abroad would be eligible for such pensions if among other things they could show a total of 15 years coverage out of the last 20, the 15 years to include "Ersatzzeiten". The law provided that "periods of hindrance" from self-employment in Austria would be regarded as "Ersatzzeiten", but the question was what constituted hindrance. If the claimants were required to show proof of impossibility of returning to Austria after 1945 for reasons of ill health, advanced age or other serious condition, few would be eligible, whereas on the other hand if the term "hindrance" were interpreted liberally, to include

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the fact of having a settled condition of residence abroad, etc., then most of the claimants would have become eligible before the cut off date of April 1, 1959. Dr. Robinson said that Dr. Kapralik had knowledge of cases of claimants in England who had been given the benefit of liberal interpretation and had not even been required to explain their failure to return to Austria. Dr. Robinson promised to have Dr. Kapralik furnish the Embassy with the names of specific cases so that we could look into any discriminatory treatment of claimants in America.

Dr. Robinson said that the discriminatory provision in Article 37, making Austrian citizenship a condition of eligibility could be eliminated through a bilateral agreement for reciprocal treatment between Austria and the US, but agreed that it would also be eliminated if the law were modified to make it conform with the general pension law (ASVG, Section 500), which the Embassy had been urging.

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Department of State FORM DS-4 1-3-55 TRANSMITTAL SLIP		CLASSIFICATION OFFICIAL USE ONLY	
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TO The American Embassy, VIENNA		For the Attention of	
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<input type="checkbox"/> Transmit to: <input type="checkbox"/> Inform:		(U.S. Agency)	
REFERENCE Transmitting Memorandum of Conversation dated November 30, 1960. Subject: <u>Persecutee Claims on Austria</u>			
ITEMS/REMARKS The information requested in the last paragraph of your G-278 of Nov. 29, 1960 can be found in the Sept. 20, 1960 memorandum of conversation between Mr. Rubin and Mr. Wells entitled "Kreisky's Meeting with Jewish Leaders in New York". See also these memorandum of conversations with Dr. Kreisky dated Oct. 4, 1960.			
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE			
FILE NO.		SIGNATURE Alfred Wells	
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FROM: AMEMBASSY, VIENNA
TO: STATE
NO: G-278

Date Sent: Nov. 29, 1960
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Kirchschlaeger informed Emb Officer he was with Kreisky when latter conferred in New York with representatives of Jewish agencies regarding Article 26. Kirchschlaeger said in this conference Jewish representatives proposed sum of \$50,000,000 as complete and final settlement of all Jewish claims against Austria. This sum, Kirchschlaeger said, would include \$6,000,000 fund which is to be set up as provided in exchange of notes of May 8, 1959. Kirchschlaeger said his Foreign Minister is favorably disposed to idea of total and complete settlement and that the sum of \$50,000,000 suggested by Jewish representatives is not in view of Foreign Minister excessive. One of main problems is contribution which German Government should make towards this sum. In this connection Kirchschlaeger stated Germans have indicated proportion of 15 per cent on their part and 85 per cent on part of Austria. Kirchschlaeger stated that this is unacceptable and Austrians have proposed 85 per cent contribution from Germans and 15 per cent contribution from Austria. Kirchschlaeger indicated, however, Austrians would be disposed to accept 50-50 contribution. He said atmosphere in exchanges with Germans on this problem has not been good, and that both Brentano and the German Finance Minister Egel would like to visit Vienna but not before there has been agreement on this problem as well as several others.

Emb Officer inquired where Austria might get its money for this purpose in view of current budgetary difficulties. Kirchschlaeger replied a twenty-year loan might be sought as means of raising money. He believed this would not be difficult and payment of loan over period of twenty years not burdensome.

Embassy would be interested to learn whether Seymour Rubin can supply additional information on conversation between Kreisky and Jewish representatives.

MATTHEWS

AMB: [unclear] /house/keh - 2284

*reply by transmitted
12/6/60
To Vienna*

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