

C O P Y

10 March, 1949

CONFIDENTIAL

Dr. Eugene Hevesi  
The American Jewish Committee  
386 Fourth Avenue  
New York, N. Y.

Re: Italy - Looted Property

Dear Eugene:

I have learned through a friendly source that the Department of State has come to the conclusion that, as a legal matter, the property in the vaults of Italy cannot be classified as war booty. This decision still has to clear in the State Department, but the persons who are really interested are almost certain to be in favor of this view. It remains to be seen whether the Army will accept this view or will contest it, in which case an opinion of the Attorney General may be sought by State and Army.

We are still a substantial distance away from this property, but I think have gotten over one very important hurdle. Incidentally, I am informed also that the Department will be favorable toward disposition of at least a part of this looted property in the manner used to dispose of "non-monetary gold"; that is to be turned over to IEO and sold for relief purposes in the same manner as the property which has recently been disposed of in New York. However, in view of the uncertain origins of some of this property, it probably will be necessary to turn over part of it to the Italian Government, presumably for relief operations within Italy. I understand that the Italians have themselves made a few proposals of a tentative nature.

Sincerely,

Seymour J. Rubin

cc. Mr. Isenbergh  
Mr. Wolfsohn

343167

*Handwritten signature*

June 21st, 1949

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

PERSONAL AND CONFIDENTIAL

Re: Budgetary matters

*You may question this but the time you finish this letter.*

Dear Ben:

For some time I have wanted to write to you generally about the general approach to the JRSO budgetary problem. I have delayed doing both this and replying to such letters as your letter No. 109 of May 18, 1949, pending further clarification of some of the things here. I believe we now have such over-all clarification and that Troll, when he has arrived, will be able to give you the full picture and in particular will be able to give you all of the answers requested in Kagan's letter of June 11, 1949 addressed to Troll. At the same time, in view of some of our past discussions and in view of the character of the questions involved, I feel that I want to write you directly also. In any event, here goes.

1) Kagan's letter to Troll raised once again the question of JCR's budget being included in that of JRSO. I believe that you understand fully the necessity for doing this, since that procedure offers the only possibility for the JDC and the Agency to recover the JCR budget out of restitution assets. On the other hand, and I believe this too was discussed between us last February and March, everyone here understands that Ben Ferencz cannot in any way be held responsible for the JCR budget and that he has every right to submit his own budget and to be responsible for it alone. Thus, the approach here has been that the books in New York should reflect first an over-all combined JRSO-JCR budget, but that this in turn has to be broken down into separate JCR and JRSO budgets, and that you people in Nurnberg need only be concerned with the latter and can forget about our over-all picture here.

2) If this were all to the story, the problem could almost be called "simple" and I could close my letter at this point. Unfortunately, further complications arise out of the fact that the cash situation is tight, particularly for the Agency, and out of the fact that both organizations always strive to keep even their appropriations for the future at an absolute minimum. There is the further complication that they apparently do not like to go back to their governing bodies with requests for appropriations any more often than they can help it. Thus, when the JCR budget of \$13,600 was approved yesterday, by the Agency and the JDC, the question immediately arose as to whether there were funds or appropriations on hand which could be used to defray this expense. Upon being informed that Mr. Ferencz requested \$65,000 for the last five months of 1949 were "lying around", Mr. Leavitt and Mr.

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Boukstein immediately stated that the \$13,600 should be paid out of this. Dr. Schwartz and I in turn both argued that this kind of thing made it difficult for you to operate and that you were entitled to be able to hang on to the funds which had been appropriated to JR50. The answer to this was that if you needed more money later in the year, it would be given to you. Dr. Schwartz countered by saying that you were attempting to make a "good showing" and that you were hoping to end up the year with a surplus, if possible, and Mr. Leavitt and Mr. Boukstein immediately said that if you did not need all the money which you had requested, your budget should be cut. At the same time, it was agreed that the governing bodies of both organizations would approve the JCR expenditure as a matter of policy, so that when we went back to them later in the year with a request to replenish this sum, there would be no argument on the policy score.

If the above does not make complete sense to you, I can only repeat my remarks about the "psychological" factors involved in getting appropriations from governing bodies. (Actually, this is in part my own surmise of the situation and may not really be the entire story as to what went on in the heads of the individuals involved.) I thoroughly understand your situation, but I do feel that all of this need not cause any really basic difficulties. Quite clearly everyone here understands that you have a need for a \$65,000 budget for the last part of this year and that you will have approximately a budget of \$150,000 for 1950. As a matter of fact, the JDC's share of the \$65,000 was long ago appropriated and I have this day once again written Mr. Boukstein for a confirmation from him on that score. (Actually, they have already sent in funds to the JR50 bank account, which indicates that some money at least was appropriated towards this \$65,000.) Quite definitely your needs will be met, and if you wish, you might ~~always~~ approach the problem by disregarding all of the aforementioned discussion as simply internal matters of the JDC and the Agency which do not concern JR50. In other words, you have a budget which you have requested and are receiving certain monthly allocations towards that budget, and you will continue to receive them as needed.

3) Insofar as the \$65,000 and the \$150,000 are concerned, you can regard it as confirmed that the JDC has already appropriated its half of the \$65,000 and that we will have a letter from the Agency to that effect. (Incidentally, we never did receive your break-down of the \$65,000 budget which you had promised us, though we did receive the break-down on the \$150,000.) As for the 1950 budget of \$150,000, it would not be possible at this stage to get any kind of formal confirmation from the two organizations. They simply do not budget their funds that far in advance. I do think, however, that the clear-cut informal approval which you were given at the time of your visit here offers you adequate protection and that when the time comes formal approval will be forthcoming.

4) I have not forgotten about such things as the \$2,000 payment to Herr Dr. Brunschvig, nor the other unanticipated expenditures such as those connected with the shipment of the paintings. I do not think, however, that these should be raised at the present time. Rather I feel that sometime before the end of the year we should gather together all of our loose ends and come back with a clear-cut over-all request for a deficiency appropriation to carry us through--assuming that should prove to be necessary.

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5) Finally, there is the question of the \$33,000 cash surplus which you are now carrying in Nurnberg. I recognize, of course, that a certain amount of cash in Nurnberg is essential, but at the same time I want to call your attention again to the aforementioned stringency in the cash situation of the Jewish Agency particularly. They really are operating on a "hand to mouth" basis and I believe that it would be politic, in the event you really do not need all of the cash, to cut out one, two, or three of our monthly checks to you. We would very much appreciate your earliest reply on this.

*Accept Jacobson*

You will note that I have written this both as "personal" and "confidential". I have not sent a copy of the letter to anyone, but I assume you may want to show it to (Jerry Jacobson and) Saul Kagan. (Feel free to show it to anyone you wish, of course.) I should particularly suggest that you go over the whole question with Dr. Schwartz the next time you see him; he is, of course, thoroughly sympathetic to your problem and at the same time he understands far better than I do the dynamic factors present on this side. In addition, Mr. Troll will have the whole story. I should in turn of course very much appreciate getting your full comments on the whole business. I do not delude myself into thinking that this lengthy communication has resulted in complete clarification, and I am afraid that more exchanges will be necessary before this very complicated budgetary story can really be worked out.

Sincerely yours,

Eli Rock

ER:AU

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HK  
C.../10/1  
May 5, 1949

Mr. Benjamin B. Ferencz  
Jewish Restitution Successor Organization  
Fuerther Str. 301  
Nurnberg, Germany

PERSONAL AND CONFIDENTIAL

Re: JCR

Dear Ben:

What in the world is happening with JCR?!

The impression we have here is that, in spite of the deadline date, nothing has yet been shipped out and that the JCR, internally, is even worse than we had feared it would be. For example, we understand that Mr. Heller, who was supposed to have gone in to serve with Starr and during the latter's absence, is completely at odds with him and has only been in Germany for a very short time.

I would be grateful if you could tell me, confidentially, where the JCR program stands, what the future prospects are, and what supervision or other assistance you have been able to lend.

Sincerely yours,

Eli Rock

343171

March 22nd, 1949

Letter No. 2092

Mr. Jerome J. Jacobson  
American Joint Distribution Committee  
119 rue St. Dominique  
Paris 7e, France

Dear Jerry:

This will acknowledge your letter of March 9th, 1949, together with the attached copy of your memorandum of that date to Dr. Schwartz, dealing with the question of legal documentation services to be performed by the JDC in Europe.

I am delighted that you and Helen arrived in good shape and I can well understand your being thrilled over everything you "see and find". I sure envy you the experience of getting back to Paris.

On the subject matter of your letter and the attachment, may I first address myself to your discussion with Moose Isenbergh regarding the successor organization in Holland. I must say I find myself somewhat confused. Your letter talks about a single successor organization in Holland, presumably with respect to heirless property which is located there; but I had understood that our main difficulty with Moose involved his proposal to the Dutch that they apply for designation as a successor organization to heirless property located in the United States. I did not imagine that anyone had seriously proposed to the Dutch that an outside successor organization administer heirless property within their country. But I don't see how their "national sovereignty" argument could cut much ice with respect to heirless property here, or how it could stand up against a counter-argument of the same type which could be made by the U.S. authorities.

On the subject of your memorandum to Dr. Schwartz, I believe you have set forth very clearly the distinction between documentation services which involve the mere copying of records, etc. and that type of service which involves getting into administrative or legal proceedings which would lead to the issuance of an original document. On the other hand, I am not completely clear on the distinction which you propose regarding our treatment of these two categories of requests. Although you

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make it quite clear that the JDC should be much more liberal with respect to the first type of request, you still state that the JDC might not want to handle a case where a client himself could write directly for the record. Does this mean that you would insist upon the client writing directly even if a charge in hard currency would have to be paid by him for the service? And with respect to the second category of cases, when you indicate that the JDC may want to intervene in cases "where indigency exists or other meritorious facts warrant", just what sort of things do you have in mind by the phrase "meritorious facts"? Finally, it seems to me that the old conflict is still present between our unwillingness to leave in the lurch, even for the second type of case, the relatively impoverished emigrant who simply cannot afford the costs and the fees which may be involved in retaining someone in Europe to do the job for him (but who may not be actually in an "indigent status") and the JDC's traditional unwillingness on the other hand to accept any kind of indigency or near-indigency approach in meting out its services. On this score also, and in the event that they should by some chance accept the indigency or near-indigency standard, I would feel that Messrs. Schwartz and Leavitt would have to give us some criteria by which we assay an ~~indigency~~ *claim to indigency status.*

I still feel that the above all represent important considerations and, if your memorandum has not yet been taken up, I would suggest that you bring to the discussion the points which I have outlined (and which I believe you already sympathize with).

*undoubtedly and*  
Best regards.

Sincerely yours,

Eli Rock

ER:AU

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PERSONAL AND CONFIDENTIAL

February 8, 1949

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

Re: JCR Personnel

Dear Mr. Ferencz:

As you know, JCR has been making preparations during the past several weeks for sending over both Dr. Starr and Dr. Heller to Germany to carry out the organization's program for the next five or six months. My understanding is that Dr. Heller will remain constantly in Germany, whereas Dr. Starr will divide his time between that country and other points to which the organization's work will require him to travel. It is also understood that Dr. Starr will be the boss.

During the course of my discussions both with Dr. Starr and Dr. Heller, as well as with Professor Baron, I have developed some apprehension over the experiences which may be in store for you with respect to the JCR personnel. I feel that Dr. Heller particularly has not been a fortunate choice. Although I have found him warm and likable, as well as enthusiastic over the job ahead of him, he also strikes me as being disorganized and impractical. On top of that, he may be a bit like some of the elderly VIP's who have come to Germany from time to time and who have required a great deal of looking after. In this connection, I should mention too that Dr. Heller is on a kosher diet.

Another difficulty may arise out of possible conflict between Dr. Heller and Dr. Starr. That this conflict was present a week ago cannot be doubted, but I have since spoken to Prof. Baron about the matter and he has assured me that he will clarify lines of authority between the two men before their departure dates and that he will exert his every effort to see to it that a satisfactory relationship between the two of them is established.

Since JCR is of course an autonomous organization and must be allowed to carry on its own internal operations, it has not been possible for us to do more than express our concern to them regarding the above problems and to urge that the problems be straightened out. Actually, I did suggest to Prof. Baron at one point the advisability of choosing someone else in the place of Dr. Heller, but this suggestion could not be

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carried out, both because Dr. Baron did not completely share my own concern over Dr. Heller and also, more important, because a replacement simply could not be made at this late date.

I sincerely hope that my above apprehensions prove to be completely unjustified and that Dr. Heller, in his performance, will give the lie completely to my remarks. At the same time, I have felt that this is something which had to be called to your attention in advance, in order to prepare you for the possible problems which you may be facing with the gentlemen in question.

Sincerely yours,

Eli Rock  
Counsel, AJDC

ER:AU

P.S. For obvious reasons, I would appreciate it if this letter were destroyed by you after it has been seen by those in your office who you feel should see it. As a matter of fact, I am not even sending a copy of this letter to Joel Fisher, since his is presently away from Paris and I would not want the letter to be seen by other members of his staff.

E.R.

343175

Restitution  
*[Signature]*

BRIEF IN SUPPORT OF PROPOSED AMENDMENT TO  
SECTION 32 OF THE TRADING WITH THE ENEMY ACT

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- G. Pertinent Excerpts from the proposed drafts submitted by the four allied powers participating in the Austrian peace treaty negotiations
- H. Pertinent Excerpts from Military Government Law No. 59, Restitution of Identifiable Property, U.S. Area of Control, Germany

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Brief in Support of Proposed Amendment to  
Section 32 of the Trading With the Enemy Act

I. SUMMARY

On August 8, 1946, the Congress of the United States, by enactment of an amendment to Section 32 (a)(2) of the Trading With the Enemy Act, sought to provide for the release of property vested in the Alien Property Custodian, where it was apparent that the former owner of the assets was an individual who "was deprived of life or substantially deprived of liberty pursuant to any law, decree or regulation . . . discriminating against political, racial, or religious groups . . ." in an enemy country.

By this amendment a necessary and clear-cut distinction was effected between the property of those individuals who were in fact our enemies in the last war, and those who by their extreme persecution at the hands of their governments were the "enemies of our enemies" and our own allies. Although making clear the intention that the United States government should not profit in any way from the assets of the latter class of individuals, and although setting forth a definite procedure for the release of property by the Alien Property Custodian where persecuted owners or their heirs are still alive, the amendment did not and probably could not at that time provide specifically for the extreme situation in which the persecuted individual and his entire family had been wiped out by the enemy regime, thus leaving the property heirless. It is therefore now proposed, two years after the enactment of the above amendment and at a time when it has become clear that certain of the owners or heirs of this property will never appear, that a new amendment to Section 32 (a)(2) be enacted whereby

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successor organizations representing the persecuted group to which the deceased owner belonged will be designated as the "successor in interest" to such assets in the United States and whereby these successor organizations will be enabled to expend the assets for the rehabilitation and resettlement of surviving members of the persecuted groups.

The amount of money affected will not be large. The amendment will support and find support in the policy consistently followed by the United States Government in various international accords on the subject of heirless persecutee assets in Europe. It will also provide needed support to representatives of the United States government in negotiations which they are now carrying on with the Swiss government regarding heirless assets in that country.

II. RECOMMENDED LEGISLATION (See Appendix A for the precise language of proposed amendment.)

The proposed amendment sets up a simple and efficient procedure under which the heirless persecutee assets shall be turned over directly to representative successor organizations, subject to adequate safeguards. It provides that the President shall designate one or more organizations as successors in interest to individuals shown to have been members of groups persecuted by the enemy regimes and whose assets in the hands of the Alien Property Custodian may be presumed ownerless and heirless by virtue of the non-appearance of any claimants during the period allowed them under the law for the filing of their claims. Where a notice of claim is filed by the successor organization before the expiration of the latter period, the amendment requires an affirmative showing to support a finding that the owner is deceased and is not survived by any eligible claimants.

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The amendment also sets up a procedure whereby, before assets are turned over to the successor organizations, the President, or an officer or agency designated by him, shall determine that the successor organization to which it will be returned will use the property in behalf of surviving persecutees of the same groups as the former owner, that the successor organization has given adequate guarantees of repayment to owners or claimants who may appear in the future and that it will file required reports and permit examination of its books. Finally, the proposal includes suggested technical, conforming changes in Section 33 of the Trading With the Enemy Act which will be necessitated in the event of successful passage of the principal proposal for Section 32.

### III. EXPLANATION OF PROVISIONS

#### A. General Basis of Proposal

The origins of both the August 8, 1946 amendment to Section 32 of the Trading With the Enemy Act and the present proposal are found in the persecution by the Nazi and other enemy regimes of minority groups, principally the Jews, beginning in the early 1930's. Although the actual taking of life on a large scale did not commence until several years later, the minority groups began from the onset of the persecution program to search for avenues of escape. Simultaneously, of course, they sought also to transfer part of their property to foreign countries from which they might later be able to reclaim it. Tragically, in the case of hundreds of thousands of these individuals, it was never possible to leave Europe and the sometimes successful transfer of their wealth abroad was often followed by the murder of the owners either in Germany or in Polish extermination

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camps. When the waves of war had subsided, the property of these groups was found on deposit in all parts of the world, and the problem immediately presented itself of returning assets to those owners or their heirs who had survived, or otherwise disposing of the assets where it was discovered that the owners had perished and were heirless.

In the United States, the first step towards meeting this problem was taken by the Congress in the aforementioned amendment of August 8, 1946 to Section 32 (a) (2) of the Trading With the Enemy Act (See Appendix B setting forth the pertinent provisions of this amendment). In this legislative enactment, the Congress clearly accepted the principle that the property rights of the persecuted groups must be reestablished, that the confiscation or "vesting" which was justified and necessitated in the case of enemy property should not be extended beyond the cessation of hostilities in the case of the persecuted groups, and that government should not seek in any way to profit from these assets. At the same time, the amendment could only be considered a necessary first step designed to afford an opportunity for making claims in the case of persecuted owners or their heirs who were still alive; unless and until this first step had been taken, there could obviously be no sound legal basis either for postulating the existence of an heirless property question or for laying down the necessary presumptions of death and heirlessness which would be required in the subsequent machinery for the handling of this question. In the two years that have elapsed since the enactment of the above amendment, it has become abundantly and tragically clear that some of the persecuted-category property in the hands of the Alien Property Custodian will in fact never

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be claimed. The suggestion for the enactment of a necessary, further amendment to Section 32 is therefore now completely timely. The proposed amendment, in providing that the assets be transferred to representative successor organizations who will make use of them on behalf of the pitifully impoverished survivors from the same persecuted groups as the owners, sets forth a logical and humanitarian method for expending these funds and follows a pattern which has already been accepted in other instances by the various allied governments, including our own.

There can be no questioning the underlying logic and justification of such an amendment. Clearly, in extending virtual "allied" status to the persecuted-category property under the amendment of August 8, 1946, the Congress did not contemplate that a lesser treatment would be applied in the most extreme cases of persecution-viz., the cases where the persecuted owner and his entire family have been wiped out, leaving the property heirless and unclaimed. A failure to enact the instant amendment would have the obviously unintended effect of mingling these assets of the completely destroyed families with those which are truly enemy in character, and exposing them to the same ultimate disposition which will be effected by the United States Government for that category of property.

The general approach incorporated in the proposed amendment represents also the only humanitarian one and the only realistic one possible in view of the extraordinary experiences of these persecuted groups over the last fifteen years and the extraordinary present-day needs of the survivors. These victims of persecution, it should be remembered, were treated as a group or "community" in being subjected to fines, labor demands

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furnishing of hostages, and outright confiscation and murder at the hands of our enemies. Indeed, their property was taken by the United States because they were part of a large political group (i.e. enemy nationals). To refuse to treat them as a group or community when there is a possibility of their receiving aid and to emphasize their individuality only when it becomes a barrier to receiving a benefit is an injustice which the government of the United States should be avid to avoid.

Finally, it should be remembered also that the Jews of Europe, who constituted the overwhelming majority of the foreign depositors herein considered, possessed up to nine billion dollars of property before the commencement of their persecution at the hands of the enemy regimes. It has been recently estimated that their post-war assets, including property recovered under the various restitution laws, does not exceed three billion dollars. As against this loss of six billion dollars of confiscated and looted property, not to mention the toll of six million lives destroyed in concentration camps, the few hundred thousands of dollars which will be affected by this proposed amendment represent a welcome but tiny recompense indeed to the hungry and broken survivors in Europe.

B. National and International Enactments Dealing with the problem of heirless property of Persecuted Groups

Since the close of the war, there have been numerous instances in which the allied governments, alone or in concert, have accepted and followed the principle that the heirless property of persecuted groups should be used for the benefit of the surviving members of these groups.

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For example, in the inter-Allied agreement embodied in the Final Act of the Paris Conference on Reparations, December 1945, to which the United States was a signatory, it was provided not only that a share of German assets in neutral countries should be turned over for the resettlement and rehabilitation of the persecuted groups in Europe, but it was also stated specifically that heirless and unclaimed assets of the persecuted groups which might be found in neutral countries should be turned over for this same purpose. (See Appendix C, setting forth the pertinent provisions from the Final Act of the Paris Conference on Reparations.)

Subsequently, in the Five-Power Agreement of June 1946, which was negotiated for the purpose of implementing the Final Act of the Paris Reparations Conference and which was participated in and accepted by the United States Government, the specific program for the turning over of these assets to the minority persecuted survivors was set forth in detail. (See Appendix D, setting forth the pertinent provisions of the Five Power Agreement, June 1946).

Finally, in the treaties with the satellite countries, provision was again made for the use of the heirless persecutee-category assets in behalf of surviving persecutees. (See Appendix E, which sets forth the appropriate provision of the peace treaties with Roumania and Hungary.)

In ratifying the peace treaties with the satellite countries, the United States Congress has thus maintained with logical consistency its acceptance of the general principle, as demonstrated in the August 8, 1946 amendment to Section 32 of the Trading With the Enemy Act, that separate, equitable considerations must be recognized in the case of persecutee-category property; and in ratifying these peace treaties, the Congress has also

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already extended this principle to the point of recognizing that heirless assets should be used in behalf of the survivors of the persecuted groups. Unilaterally, this policy of our Government has been further demonstrated in the recently enacted Military Government Law 59, instituted by our Military Government in the United States Zone of Germany, and by the proposals on the heirless property question submitted from the United States delegation in the negotiations for an Austrian Peace Treaty. (See Appendix F for the pertinent provisions of Military Government Law 59. See also Appendix G which sets forth excerpts from the draft proposal of the United States, and also from the proposal of the French, United Kingdom and U.S.S.R. delegations in the Austrian peace treaty negotiations.)

C. Relationship between proposed amendment and pending negotiations regarding heirless assets in Switzerland

It is generally recognized that the largest depositories for the assets of deceased minority victims are Switzerland and the United States. As a signatory to the aforementioned Paris reparations accords, the United States has made representations towards effective implementation of these agreements with respect to the Swiss deposits. (The aforementioned Paris agreements, it will be noted, contain reference to the deposits in "neutral countries.") In response to such representations, however, the Swiss and other governmental representatives have reportedly pointed to the inactivity of the United States with respect to those heirless assets within its borders, as a basis for their own continued inactivity. Thus, the proposed amendment will lend needed support to the State Department in that office's efforts to secure effective enforcement of international agreements.

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D) Justification for the language of the proposed amendment

The starting point of the proposed amendment, it should be pointed out, is the language in the present Section 32 (a)(2) of the Act which permits persecutee claimants of vested property to petition the Alien Property Custodian for the return of their property and which also provides that the "legal representative or successor in interest" of such owners may obtain return of the property. (See aforementioned Appendix B.) By providing that successor organizations shall be deemed "successor in interest by operation of law" for purposes of the above clauses, the proposed amendment thus operates within the already-existing framework of the Trading With the Enemy Act.

With respect to the problem of proof and evidence, it is essential, of course, that the amendment take into consideration and reflect the extraordinary and unprecedented circumstances which attended the mass exterminations in concentration camps and the mass burials of the victimized minorities of the enemy regimes. According to all available information received from overseas sources familiar with the problem, there are virtually no records to be had regarding the proof of death, the dates of death or the places of burial of the individual deceased, and it has become clear that no new records will be revealed in the future. To approach this problem, therefore, with the formal requirements of proof would do a serious injustice to the victims and would represent a virtual "closing of the eyes" to the realities of their fate. In the light of these circumstances, the proposed amendment embodies the approach used in the satellite peace treaties and in various legislative enactments in European countries,

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where it is presumed that, if no owner or heirs appear to claim the property within a specified period of time, the property is ownerless and heirless and the property is then turned over directly to a successor organization. (See Appendices E, F, G, and H for appropriate examples of legislation in Europe.) Where, however, a claim is made by the successor organization prior to such a deadline date, it will be noted that the amendment requires an affirmative showing to support a finding that the owner is dead and that he is not survived by any eligible heirs or successors. (Although the present deadline date for filing fixed by Section 33 of the Trading With the Enemy Act is August 8, 1948 the proposal makes use of the extended date, July 31, 1949--on the assumption that a bill, S.2431, now pending before Congress, which proposes this extension, will succeed of passage.)

It will be noted also that the proposed amendment contains the following language designed to safeguard the interest of the former, legal owners under all possible circumstances and to save the United States government harmless from any conceivable liability:

" . . . No return may be made . . . unless it (the successor organization) gives assurances satisfactory to the President that . . . (ii) it will transfer, at any time within two years from the time that return is made, such property or interests or the equivalent value thereof to any person designated as entitled thereto pursuant to this Act by the President or such officers or agency . . ."

Finally, the proposed amendment contains the requirement, under (i), that the assets released to the successor organization will be used for the benefit of survivors within the same persecuted group as the former owner.

The proposals regarding accompanying amendments to Section 33 of the Trading With the Enemy Act simply incorporate technical conforming

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changes in that section which will be required if the principal amendment to Section 32 is passed. The first alternative proposal for Section 33 refers to the aforementioned bill S.2431 already pending before Congress, which extends the period in Section 33 for filing by surviving persecutee owners or their heirs from the present deadline date of August 8, 1948 to July 31, 1949, and simply makes the necessary, conforming changes in that bill which will be required if the principal amendment to Section 32 is passed. The second alternative refers to Section 33 as it now stands, with August 8, 1948 as the deadline date, and contains the conforming amendments which will in any event be required should S.2431 fail of passage, but the principal amendment proposed herein for Section 32 succeed of passage.

#### IV. AMOUNTS INVOLVED

For reasons hitherto discussed, it would be extremely difficult to estimate accurately what percentage of the enemy assets vested in the Alien Property Custodian today would fall under the coverage of the proposed amendment. In the absence of any official estimates and on the basis of only general knowledge and information which is available regarding the property that has been vested by the Alien Property Custodian (for example, the information that the overwhelming share of that property consists of the assets of the large German and Japanese corporations, such as I.G. Farben Co.), it has been suggested by a number of competent observers that the amount involved will range between \$500,000 and \$2,000,000. Although it must be emphasized that this estimate is entirely tentative and that until an actual experience has been had with administration of the proposed amendment, no truly accurate estimates are possible, it is nevertheless completely clear that the total amount of money which will be affected by this legislation is relatively inconsequential.

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V. TIME FACTOR

Whether the present deadline date of August 8, 1948 for the filing of claims remains in effect or whether the aforementioned proposed legislation (S.2431), which extends this date to July 31, 1949 is passed, it is evident that enactment of the amendment to Section 32 herein proposed is a matter of urgency. In the event of the former alternative, a failure to provide for the handling of the heirless property by August 8, 1948 will mean that after that date the property will be regarded as enemy and either turned over to the Treasury or otherwise disposed of in whatever manner is decided upon for all enemy property. Even in the event of the second alternative, however, it should be remembered that there will be a tremendous amount of work involved in gathering the minimum information and evidence required under the proposed amendment, and the extension of the filing date to July, 1949 will still leave relatively little time for the preparation of the claims.

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APPENDIX A

AN ACT

To amend the Trading With the Enemy Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 32 of the Trading with the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby further amended by adding at the end thereof the following subsection:

"(h) The President may designate one or more organizations as successors in interest to deceased persons who, if alive, would be eligible to receive returns under the provisos of subdivision (C) or (D) of subsection (a)(2) hereof. An organization so designated shall be deemed a successor in interest by operation of law for the purposes of subsection (a)(1) hereof. Return may be made to an organization so designated (a) prior to July 31, 1949, or two years from the vesting of the property or interest in question, whichever is later, if the President or such officer or agency as he may designate determines from all relevant facts of which he is then advised that it is probable that the former owner is dead and is survived by no person eligible under Section 32 to claim as successor in interest by inheritance, devise, or bequest; and (b) after such later date, if no claim for the return of the property or interest is pending.

"No return may be made to an organization so designated unless it files a claim on or before January 1, 1952, and unless it gives assurances satisfactory to the President that (i) it will use the property or interest returned to it for the rehabilitation and resettlement of persons who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivisions (C) and (D) of subsection (a)(2) hereof, by reason of their membership in the political, racial, or religious group of which the former owner was a member, (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 designated as entitled thereto pursuant to this Act by the President or such officer or agency, and (iii) it will make such reports and permit such examination of its books as the President or such officer or agency may from time to time require.

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

\* \* \* \* \*

Proposed Amendment to Section 33 Required, for Purposes of Conformity, in the Event of Successful Passage of the Amendment to Section 32:

Alternative No. 1 (In the event extension of deadline date for filing is decided upon by Congress)

The first section of Section 33 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby further amended to read as follows:

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APPENDIX A - Continued

"Sec. 33. No return may be made pursuant to section 9 or 32 unless notice of claim has been filed; (a) in the case of any property or interest acquired by the United States prior to December 18, 1941, by August 9, 1948; or (b) in the case of any property or interest acquired by the United States on or after December 18, 1941, by July 31, 1949, or two years from the vesting of the property or interest in respect of which the claim is made, whichever is later: Provided, That return may be made to successor organizations designated pursuant to Sec. 32 (h) hereof if notice of claim is filed by January 1, 1952."

Alternative No. 2 (In the event deadline date is not extended)

The first section of Section 33 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby further amended to read as follows:

"Sec. 33. No return may be made pursuant to section 9 (a) or 32 (a) unless notice of claim for return has been filed within two years from the seizure or vesting in the Alien Property Custodian as the case may be of the property or interest in respect of which the claim is made or by August 8, 1948, or in the cases of claims pursuant to section 32 (a) by Italy, citizens or subjects of Italy, or corporations or associations organized under the laws of Italy, by July 31, 1949, whichever is later, or, in the case of successor organizations designated pursuant to section 32 (h) hereof, if the claim has been filed by January 1, 1952."

APPENDIX B

(Pertinent excerpts from Section 32 of the Trading with the Enemy Act.)

Section 32 (a) (2) of the Trading with the Enemy Act of October 6, 1917 provides that property may be returned where:

"(2) . . . the owner, and legal representative or successor in interest, if any, are not

.....

"(C) an individual voluntarily resident at any time since December 7, 1941, within the territory of such nations, other than a citizen of the United States or a diplomatic or consular officer of Italy or of any nation with which the United States has not at any time since December 7, 1941, been at war: Provided, That an individual who, while in the territory of a nation with which the United States has at any time since December 7, 1941 been at war, was deprived of life or substantially deprived of liberty pursuant to any law decree or regulation of such nation discriminating against political, racial, or religious groups, shall not be deemed to have voluntarily resided in such territory: or

"(D) an individual who was at any time after December 7, 1941, a citizen or subject of Germany, Japan, Bulgaria, Hungary, or Rumania, and who on or after December 7, 1941, and prior to the date of the enactment of this section, was present (other than in the service of the United States) in the territory of such nation or in any territory occupied by the military or naval forces thereof or engaged in any business in any such territory: Provided, That notwithstanding the provisions of this subdivision (D) return may be made to an individual who, as a consequence of any law, decree or regulation of the nation of which he was then a citizen or subject, discriminating against political, racial or religious groups, has at no time between December 7, 1941, and the time when such law, decree or regulation was abrogated, enjoyed full rights of citizenship under the law of such nation; . . . . ."

APPENDIX C

(Pertinent Excerpts from the Final Act and Annex of the Paris Conference on Reparations.)

.....

Article 8

Allocation of a Reparation Share to Non-Repatriable Victims of German Action

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

A. A share or reparation consisting of all the non-monetary gold found by the Allied Armed Forces in Germany and in addition a sum not exceeding 25 million dollars shall be allocated for the rehabilitation and resettlement of non-repatriable victims of German action.

B. The sum of 25 million dollars shall be met from a part of the proceeds of German assets in neutral countries which are available for reparation.

C. Governments of neutral countries shall be requested to make available for this purpose "in addition to the sum of 25 million dollars" assets in such countries of victims of Nazi action who have since died and left no heirs. (Emphasis supplied.)

D. The persons eligible for aid under the plan in question shall be restricted to true victims of Nazi persecution and to their immediate families and dependents, in the following classes:

1. Refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions;

2. German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of humanity to assist such persons to emigrate and providing they emigrate to other countries within a reasonable period.

3. Nationals of countries formerly occupied by the Germans who cannot be repatriated or are not in a position to be repatriated within a reasonable time. In order to concentrate aid on the most needy and deserving refugees and to exclude persons whose loyalty to the United Nations is or was doubtful, aid shall be restricted to nationals or former nationals of previously occupied countries who were victims of Nazi concentration camps or of concentration camps established by regimes under Nazi influence but not including persons who have been confined only in prisoners of war camps.

APPENDIX D

(Pertinent Excerpts from the Five Power Agreement of June 1946)

ANNEX II: AGREEMENT ON A PLAN FOR ALLOCATION

OF A REPARATION SHARE TO NON-REPATRIABLE VICTIMS OF GERMAN ACTION

In accordance with the provisions of Article 8 of the Final Act of the Paris Conference on Reparation, the Governments of the United States of America, France the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-governmental Committee on Refugees, have worked out, in common agreement, the following plan to aid in the rehabilitation and resettlement of non-repatriable victims of German action. In working out this plan the signatory Powers have been guided by the intent of Article 8, and the procedures outlined below are based on its terms:

.....

A. It is the unanimous and considered opinion of the Five Powers that in light of Paragraph H of Article 8 of the Paris Agreement on Reparation, the assets becoming available should be used not for the compensation of individual victims but for the rehabilitation and resettlement of persons in eligible classes, and that expenditures on rehabilitation shall be considered as essential preparatory outlays to resettlement. Since all available statistics indicate beyond any reasonable doubt that the overwhelming majority of eligible persons under the provisions of Article 8 are Jewish, all assets except as specified in Paragraph B below are allocated for the rehabilitation and resettlement of eligible Jewish victims of Nazi action, among whom children should receive preferential assistance. Eligible Jewish victims of Nazi action are either refugees from Germany or Austria who do not desire to return to these countries, or German and Austrian Jews now resident in Germany or Austria who desire to emigrate, or Jews who were nationals or former nationals of previously occupied countries and who were victims of Nazi concentration camps or concentration camps established by regimes under Nazi influence.

.....

E. Furthermore, pursuant to Paragraphs C and E of Article 8, in the interest of justice the French Government on behalf of the Five Governments concluding this Agreement are making representations to the neutral Powers to make available all assets of victims of Nazi action who died without heirs. The Governments of the United States of America, the United Kingdom, Czechoslovakia, and Yugoslavia are associating themselves with the French Government in making such representations to the neutral Powers. The conclusion that ninety-five per cent, of the "heirless funds" thus made available should be allocated for the rehabilitation and resettlement of Jewish victims takes cognisance of the fact that these funds are overwhelmingly Jewish in origin, and the five per cent, made available for non-Jewish victims is based upon a liberal presumption of "heirless funds" non-Jewish in origin. The "heirless funds" to be used for the rehabilitation and resettlement of Jewish victims of Nazi action should be made available to appropriate field organizations. The

APPENDIX D (CONTINUED)

"heirless funds" to be used for the rehabilitation and resettlement of non-Jewish victims of Nazi action should be made available to the Intergovernmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations. In making these joint representations, the signatories are requesting the neutral countries to take all necessary action to facilitate the identification, collection, and distribution of these assets which have arisen out of a unique condition in international law and morality.

If further representations are indicated the Governments of the United States of America, France, and the United Kingdom will pursue the matter on behalf of the Signatory Powers.

.....

APPENDIX E

(Excerpts from the Peace Treaties Signed with Roumania and Hungary)

"All property, rights and interests in Roumania of persons, organizations or communities which, individually or as members of groups, were the object of racial, religious or other Fascist measures of persecution, and remaining heirless or unclaimed for six months after the coming into force of the present Treaty, shall be transferred by the Roumanian Government to organizations in Roumania representative of such persons, organizations or communities. The property transferred shall be used by such organizations for purposes of relief and rehabilitation of surviving members of such groups, organizations and communities in Roumania. Such transfer shall be effected within twelve months from the coming into force of the Treaty, and shall include property, rights and interests required to be restored under paragraph 1 of this Article."

APPENDIX F

(Excerpts from Military Government Law No. 59. Restitution of Identifiable Property, U. S. Area of Control, Germany - Enacted November 10, 1947).

PART III: GENERAL PROVISIONS ON RESTITUTION

.....

Article 10

Successor organization as Heir to Persecuted Persons

A successor organization to be appointed by Military Government, shall, instead of the State, be entitled to the entire estate of any persecuted person in the case provided for in Section 1936 of the Civil Code (Escheat of estate of person dying without heirs). Neither the State nor any of its subdivisions nor a political self-governing body will be appointed as successor organization. The same shall apply to other rights in the nature of escheat based on any other provision of law.

Article 11

Special Rights of Successor Organizations

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

2. If the claimant himself has not filed a petition on or before 31 December 1948, the successor organization by virtue of filing the petition shall acquire the legal position of the claimant. Only after that date, and not prior thereto, shall it be entitled to prosecute the claim.

.....

Article 13

Designation of Successor Organizations

Regulations to be issued by Military Government will provide for the manner of appointment of successor organizations, their obligations to their persecutee charges, and any further rights or obligations they may have under Military Government or German law.

.....

APPENDIX G

(Excerpts from the Proposed Drafts Submitted by the Four Allied Powers Participating in the Austrian Peace Treaty Negotiations)

Section II

Article 44. Property, Rights and Interests of Minority Groups in Austria

.....

(Proposal of the United States)

2. Austria agrees to seek out and obtain control of all property, legal rights and interests in Austria of persons, organizations or communities which, individually or as members of groups, were the object of racial, religious, or other persecution by the Axis powers if, in the case of persons such property, rights and interests remain heirless and unclaimed for six months after the coming into force of the present Treaty, or in the case of organizations and communities, such organizations or communities have ceased, substantially to exist. Austria shall transfer such property, rights and interests to appropriate organizations to be designated by the four Heads of Missions in Vienna in consultation with the Austrian Government to be used for the relief and rehabilitation of victims of persecution by the Axis Powers. Such transfer shall be effected within twelve months from the coming into force of the Treaty, and shall include property, rights and interests required to be restored under paragraph - of this Article (2).

(Proposal of the United Kingdom, France and the U.S.S.R.)

2. All property, rights and interests in Austria of persons, organizations or communities which, individually or as members of groups were the object of racial, religious or other (national socialist) (Fascist) measures of persecution, and remaining heirless or unclaimed for six months from the coming into force of the present Treaty, shall be transferred by the Austrian Government to organizations in Austria representative of such persons, organizations or communities. The property transferred shall be used by such organizations for the purposes of relief and rehabilitation of surviving members of such groups, organizations and communities in Austria. Such transfer shall be effected within twelve months from the coming into force of the Treaty and shall include property, rights and interests required to be restored under paragraph 1 of this Article (1).

APPENDIX H

(Pertinent Excerpts from Military Government Law No. 59,  
Restitution of Identifiable Property, U.S. Area of Control,  
Germany)

PART VIII: GENERAL RULES OF PROCEDURE

.....

Article 51

Presumption of Death

Any persecuted person, whose last known residence was in Germany or a country under the jurisdiction of or occupied by Germany or its allies and as to whose whereabouts or continued life after 8 May 1945 no information is available, shall be presumed to have died on 8 May 1945; however, if it appears probable that such a person died on a date other than 8 May, the Restitution Authorities may deem such other date to be the date of death.

GLW. & BNL:RT. *Restatement of Property* H.S. *Whi*  
12/12

MEMORANDUM OF TELEPHONE CONVERSATION WITH MR. CASSIN, TRUST DEPARTMENT OF THE CHASE NATIONAL BANK.

Mr. Cassin telephoned to say that Mr. Epprecht had given him the gist of my discussion with him concerning records that the bank may have of unclaimed heirless property held by the bank. Mr. Cassin stated that this was a very difficult question and he was puzzled as to just what we had in mind. I gave him a summary of what we had in mind and told him that we felt, on the basis of Form TFR 300 which had been filed with the United States Treasury by foreign nations holding assets in this country, that it might be possible to secure a record from banks, brokerage firms and other sources as to whether there had been any movement in the last four, five or six years which might in effect indicate that these persons had died heirless. Mr. Cassin stated that The Chase National Bank has made no attempt to compile such an overall record, - that such matters were dealt with on a case by case basis, e.g., - the Dutch Government had appointed an administrator to handle the estates of persons who had not been heard from for some years on the assumption that these persons had died. These Dutch Government administrators are not recognized here. They can, however, go to the courts and have an ancillary administrator appointed. The difficulty is that in very few instances can death be proven. One case that they are now dealing with involves a Dutch national who was sent to a concentration camp in Germany. There are two sisters here who have gone to the Surrogate's Court and have been successful in having an ancillary administrator of the Estate appointed.

Mr. Cassin said, however, that he would discuss the matter further with some of his colleagues and call me again.

Evelyn M. Morrissey

EMM:rl  
12/12/46  
cc ~~FR~~  
HFL ✓  
JCH  
MAL

CERTIFICATE OF INCORPORATION

- of -

THE JEWISH RESTITUTION COMMISSION

Pursuant to the Membership Corporation Law

WE, the undersigned, for the purpose of forming a membership corporation pursuant to the Membership Corporations Law of the State of New York hereby certify:

1. The name of the proposed corporation shall be the

THE JEWISH RESTITUTION COMMISSION.

2. The purposes for which it is to be formed are:

To acquire, receive, maintain and distribute as trustee, for purposes of Jewish relief, rehabilitation, reconstruction, resettlement and immigration, the property of Jews and Jewish organizations and communities which were victims of Nazi or Fascist persecution or discrimination; their claims for compensation and indemnification; and property awarded to them as reparations; all in accordance with laws and policies duly established or to be established by the government or governments concerned or by other forms of international arrangements.

Without limitation of the foregoing, the purposes for which it is to be formed are more particularly as follows:

To act on behalf of or as successor to Jews, Jewish organizations and communities which were victims of Nazi or Fascist persecution or discrimination, for the purpose of ascertaining their claims to restitution, compensation, or indemnification or reparation; acquiring, receiving, reducing to possession, or prosecuting such claims; maintaining, salvaging, repairing, administering and in all respects dealing with such property and claims, and effecting disposition, liquidation, or conversion of such property or claims by all appropriate means <sup>herein</sup> for the purposes above stated.

To act in the aforementioned respects with regard to Jewish books, manuscripts, and other Jewish cultural and religious objects in Germany and in

areas formerly occupied by Germany, and to distribute such objects to their rightful owners and to such Jewish organizations, institutions, and communities anywhere in the world as may be determined to be equitably and appropriately entitled to them.

To assist governmental and intergovernmental agencies, in a representative capacity or otherwise, in locating, identifying, preserving, cataloguing and determining the proper disposition of Jewish books, manuscripts, and other Jewish cultural and religious objects in Germany or in areas formerly occupied by Germany.

To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes hereinbefore set forth and to do every other act or acts, thing or things incidental or appurtenant to or growing out of or connected with the aforesaid purposes, or any part thereof, provided the same be not inconsistent with the laws under which this corporation is organized or the laws of any country in which this organization functions.

3. The corporation shall have no capital stock and shall not be conducted for profit.

4. The territory in which its operations are principally to be conducted is Germany and the formerly German occupied areas of Europe.

5. The city and county in which its office is to be located are the City of New York, County of New York.

6. The number of directors shall not be less than ten (10), nor more than forty (40).

7. The names and residences of the directors until the first annual meeting are:

NAMES

ADDRESSES

343201

BY-LAWS

of

THE JEWISH RESTITUTION COMMISSION

ARTICLE I.

Membership

Section 1. The initial members of the Corporation shall be ~~thirty (30) individuals, three (3) of whom shall be designated by the governing body of each of the following ten (10) organizations:~~

1. The Jewish Agency for Palestine
2. The American Jewish Joint Distribution Committee
3. The American Jewish Conference
4. The American Jewish Committee
5. The Board of Deputies of British Jews
6. Conseil Representatif des Juifs de France
7. The World Jewish Congress
8. Council for the Protection of the Rights and Interests of Jews from Germany
9. Central Committee of Liberated Jews in Germany
10. Existing Jewish Communities in Germany and Austria
11. *Commission on European Jewish Cultural Reconstruction*

Section 2. Upon resolution adopted by the membership or by the Board of Directors, other organizations interested in the activities of the Corporation may be invited to become members of the Corporation.

Section 3. Any person may become a member of the Corporation upon election by the membership or by the Board of Directors or upon application in accordance with resolutions that may be adopted by the membership or by the Board of Directors.

Section 4. No dues or other fees shall be required of any member of the Corporation.

Section 5. Any member may withdraw from the Corporation by giving written notice of resignation to the Secretary.

ARTICLE II

Meetings

Section 1. There shall be an annual meeting of the Corporation on the day of \_\_\_\_\_ in each year for election of members of the Board of Directors and for receiving the annual reports of officers, directors and committees and the transaction of other business. If the day designated falls upon a Saturday, Sunday or holiday, the meeting shall be held on the next succeeding secular day not a holiday. Notice of such meeting shall be mailed by the Secretary to each member at least ten (10) days before the time appointed for the meeting.

Section 2. Special meetings of the Corporation may be called by the Board of Directors at its discretion. Notice of any special meeting shall be given in the same manner as in the case of an annual meeting.

American Jewish Joint Distribution Committee  
270 Madison Avenue  
New York 16, N. Y.

GEN. & ENCLNS.

*Restitution*  
*Property*

Research Department  
October 9, 1946

## THE PRESENT STATUS OF THE RESTITUTION OF JEWISH PROPERTY IN EUROPE

### THE GENERAL PROBLEM

The rate of progress in the rehabilitation of Jewish life in Europe depends in large part upon the extent to which the restitution of Jewish property to its rightful owners will be effected. Apart from the important moral and legal aspects of this issue, the recovery of possessions and compensation for losses sustained are essential factors as the economic basis upon which Jews as individuals and communities may rebuild a normal existence. Restitution in the strict sense presupposes that the property has at present the same value as on the day of its transfer or confiscation. Inasmuch as the properties involved have for the most part depreciated, it is clear that only partial restitution is effected by returning a given item, unless indemnification is provided. As for the classification of property, there is a basic distinction between (a) property belonging to individuals and private corporations, and (b) property belonging to communities, foundations, Jewish institutions, etc. As a consequence of the extinction of large numbers of Jewish families, communities and institutions, the most difficult phase of the problem is the disposition of heirless and ownerless property.

In reviewing the legislation pertaining to the Jewish aspects of the restitution problem in various European countries, one must bear in mind that the measures enacted constitute but one phase of the picture. As it appears to an objective observer, restitution policies are conditioned by three fundamental factors: 1. The changes in ownership of property in Europe are necessarily affected by the changing social structure of the countries concerned. 2. All of the new governments wish to avoid alienating the numerous citizens who have profited from the forced transfer of property by Jewish owners, and to avoid stirring up conflicts over social issues. Their general tendency, therefore, is to proceed slowly, and as far as possible to retain the status quo. 3. The claims of Jews for the restitution of property have aroused little sympathy in the liberated countries. Despite the sympathetic declarations of some of the governments and of leaders of various parties, wide opposition to restitution has developed.

The expansion of the state's economic control, particularly in Eastern and Southeastern Europe, and the declining role of private ownership of the means of production and distribution has an obvious bearing on the restitution of Jewish property. Even in the Western European countries, private enterprise is now required to adjust itself to a planned economy of varying scope. In Eastern Europe the nationalization of industry and banking has imposed a serious limitation on the prospects for the restitution of Jewish property. In a number of countries it has indeed been observed that there is a tendency to start with the nationalization of property taken from Jews or left by the victims of Nazi extermination.

We present below a brief survey of the status of restitution in the various countries on the basis of information supplied by J.D.C. staff members and a variety of other sources. The countries involved are grouped under (1) Western Europe and (2) Eastern Europe and the Balkans. Broadly speaking, the Jews of Western Europe have been more successful in recovering their possessions than those in other countries.

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With regard to Germany and Austria, the handling of restitution varies in the several zones of occupation. In the U.S. zones measures are now under consideration which may exert an important influence on the policies to be adopted in the other zones of Germany and Austria.

#### WESTERN EUROPE

In this group are included France, Belgium, Holland, Luxembourg, Italy and Denmark. In France, the decree of April 21, 1945 (no. 45-770) was greeted by the Jewish community as a great step forward towards the restitution of Jewish property. This measure nullified in principle all property transfers which were carried out under "acts of disposition" in the form of sequestration, provisional administration, liquidation, etc., under the Vichy government or the German authorities. While the nullification applies to all transactions, certain safeguards are established in behalf of bona fide holders, particularly in cases of property transferred under specific instructions of the government in order to keep it from the Germans. Another decree (no. 45-1224, June 9, 1945) deals with "voluntary" transactions made during the German occupation in favor of the enemy. All transactions of this character, made under duress, even if the legal formalities were observed, are declared null and void, in accordance with the United Nations' Declaration of January 5, 1943.

In Belgium the decree-law of September 19, 1945 provides for the registration of war damage to movable or immovable private property. The law, which went into effect on January 15, 1946, also covers losses suffered as a result of forced evacuation. Claims may be filed only by persons who suffered damage or their legal heirs. It is reported that the restitution of property to Jews in particular is the subject of a preliminary decree issued October 20, 1945, under which a special committee was appointed.

In Luxembourg an Arrete of July 7, 1944 (modifying the Arrete of April 22, 1941) deals with "dispositions" effected by the enemy.

In the Netherlands, under the decree of September 17, 1944 (no.100), a special "council for the reestablishment of justice" was set up at the Hague, as a quasi-judicial body with wide powers. This decree distinguishes between bona fide owners and others who acquired property during the occupation, and makes provision with regard to absentees' and ownerless property which has been placed under the trusteeship of the council. In cases where the ownership is legally established, the council restores the property or the proceeds thereof. The final disposition of stocks and bonds, the ownership of which cannot be determined, belongs to the state; property of other types, the ownership of which has not been determined, is to be sold and the proceeds used for purposes to be established by law.

In Italy a decree published October 20, 1944 (no.71) abrogated all anti-Jewish laws pertaining to property rights. Article III provides that, within one year of the conclusion of peace, those who had transferred real property to the ENTE (Office of Property Management, which had taken charge of Jewish real property) and the legal representatives of such persons may recover their property by surrendering the certificates or bonds issued by the ENTE. The decree stipulates also that Jewish citizens who had disposed of their property in anticipation of the passage of discriminatory laws, and who present written proof of the fact that the sale was intended to protect them from the application of the law, may file claims for restitution.

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Turning from the legal provisions to the results achieved thus far, it appears that progress toward restitution has been fairly slow in the countries in question. With the exception of the Netherlands, no Western country has as yet made provisions for the disposition of heirless Jewish property, individual or collective. Only in Italy have Jewish claimants succeeded to a considerable extent in recovering their possessions. In March 1946 it was reported that the restitution of real property and business enterprises had been completed, while the efforts to arrange for the recovery of movable property had as yet led to no concrete result. As for heirless property, left by the victims of extermination, on September 8, 1946 the Minister of Justice promised a Jewish delegation that such property would be turned over to the Union of Jewish Communities.

In Denmark, it was reported in May 1946 that all Jewish owners had recovered their property.

In France some progress has been made, but Jewish claimants are often confronted with unsympathetic judicial and administrative authorities. The efforts to regain apartments and securities, in particular, have met with serious obstructions. In Belgium the Jewish population is very slowly recovering its property without the benefit of specific restitution laws. The Belgian courts have applied the prevailing laws to cases brought before them by Jewish claimants. According to an unconfirmed press report, the Minister of Justice in Belgium has predicted the adoption of a law whereby the property of deceased Jews, not claimed by relatives, will be turned over to the Jewish communities.

In the Netherlands some resident survivors have recovered part of their possessions. Jewish survivors who live in other countries, however, have, with very few exceptions, been unable to reclaim their property. Very little progress has been made toward the disposition of heirless property. Inasmuch as 80% of the prewar Jewish population has been eliminated, the heirless property is a major issue. Thus far none of the property, securities and insurance policies, turned over during the occupation to the Lippman-Rosenthal Bank, has been released; claimants are permitted only to draw 1,000 florins (about \$370) on account. The protracted delay in the process of restitution has been severely criticized by the leaders of Netherlands Jewry.

#### EASTERN EUROPE AND THE BALKANS

In Poland, the law of May 6, 1945 deals with the restitution of properties which changed hands under the occupation. It distinguishes between (a) abandoned properties, and (b) properties taken by the German state or transferred to Germans or Poles who co-operated with the enemy. According to the law, in the absence of the owner, the property may be recovered by children, grandchildren, parents, grandparents, brothers, sisters, husbands or wives. The application of the law is limited, however, to certain categories of property, and does not refer to industrial enterprises which have been nationalized on the basis of the decision of the "National Land Commission." It is expected that some indemnity will be paid to the persons affected. The law stipulates that properties of special importance to the state may not be returned; the property of persons who co-operated with the Nazis, and of the German state are confiscated and are to be presented to philanthropic and public institutions, priority being given to Jewish institutions. It is reported from Poland that all communal property, whose ownership is established, may be claimed by existing institutions of the same type.

343205

-4-

In Hungary the decree of February 5, 1945 (no.200) repealed all anti-Jewish measures, and in principle authorized all victims of these measures to contest the validity of contracts made under duress. In a recent memorandum submitted to the Peace Conference in Paris, the Hungarian government listed 38 laws providing for the restitution of Jewish rights and property passed since the overthrow of the Horthy regime in January 1945. It also revealed that 16 additional laws are planned, involving the government's renunciation of the property of Jews who died heirless, and other unclaimed Jewish property. On October 4, 1946 a law was passed which set up a Jewish Rehabilitation Fund to administer such property.

In Czechoslovakia, the decree of May 19, 1945 nullified in principle all property transactions and transfers made after September 29, 1938. All acts involving national, racial or political discrimination are considered invalid. By the decree of November 30, 1945 (R 800/16/28.) limited to Bohemia and Moravia, the Jewish Council of Elders was empowered to administer the Jewish property held by it as of May 5, 1945. This body is also entrusted with the administration of properties which, as of September 29, 1938, were owned by the Jewish religious community, Jewish associations or societies, etc. The Jewish Council locates and registers the property, and then undertakes to effect its restitution to the rightful owners of their legal heirs. There are difficulties in regard to collective properties, and the restitution of real property to Jewish religious communities can be carried out at present only in behalf of communities which have been re-established. There is as yet no legal provision for the property of former communities which have not been re-established. On June 17, 1946 the previous measures were amended by a law (no.128) applying to the country as a whole. This provides that all Jewish property confiscated during the German occupation or sold under duress is to be restored to the rightful owners; all property transfers judged detrimental to the former Jewish owner, even if carried out "legally," are considered invalid. Early in 1946 the Czechoslovak government turned over to the Council of Jewish Communities of Bohemia and Moravia the sum of 60 million Kruna (\$1,200,000), available from the confiscated funds of Jews who died in the Theresienstadt camp without leaving heirs. On this occasion the authorities stated that this procedure does not imply any further commitment on the part of the government.

In Roumania, the decree of December 19, 1944 provides that any Jewish property seized by the state must be returned and that taxes be refunded. Any transfer of property between husband and wife, if either spouse is Jewish, can be nullified if both request it. Any sale of land under the anti-Jewish laws to purchasers other than peasants, and any sales made by Jews in order to evade these decrees are nullified. The former Jewish owners of apartments and houses may recover their dwellings, with certain exceptions. A regulation issued by the Ministry of Justice in August 1945 specified that sales to non-Jews made under duress and transfer of properties for the sole purpose of camouflaging Jewish ownership, are also null and void. It is reported, however, that the decree differentiates between various categories of transfers, placing certain restrictions on the original decree.

In Bulgaria the decree-law of February 24, 1945 nullified all transfers with or without remuneration involved for individual and collective Jewish properties which were taken over by, or confiscated in behalf of the state. In the case of property transferred by the state to a third party, the transaction is voided, and the sale price refunded. Exemption from the decree is provided for peasants who own no other land and for the Public Insurance Fund. All confiscated movable property is to be returned to the owner in the state in which they are found; the owner is to be remunerated for damages suffered. This decree nullified all transactions

343206

-5-

effected after September 1, 1940, by Jews directly or through the Commissariat for the Jewish Question. The state has appropriated to the Jewish Consistory a sum of 30 million leva in behalf of Jews unable to recover their properties, and of Jewish employees dismissed under the anti-Jewish laws. Under the terms of an amendment adopted subsequently, the government is to put at the disposal of the Jewish victims of the fascist regime a sum equivalent to the special tax imposed by the fascist regime, namely, 50,000 leva immediately to each taxpayer, and the remainder in six annual bond installments bearing 3% interest. The government has also undertaken to pay to the Jewish Consistory 50 million leva in addition to the 30 million paid previously, in behalf of Jews who lost personal belongings that cannot be restored. All houses sold by the wartime regime, because of nonpayment of the special Jewish tax are to be restored to the owners.

In Yugoslavia the law of May 24, 1945 provides for property restitution to persons who have been dispossessed on the basis of racial, religious and other forms of fascist discrimination.

The law adopted in Greece (as yet not enforced) goes considerably beyond those of most other European countries. The law of January 17, 1946 (no. 846) provides for a Jewish Restoration Fund which is to administer all Jewish property with no legal heirs. This Fund will be devoted to the rehabilitation of the Jewish survivors in Greece.

The foregoing survey indicates that outside of Greece and Hungary, no provision for heirless Jewish property has been made. According to local observers, the legislation passed in Hungary prior to October 1946 suffers from a lack of clarity, and the enforcement of restitution has scarcely begun. In a dispatch from Budapest dated October 8, 1946, the J.T.A. reported that the Jewish leaders were as yet unable to estimate the benefits of the new rehabilitation law. In certain cases involving heirless property lengthy investigations will be necessary to determine the existence of legal claimants. No estimate of the amount of money which will be available has as yet been reported. The fact that of the 180-200,000 Jews in Hungary fully 60% are on relief, indicates that as of today most of the survivors have not recovered their properties. According to the most recent report from Czechoslovakia (May 16, 1946), very little restitution of property has taken place, except when property of no great value was involved. A J.T.A. dispatch from Prague quotes Dr. Kurt Wehle, General Secretary of the Union of Jewish Communities of Bohemia and Moravia, to the effect that the law signed June 17, 1946 was generally satisfactory. He pointed out, however, that there are several bases on which applications can be rejected; applicants must prove their political reliability, the public interest must not be damaged by the return of the property, and the circumstances of the original transfer are taken into account. Many of the Jewish survivors had registered in the census of 1930 as members of the Jewish or German nationality and are, consequently, technically subject to the suspicion of unreliability. Moreover, under the policy of nationalization of large businesses, it will be impossible for Jews who owned such businesses to recover them. The restitution of Jewish property has made scarcely any progress in Slovakia, where, unlike the Czech provinces, anti-Semitism and a hostile administration prevail.

The Roumanian decrees have been severely criticized by the Jewish leaders. Both Dr. Wilhelm Filderman and Dr. Abraham L. Zissu, representing non-Zionists and Zionists, respectively, have demanded that the government amend the decrees and proceed with their enforcement. As late as May 1946, the J.T.A. reported from Bucharest that of the 17,000 Jewish houses confiscated by the pro-Nazi regime, only 5,000 had been returned to the former owners. It may be assumed that restitution has progressed in other respects as well, but the fact that of the 380,000 Jews about 1/4 are in need of assistance is undoubtedly in part a result of their failure to recover their possessions.

343207

- 6 -

In Bulgaria by the spring of 1946 about 1,900 apartments had been returned to Jewish tenants in Sofia and about 15,500 dekars (3,850 acres) of unimproved land had been restored. Of the 3,400 radios seized by the government, 1,450 have been returned to their owners, and the remainder will be paid for; there are complaints, however, that the commission which is evaluating the lost radios, is not taking into consideration the much higher present-day market prices. Of the 175 Jewish doctors in the country, the majority have recovered their equipment in more or less good condition. On the other hand, it is reported that the Bulgarian government owes the Jews about 2,220,000,000 leva, representing the special tax imposed by the wartime regime (1,600,000,000 leva), 400 million leva in fines, etc., and 220 million leva of rentals from confiscated real estate. Of the 18 Jewish credit institutions existing in 1940, two were liquidated, one was confiscated, and the remaining 15 banks merged with the Bulgarian banks. The local Jewish leaders consider it most urgent that the state make some provision for economic aid for the Jewish population, now that the kassas are no longer available, while 70% of the Jewish population of Bulgarian (47,500) require assistance. Jewish leaders expect that some government help will be available for Jewish merchants and artisans in need of credit.

#### Conclusion

The brief survey of legislation pertaining to the restitution of Jewish property in Europe presented above has confined itself to the basic facts connected with this extremely complicated matter. It may be in order to emphasize here, that in addition to the difficulties involved in restitution as a general process, there are special factors affecting the Jews. Entire Jewish communities have been annihilated, millions of Jews killed and hundreds of thousands displaced. As far as the extinguished families are concerned, their property is after due process inherited by the state, except to the extent that postwar measures are taken to make such property available to the Jewish survivors. The problem of restitution of Jewish property, including that of absentees, is directly bound up with the prospects of the rehabilitation of Jewish life in Europe. The principle of making available heirless property for the relief and rehabilitation of the Jewish victims of Nazism has been embodied in Article VIII of the Allied powers' agreement signed at the Paris Conference on Reparation (January 1946). This is, however, simply a beginning on a limited scale.

343208

ME

AMERICAN JOINT DISTRIBUTION COMMITTEE

APO 755

JUL 1 1946

Postmaster N.Y.

GEN. & EMERG. Delivery

Telefon: Berlin 76 60 70

Telefon: Berlin 76 33 77

Rec'd  
A. Property

14 June 1946

JST/pt

TO : AJDC New York  
RE : Egon Louis Sklarek  
Sao Paulo Brazil

In reference to your letter dated May 20, 1946 we like to inform you that forwarded a copy of Mr. Sklarek's letter to the proper authorities of the magistrate of the city of Berlin.

We like to mention that the question of refunding of Jewish property in Germany is a question on which we are working on generally. This question has been brought to the level of OMGUS and a law regarding Jewish property will be worked out by the proper authorities. We will inform you as soon as we have any news in this case.

We think that this case is not a very good one for a test case as Mr. Sklarek was one of the biggest pro-Hitler scandals in Germany.

*Julius Steinbauer*  
JULIUS STEINHAUER  
AJDC BERLIN

N.Y.#280

CC: EMMW EMM DLS HFL JCH MAL  
LHS HKB FFG IHL PB RP

Department of State  
Washington

RECOVERY OF PROPERTY LOST DURING NAZI REGIME

GEN. & EMERG.

*Restitution  
of Property*

The Department of State is not at present in a position to state whether or what procedures may be set up to enable former owners or their heirs to recover property interests of which they were deprived during the Nazi regime. No doubt due publicity will be given in the press to any measures that may be adopted.

Meanwhile, it is suggested that American nationals furnish the Department with a sworn statement, in duplicate, setting forth:

1. A description of the property, its exact location, means of identification, and value.
2. The manner in which the property was acquired.
3. The circumstances relating to any involuntary transfer, confiscation, or seizure, and especially the facts indicating that the transfer was not voluntary.
4. Any known facts relating to the present status of the property.
5. In case the claimant is not the original owner, but claims as an heir or other successor in interest, the manner in which the original owner's interests passed to the claimant, and the date thereof.
6. A statement showing how and when American citizenship was obtained; and, if acquired by naturalization, the number of the naturalization certificate should be given and the name and location of the court by which the certificate was issued.

If the person seeking to assert rights to such property has not yet acquired American citizenship but has taken steps to that end, he may, if he so desires, submit the information indicated for possible future consideration. When he shall have obtained his citizenship, he should notify the Department of that fact with a reference to the number of his naturalization certificate.

The extent to which the Department may be able to render assistance in such matters will depend largely upon the cooperation of the interested individuals in supplying full information along the lines indicated.

rls:eg  
#36

343210

THE AMERICAN JEWISH  
JOINT DISTRIBUTION COMMITTEE, INC.

RESTITUTION  
OF PROPERTY  
270 MADISON AVENUE  
NEW YORK 16, N. Y.

MEMORANDUM

From Mrs. R.L. Stein

To Mr. R. Filpel

New York, March 5,

1HL  
PB  
EP  
1946

Emman  
DLS  
HFL  
JCH  
MHL  
LHS  
HKB  
FFG

Copies  
circulated  
2/8/46

Subject

In a recent conference with Mr. Muller of Federation of Jews from Central Europe in which we were discussing the question of restitution of property, he left with us a copy of the attached memo which he obtained from the State Department.

I thought that this information might be of general interest and that you would want to circulate it.

RLS

rls:eg  
encs.

In reply please address envelope:  
Attention Personal Inquiry Dept.

January 3, 1946

*Jan. Emergency  
Restitution of  
C/H Property*

**MEMORANDUM**

471

**TO: MISS EVELYN MORRISSEY**  
**FROM: F. GRUBEL**  
**RE : CONFISCATION OF PROPERTY IN CUSTODY WITH THE ALIEN PROPERTY CUSTODIAN**

The other day it was decreed that the Alien Property Custodian will confiscate all German and Japanese property which is in his custody as of February 28th, 1946.

This property includes all property belonging to people who were German nationals at the outbreak of the war, and who did not live in the United States regardless of their being denaturalized as Jews by the Nazis.

One case which will fall under this new ruling is a claim of about \$20,000, which an employee of our Paris Office has against a New York estate. Mrs. Sternberg lived in France, lost her German citizenship because of Jewish origin, was interned in several concentration camps, but managed to survive. Nevertheless, she is considered an enemy alien not residing in the United States. Her only property is her claim against the estate and this will be confiscated by the Federal Government. Thus, she will lose whatever she has. She is only one example of the very many cases of a similar nature.

This will, of course, also apply to residents of South American countries who come from Germany, and are not yet naturalized in their country of residence. Don't you think it would be advisable for the JDC to inquire in Washington whether some procedure could be followed whereby the property of Nazi victims could be saved for these people from confiscation by the Federal Government?

F. Grubel

343212

CABLE ADDRESS "JULIBAER"

BAER & MARKS  
20 EXCHANGE PLACE  
NEW YORK 5, N.Y.

*Handwritten:* [Signature]  
OK 36844

JULIUS B. BAER  
DONALD MARKS  
JOHN J. LEIGHTON  
GEORGE H. KLEIN

December 27, 1945  
*Handwritten:* Explained with me would not which be understood  
RF RP  
DEC 28 1945  
file

American Jewish Joint Distribution Committee  
270 Madison Avenue  
New York City

Attention: Mr. Pilpel

Gentlemen:

Our client, Mr. Fred W. Fenchel of Los Angeles, who is an American citizen, has an ownership-interest in the machinery of the "Norddeutsche Glycerin & Fettsaeure Werke Fr. Thoerl" at Hamburg-Bergedorf.

He also has a claim to be re-instated to his former rights as a partner of the firm "Otto Aldag" (formerly "Fritz Fenchel") at 130 Oberstrasse at Hamburg.

Rev. M. Wagner, Senior Jewish Chaplain of the British Army of the Rhine wrote in part as follows to my client:

"While I appreciate how important it is to you to have the information you seek, I regret exceedingly I am not in a position to undertake to assist you in this matter. The pressure of work I have to cope with is so great that I even find it very difficult to get enough time to attend to the most pressing problems on the spot. To promise you that I could do something in the near future would be most unfair to you. However, I shall keep your letter by me and if, later on, a suitable opportunity arises I shall be only too pleased to help you in any way I can. In the meantime I would suggest it might be helpful for you to contact the American Joint Distribution Committee. They have a Representative on the spot in Hamburg and he might be able, at the request of his head office, to get you some information."

In pursuance of information given to me by you <sup>at RP</sup> this morning over the telephone, I beg to ask you to kindly have your Hamburg representative investigate as to

- (a) the present condition of the buildings and equipment of the aforesaid factory at Hamburg-Bergedorf.
- (b) Whether the firm Otto Aldag is still a going business.
- (c) the whereabouts of Otto Aldag.

*Handwritten:* 60456

343213

BAER & MARKS

American Jewish Joint Distribution Committee      December 27, 1945

We fully realize the inconveniences caused by our client's request, but we should greatly appreciate it if you communicate with your Hamburg office without delay. Needless to mention that our client will be glad to reimburse you for all expenses.

Very truly yours,

BAER & MARKS

BY *Max P. Benjamin*

Max P. Benjamin

mpb:bw

343214

Restoration

Property

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

11/11/46

U.S. Reply received

File 11/11/46

In reply please refer to Letter # 8032

December 12th, 1945

Mr. Irving B. Stewart  
61 Broadway  
New York, N. Y.

Dear Mr. Stewart:

I am sure you will have seen the General Ruling #19 which was issued by the Foreign Funds Control, Treasury Department, on December 6th, 1945.

I confess that I am somewhat at a loss to understand the implication of this release of German Property to the Alien Property Custodian, when it was before vested by the Property Alien Custodian.

I certainly do not know whether this release means a final confiscation which might endanger our claim against the Laenderbank in Vienna.

I hope you do not mind my calling your attention to this ruling, but I think you might want to clarify the legal aspect of it.

The ruling reads as follows:

RELEASE OF PROPERTY VESTED BY ALIEN PROPERTY CUSTODIAN

All control under Executive Order No. 9389, as amended, and Executive Order No. 9198, as amended, of any property or interest of Germany, Japan or any national thereof vested by the Alien Property Custodian is hereby released to the Alien Property Custodian. The release of any such property or interest shall take effect on the effective date of the vesting order of the Alien Property Custodian covering the property or interest.

Sincerely yours,  
FREDERICK GRUBEL

343215

October 5, 1945

TIC  
12/5

Memorandum  
on telephone conversation with Mr. Irving B. Stewart  
re: Laenderbank Wien Aktiengesellschaft.

The property is attached for our claims. This property is in the custody of the Alien Property Custodian who asked Mr. Stewart to stop any further steps until mailing connections have been re-established between here and Vienna.

Frederick Grubel

FFG:RW

343216

Received Feb. 6, 1945

C  
O  
P  
Y

*Tr 9/30*  
*5/15*  
*6/15*  
*8/27*  
*9/14*  
*10/11*

IRVING B. STEWART  
61 Broadway  
New York City

February 5, 1945

The American Jewish Joint Distribution  
Committee, Inc.  
270 Madison Avenue  
New York 16, N.Y.

Att: Mr. Leavitt  
Re: The American Jewish Joint  
Distribution Committee, Inc.  
v. Laenderbank Wien Aktienges-  
ellschaft

Dear Mr. Leavitt:

I am enclosing herewith application for  
bond for warrant of attachment in connection with the above  
matter.

I have already obtained the bond and have  
filed the same.

I will appreciate it if you will sign the  
enclosed on page 4 where I have placed your initials and  
return it to me.

With best regards, I am

Sincerely yours,

Irving B. Stewart

IBS/ls  
Enc.

Treasury Department  
FOREIGN FUNDS CONTROL  
December 6, 1945

GENERAL RULING NO. 19

UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, EXECUTIVE ORDER NO. 9193, AS AMENDED, SECTIONS 3(a) AND 5(b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED BY THE FIRST WAR POWERS ACT, 1941, RELATING TO FOREIGN FUNDS CONTROL.\*

RELEASE OF PROPERTY VESTED BY ALIEN PROPERTY CUSTODIAN.

All control under Executive Order No. 8389, as amended, and Executive Order No. 9193, as amended, of any property or interest of Germany or Japan or any national thereof vested by the Alien Property Custodian is hereby released to the Alien Property Custodian. The release of any such property or interest shall take effect on the effective date of the vesting order of the Alien Property Custodian covering the property or interest.

FRED M. VINSON  
*Secretary of the Treasury*

\* Appendix A: - Sec. 3(a), 40 Stat. 412; Sec. 5(b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; 55 Stat. 838; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941; Ex. Order 8832, July 26, 1941; Ex. Order 8963, Dec. 9, 1941, and Ex. Order 8998, Dec. 26, 1941; Ex. Order 9193, July 6, 1942, as amended by Ex. Order 9567, June 8, 1945; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

CAN & AMERS.

*Property*  
*Restituted*  
RECD. JULY 12, 1945  
STEN. JULY 13, 1945

INCOMING CABLE

LA PAZ

JB86 LPZNL 21 LAPAZBOL 35 9

NLT JOINT DISTRIBUTION COMMITTEE

270 MADISON AVE NEWYORK

FOR PINSKY REFERENCE OUR CORRESPONDENCE WITH AMERICAN FEDERATION OF JEWS

CENTRAL EUROPE PLEASE DO EVERYTHING TO ARRANGE CENSUS PROPERTY PLEASE

INFORM US IMMEDIATELY THANKS

SOCIEDAD PROTECCION INMIGRANTES

Dr. Walter Blumenfeld.  
Miraflores c/Lima (Perú)  
Domingo Elías 245

---

Restitución  
de Propiedad  
Miraflorés, the 23rd, June 1945  
JUL 8 1945  
7/7/45

The  
American Jewish  
Joint Distribution Committee, Inc.  
270 Madison Avenue,  
New York 16, N.Y.

---

Gentlemen;

as far as I know exists already in many countries a possibility for jews to claim their property lost in Germany by the anti-jewish laws of the Nazi-Government. As I am informed, this is the case in the United States and in England, but as yet not in Perú.

I am Peruvian by nationalization, immigrated to this country in the year 1935. Under pressure of the German Government the company of which I was a partner had to pay for me the so called jew-tax and the brickyard had to be "sold" in the Nazi-way.

I think there exists a possibility to claim at least the worth of the terrains of the factory, if the buildings, machines etc. have been lost. I shall thank you very much for writing me, how I have to proceed in order to save as much as is possible.

If there exists any other organization which occupies itself especially with those questions I beg you to advise me and give this letter directly to those gentlemen.

Thanking you in advance, I remain,

Sincerely yours,

*Dr. Walter Blumenfeld*

Copy  
05375

JCH  
 JJS  
 LHS  
 EMM  
 DLS  
 FF

GEN. & EMERG. GERBAGET

D. B. Hurwitz  
 Joint Distribution Committee  
 270 Madison Ave., N.Y. City

June 26, 1945

Mr. Arthur Greenleigh  
 c/o American Embassy  
 A.P.O. 887  
 Postmaster, New York City

D. B. Hurwitz  
 Joint Distribution Committee  
 270 Madison Ave., N.Y. City  
 June 26, 1945

Dear Arthur: We received a letter from Mr. Kurt J. Whitney, 207 North Institute Place, Peoria, Illinois, who makes the following suggestion: He has a German bank statement, dated 1939, advising him that his account had been confiscated as part of a special tax levied on the Jews in retribution for the Herschel Grynszpan affair. He states that there are many such bank statements, through which it is a simple matter to trace funds on deposit at the time the tax was levied. He is ready to contribute to the J.D.C. any recoverable part of his own balance, and suggests that other individuals may be happy to participate in such a plan.

Please let us know what you can find out.

Best regards to everyone.

MD

Cordially,

DBH:DH

cc Dr. Jonah Wise.

GEN. & EMMING BERMAN

*Restituted  
to family*

JCH  
MAT  
JJS  
LHS  
EMM  
DLS

June 15, 1945

Mr. Kurt J. Whitney,  
207 North Institute Place,  
Peoria, Ill.

Dear Mr. Whitney:

I regret that we were unable to get in touch with you during the time when you were in New York, but we are writing now to thank you for the suggestion made in your letter of May 30.

Teams of J.D.C. workers are now operating within the German camp areas, and it is very possible that in the not-too-distant future, some plan such as you suggest may be carried out.

Should future developments make your suggestion practical, we shall of course feel free to get in touch with you.

Sincerely yours,

Assistant Secretary

DBH:DH

343222

HEIN R. HENNING  
*Restitution*  
*[Signature]*

June 13, 1945

Dr. Jonah B. Wise,  
25 East 63 St.,  
New York City

Dear Dr. Wise:

Enclosed you will find copy of a letter from Mr. Kurt J. Whitney which contains a suggestion which may have some eventual value.

Inasmuch as our representatives are just beginning to operate within Germany, we thought that you might like to drop an explanatory note to Mr. Whitney on this matter.

Sincerely yours,

DBH:DH  
enc.

*This should be prepared for by Rabbi JBW*

KURT J. WHITNEY  
207 NORTH INSTITUTE PLACE  
PEORIA 8, ILLINOIS

May 30th, 1945

Rabbi Jonah Wise, President  
Joint Distribution Committee  
270 Madison Ave  
New York 16, N. Y.

Dear Rabbi Wise:

As a refugee from Hitler Germany, living in this great country for almost seven years, I got an idea which I would like to submit to your consideration. However, before I come to it, it would be necessary to clarify an important point. The May JDC Digest contains reports from JDC reporters from a number of countries, European and others, but none from Germany. I have not heard or read any direct JDC reports from Germany since the war has ended. I contacted our local secretary of the Jewish Community Council, which is the contributing agency to the JDC, and he has not heard either of any JDC activity in Germany at this time. This does not necessarily mean, that there is no such activity as yet, but, my idea is based on the fact, that the JDC is now active or will become active in Germany in the future.

Going through my old files the other day, I found a statement of a German bank from the year 1939, saying that the balance of my account has been confiscated by the government and was used for "Judenvermögensabgabe", which is the special tax levied on Jews when that Jewish boy killed the Nazi official in Paris in fall 1938. If the Allied Government want to cancel some of the gruesome Nazi transactions and want repayment to the individuals so robbed, this should be one of the easiest to be identified. I have no way of knowing what the state of affairs is in this respect. As far as I am concerned, I would be perfectly willing and most happy to donate all or any recoverable part of my bank balance to the JDC agency in Germany. There is no question that there is a considerable number of individuals in this country who are in the same position and I am sure they all or many of them feel the same way as I do.

*JCH*  
*JCO*  
*D.H.B.H.*  
*LLS*  
*MAL*  
*CAM*  
*DS*  
*LLS*  
*Restitution Property*  
*copy to JBW*  
*may be merchandise*  
*seeing how we had*  
*some word re. same*  
*for Germany.*

03718

KURT J. WHITNEY  
207 NORTH INSTITUTE PLACE  
PEORIA 8, ILLINOIS

Page 2

The local agencies affiliated to JDC could easily furnish mailing lists of individuals to be contacted to this respect.

I would greatly appreciate your reaction to my idea, which may be premature or no good at all, since I have no notion about the present conditions in Germany.

It so happens that I shall arrive in New York City on June 5th for a ten days stay. You might contact me there by mail c/o Felix Lilienthal & Co, 33 West 34th Street. I could arrange for a personal meeting if you should so desire.

Sincerely yours,



343225