

PL 626
Individuals

July 18, 1957

Mr. Seymour J. Rubin
1932 Jefferson Place, N.W.
Washington, D.C.

Dear Sy:

I am enclosing photostatic copy of a letter which we have received from Mr. Richard O. Graw. I would appreciate your replying to this letter.

I frankly don't know what we can tell him at this point. A lawyer in New York phoned me some time ago and told me that a bill was pending to reopen the OAP filing deadline for individuals. I wonder whether you could find out something about it as this would certainly simplify matters all around. Am I correct in assuming that if the Bulk Settlement Bill goes through we will have no obligations whatsoever to individuals who may turn up as late claimants to the OAP?

With best regards.

Cordially yours,

Saul Kagan

Encl.

SK/h

343272

San Francisco Office:
593 Market Street
YUkon 2-1510

RICHARD O. GRAW
Attorney at Law
Room 440 Tioga Building
2020 Milvia Street
Berkeley 4, California
THornwall 8-5070

Residence Phone:
Landscape 6-2385

JUL 15 1957

July 13, 1957

JUL 17 1957

Jewish Restitution Successor Organization of New York
New York, New York

Re: Vesting Order No. 12161 dated 10-5-48
and Vesting Order No. 17730 dated 4-25-51
relating to the Estate of Herman Goldkraut,
Deceased

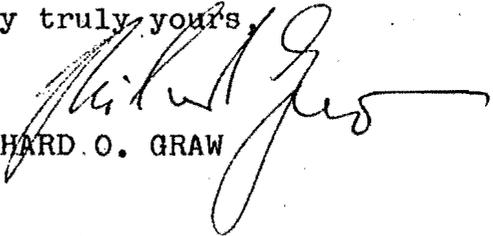
Gentlemen:

I understand that some property of the Estate of Herman Goldkraut, deceased, consisting of 15 shares of Allis-Chalmers Manufacturing Co., 25 shares of Hawaiian Pineapple Company, Ltd., an obligation of Schwabacher and Co. in the amount of \$118.14 and a debt owing to Herman Goldkraut by Felix Chilton of San Francisco, was vested in the Office of Alien Property.

I represent the beneficiaries of the Estate of Herman Goldkraut and it seems that you have filed a claim, No. 290, in this matter. The beneficiaries of the Estate of Herman Goldkraut were unaware of this property and it seems that you have not received the property which was vested under the vesting orders above mentioned.

I shall appreciate your advising me as to the present status of the matter.

Very truly yours,


RICHARD O. GRAW

343273

ARS:LFB:lfb
J.R.S.O. Cl. No. 6800
Acct. No. 49-80049

NOV 21 1957

NOV 21 1957

Landis, Cohen, Rubin and Schwartz
1832 Jefferson Place N. W.
Washington 6, D. C.

Gentlemen:

Reference is made to the above-numbered ^{re} claim filed in the name of Accounts maintained in the name of Merchants and Manufacturers Insurance Co., Ltd., London, England, and owned by persons whose names are unknown. By Determination and Return Order No. 3532, the property which is the subject of the JRSO Claim was ordered returned to Merchants and Manufacturers Insurance Company, Limited under Claim No. 60024.

In view of the foregoing JRSO Claim No. 6800 has been marked withdrawn on our records.

Sincerely yours,

Dallas S. Townsend
Assistant Attorney General
Director, Office of Alien Property

By Arthur R. Schor
Arthur R. Schor
Chief, Claims Section

Handwritten notes:
Lodge? ...
...
...
...
...
...
...
...
...
...

cc: Jewish Restitution Successor Organization
270 Madison Avenue, Suite 800
New York 16, New York

PL 626
Dnalin

December 2, 1957

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

Re: Claim filed in the Name of Accounts Maintained in the Name of
Merchants and Manufacturers Insurance Co., Ltd., London
Order No. 3532 - JRSO Cl. No. 6800

Dear Sy:

I have received copy of the letter from the Office of Alien Property concerning the accounts maintained in the name of Merchants and Manufacturers Insurance Co., Ltd., London. I think that this is obviously a case where we should lodge a formal protest. It is rather strange that a financial institution from London should not know on whose behalf it has been acting. If there is anonymity it is possible that assets of Jews on the Continent of Europe who had to protect themselves were involved.

With best regards.

Cordially yours,

Saul Kagan

343275

PL 626

Handwritten signature

SEP 12 1963

30 Coronation Dr.
Amherst 26, N.Y.
September 10, 63

Dear Mr. Kagan,

This is a reply to your letter of September 4, 1963.

You inquired into the possibility of our ever contacting the Office of Alien Property or the Foreign Claims Settlement Commission in Washington. To the best of our knowledge these agencies were never contacted by either one of us.

Please do not hesitate to contact us for any additional information you deem necessary.

Sincerely yours,
Mrs. Beata Silberstein

PL 626
Radio Inquiry

September 4, 1963

Mrs. Henry Silberstein
130 Coronation Drive
Amherst 26, N.Y.

Dear Mrs. Silberstein:

This will acknowledge your letter of August 15, 1963. I was wondering whether you have at any time approached the Office of Alien Property or the Foreign Claims Settlement Commission in Washington, giving them the name of your late father-in-law, his address and also the name and address of his business in order to ascertain whether there is any record of assets held in his name and having been reported by banks in this country for the United States Government.

Sincerely yours,

Saul Kagan

Dictated but not read

343277

Henry Silberstein
130 Coronation Dr
Amherst 26, N.Y.

- 2 -

It would be greatly appreciated if you would refer me to one that can.

Yours very truly
Dorota Silberstein

Henry Silberstein
130 Coronation Dr
Amherst 26, N.Y.
Aug. 15, 63

AUG 20 1963

Attention:

Attn. Mr. Saul Kagan
Dear Sir,

Recently our local paper printed an article headed by your organization related to unclaimed funds in the United States by Armenian Jews.

In the past we have contacted several organizations only to be told they could not help, as we did not know who could.

Finally the information requested is not related to the one mentioned.

My husband has been led to believe that his father sent funds out of his native Czechoslovakia to the United States. In what form, however the amount is not known, except that it could be payable because of his formal status.

We would gladly answer any questions or give you any information you request or find necessary in order to investigate the claim.

If your organization does not assist in matters such as this

CC SK

343278

MAR 13 1957

LAW OFFICES OF
HUSIN MILLER & LEVY

*Acknowledge
Copy to Rubin*

SOLOMON S. ISQUITH
COUNSEL

IRVIN HUSIN
SAMUEL MILLER
MARVIN W. LEVY
BERNICE SPITALNY
ESTELLE LEVITHAN

27 WILLIAM STREET
NEW YORK 5, N. Y.
WHITEHALL 3-2690

March 12, 1 957

Jewish Restitution Successor Organization
of New York
3 East 54th Street
New York, N.Y.

Att: Mr. S. Kagen

Re: Hildegard Sittner as heir of
Gad Badrian, deceased

Dear Mr. Kagen:

Following telephone conversation had with you last week, enclosed herewith please find a copy of the letter received by us from the Department of Justice in connection with the claim asserted by our client, Hildegard Sittner as heir of Dr. Gad Badrian, deceased.

Will you kindly mark your records to indicate the fact that we represent Mrs. Sittner and keep us informed as to any progress made in connection with her claim. We understand that the investigation which succeeded in locating her was instituted at your request and the file number appears to be 28-21260, Schedule A, item 42.

May we once again call to your attention the information set forth in the last paragraph of the letter. I would appreciate hearing from you, acknowledging receipt of this letter and enclosure and informing us as to any progress made by the proposed legislation enlarging the time for filing claims in these matters.

Thank you for your cooperation.

Very truly yours,

HUSIN MILLER & LEVY

BY *Marvin W. Levy*
MARVIN W. LEVY

MWL:PL
ENCL.

cc: Rubin 3/15/57

343279

ARS:IEB:d,jw
F-28-4422-A-1

MAR 13 1957
1957

HUSIN, MILLER, LEVY & DAVIS
Attorneys at Law
27 William Street
New York 5, New York

MAR 7 1957

Attention: Marvin W. Levy

Gentlemen:

Reference is made to your letter of December 10, 1956, which unfortunately was mislaid, with respect to the property vested by this Office under Vesting Order No. 7539 as the property of Dr. Gad Badrian.

You ask why an effort to locate the heirs of Dr. Badrian was instituted by our Office in 1956. By Public Law 626, 83rd Congress, approved August 23, 1954, the President was authorized to designate organizations as successors to heirless vested property. The President thereafter designated the Jewish Restitution Successor Organization of New York as such successor organization. Subsequently the JRSO filed claims with this Office for the return of certain vested property including that vested from Dr. Badrian. The investigation which you mention was instituted in connection with the claim filed by the JRSO.

As you were advised in our letter of December 5, 1956, the time for filing a claim by or on behalf of Mrs. Sittner expired on February 9, 1955. Legislation such as that mentioned in the last paragraph of my December 5th letter has been introduced in the present session of the Congress. If such legislation is enacted, Mrs. Sittner will have ample time to request forms and instructions for filing a claim.

Very truly yours,

Dallas S. Townsend
Assistant Attorney General
Director, Office of Alien Property

By

Arthur R. Schor
Chief, Claims Section

cc: Bureau - 3/15/57

343280

TRANSLATION OF LAW ... GOVERNING CLAIMS OF INJURED OWNERS OF RIGHTS TO PREMISES
(Fourth Austrian Restitution Law)

I

(1) - Subject matter of this law are tenancy rights to dwelling rooms and business premises, as well as in properties used for industrial purposes or for small produce gardens of whose exercise the claimant was deprived during the German occupation of Austria, either through arbitrary measures or as the result of laws or other enactments, in particular through legal transactions and other legal acts connected with the seizure of power by the National Socialists.

(2) - The provisions of this law do not apply to claims arising from the deprivation of tenancy rights whose restoration is governed by other restitution laws, nor to rights arising from sub-leases unless the latter extended to entire apartments or business premises.

II

(1) - The injured claimant can apply within one year after the coming into force of this law to the Restitution Commission which has jurisdiction by reason of the locality of the premises, to have said premises vacated by the person who himself seized them, in one of the ways enumerated in I above, or who has caused their seizure or has participated therein and who is still in possession, as well as against any person who after seizure occupied the premises without valid legal justification (title). The period of one year can be extended by order of the MINISTRY FOR SOCIAL ADMINISTRATION.

(2) - Of the immediate successor of the party injured in the exercise of his rights to the premises, it is to be presumed that he caused the seizure or participated in it. The burden of proving the contrary rests upon him. The following persons shall be deemed to be in the same position as the immediate successor: his parents, children and spouse who have acquired the right to the premises from him; and occupiers of premises who, after the termination of Austria's occupation, acquired the right to the premises although they knew of the existence of injured rightful claimants.

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- 2 -

(3) - Rightful claimants within the meaning of Par. II (1) include in the case of leases of apartments, the injured rightful claimant's spouse, children, and parents, brothers and sisters, /their sons and daughters, if at the time of the seizure they were members of his household. In the case of business premises and premises used for industrial purposes, it includes the injured rightful claimant's spouse and children. The same applies to leaseholds of small produce gardens if these persons participated at the time of the seizure in the operation and exploitation of the property.

(4) - The Restitution Commission has to order vacating and has to fix an appropriate period for vacating. Extension of that period is inadmissible. With vacating (i.e. handing over of the premises to the injured, rightful claimant II (1)) rights created after seizure are extinguished. The injured claimant (II-1) has to pay rent from the date of vacating.

(5) - The provisions of sub-sections 1 to 4 apply also if the occupier of the premises is in occupation solely as the result of a temporary occupation permit issued by the competent authority.

III

(1) - If the occupier of the premises (2) himself was subjected to political persecution under National Socialism, the Restitution Commission has to weigh the opposing interests of the parties and to exercise its equitable discretion. If it holds the interests of the occupier of the premises to be more deserving of protection, it has to reject the application for vacating and has to liquidate the rights to the premises of the injured rightful claimant.

(2) - Whether the occupier of the premises was subjected to political persecution under National Socialism is to be decided by the Commission on the basis of testimony given by the Federation of Former Politically Persecuted Anti-Fascists.

IV

(1) - If no claim is made within the prescribed period by any one of the persons entitled to claim under II, or if these persons have renounced their claims,

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- 3 -

the community (Gemeinde) can make the claim within a further six months after the termination of the period fixed in II (1).

(2) - Such premises are to be allotted to injured rightful claimants (1) who have lost their premises under III, or as a result of the destruction of the premises through the war, or who cannot make effective claims to their premises because of the lack of legal requisites in the person of the occupier. Details will be regulated by decree.

- V -

Legal transactions effected after the 27th of April 1945 shall not affect the validity of claims under this law unless the injured claimant has renounced his claim.

VI

As for other matters, provisions of the Third Restitution Law are to be applied wherever applicable.

VII

The Ministry for Social Administration in agreement with the interested other Ministries, is charged with the execution of this law.

343283

DEPARTMENT OF STATE

FOR THE PRESS

APRIL 4, 1947
NO. 284

AUSTRIAN RESTITUTION LAWS

During the period from September 14, 1946, to March 28, 1947, the Government of Austria has put into effect three laws dealing with the restitution of property which, in connection with the National Socialist assumption of power, was taken away from its owners after March 13, 1938 for so-called racial, national or other reasons, either arbitrarily or on the basis of laws or other regulations.

The First Restitution Law covers property presently subject to administration by the Federal or State governments of Austria (as trustee for the former German authorities). The Second Restitution Law covers property where title has passed to the Federal Government of Austria. The Third Restitution Law covers all other cases where property has been taken away, except:

1. claims of employees,
2. claims of lessees of apartments and business premises and small produce gardens,
3. claims based on the confiscation or the prevention of the exercise of patent rights, or other commercial protection rights, or other intangible property rights,
4. claims based on public law which fall within the competence of the administration authorities.

It is expected that special legislation will regulate these claims.

Under all three laws claims may be filed for restitution by the original owners of the property. If the original owner shall have died, the spouse, parents, children, brothers and sisters, and nephews and nieces may file claim if the estate has been probated. Failing these heirs, other heirs at law may make claim if they had been a part of the decedent's household. Where the estate is in probate the executor or administrator may file claim.

Claims under the First and Second Restitution Laws should be filed with the Finanzlandesdirektion for property located within the particular Finanzlandesdirektion District. Where property is located within more than one such District, or if the claimant is unable to determine in which Finanzlandesdirektion his property is located, the Austrian Federal Ministry for Safeguarding Property and Economic Planning (Bundesministerium fuer Vermoegenssicherung und Wirtschaftsplanung) has agreed to receive claims for forwarding to the competent Finanzlandesdirektion. However, it is desirable that as far as possible claims be filed directly with the competent Finanzlandesdirektion in order to avoid extra handling and delay.

Claims under the Third Restitution Law should be filed with the appropriate Restitution Commission (Ruckstellungskommission). A Restitution Commission will be established at each Landesgericht (Provincial Court) having jurisdiction in civil law matters. Its competence will extend throughout the Federal Land in which the Landesgericht is located. For Vienna, lower Austria and the Burgenland the Restitution Commission will be established at the court for civil matters, Vienna. The jurisdiction of the Commission at the Landesgericht Linz-Nord will cover the district of that court.

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Claims may be filed by an attorney in fact. The power-of-attorney must be executed subsequent to April 27, 1946. It should be notarized and sent with County Clerk's certificate to the Legation of Austria, Washington, D. C., for authentication. Unauthenticated powers-of-attorney will not be recognized as valid by the authorities in Austria.

Because of the technical nature of these laws, and because it is the responsibility of the individual claimant to determine under which law his claim should be filed, it would appear desirable that a competent Austrian attorney be empowered to act as attorney in fact. There is on file with the Department of State a complete list of attorneys who have been approved by the Bar Associations of Vienna, Graz, Lins, Salzburg, Klagenfurt, Innsbruck, and Feldkirch.

Neither the Department of State nor, it is understood, the Legation of Austria in Washington is equipped to be of any assistance in the interpretation of these laws or in the filing of the claims. The American Legation at Vienna, likewise, is in no position to file claims or to interpret the restitution laws. However, the American Legation in Vienna will render every possible facility and assistance to the designated agents in Austria of American citizens. These representatives may call upon the Legation to obtain documents which have heretofore been filed by prospective claimants. In addition, the Legation will send to applicants copies of memoranda prepared by the Austrian Ministry for Safeguarding Property and Economic Planning concerning the method of filing restitution claims under these laws.

It should be clearly understood by persons having claims, that any previous filing of papers with the Department of State or the American Legation in Vienna does not constitute a proper filing for the purposes of obtaining restitution under the Austrian laws. Nor does the filing of forms TFR 500 with the U.S. Treasury Department constitute filing of claims. Furthermore, persons who have merely reported to the Austrian Government, under the Austrian Government, under the Austrian law of May 10, 1945, as amended, the fact that property has been taken away from them, should not regard these statements as proper claims. Claims can be filed only in the form provided for by each particular restitution law.

It should also be noted that the claims together with all their supporting documents must be in the German language.

Claims under the First Restitution Law should be filed before September 14, 1947. Claims filed under the other two laws should be filed within one year after the date of their enactment, or March 28, 1947.

* * * * *

To: *Cooperating Organizations*

A. C. A. Liverhart

April 11, 1947

Enclosed, please find copy of cable which was sent today on behalf of the five organizations to Acting Secretary of State, Dean Acheson.

FZ

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NLT

DEAN ACHESON ACTING SECRETARY OF STATE WASHINGTON D C UNDERSIGNED ORGANIZATIONS LEARN THAT DEPUTY FOREIGN MINISTERS ON INITIATIVE OF US REPRESENTATIVE PROPOSE CLAUSE FOR AUSTRIAN TREATY LIMITING COMPENSATION TO VICTIMS RACIAL AND RELIGIOUS PERSECUTION FOR PROPERTY LOSSES AND DAMAGE TO EXTENT ACCORDED AUSTRIAN NATIONALS FOR WAR DAMAGE STOP SINCE AUSTRIAN GOVERNMENT UNLIKELY TO MAKE WAR DAMAGE PAYMENTS TO ITS NATIONALS SUCH COMPENSATION ESSENTIALLY ~~IS~~ ILLUSORY STOP UNDERSIGNED ORGANIZATIONS THEREFORE RESPECTFULLY REQUEST UNITED STATES PRESS FOR INCLUSION COMPENSATION CLAUSE NOT LESS JUST AND EQUITABLE THAN CLAUSE CONTAINED IN HUNGARIAN AND ~~IN~~ RUMANIAN TREATIES

~~XXXXXXXXXX~~

AMERICAN JEWISH CONFERENCE
AMERICAN JEWISH COMMITTEE
WORLD JEWISH CONGRESS
JEWISH AGENCY FOR PALESTINE
AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE

343287

COPY

MARCH 25 1947

DEAN ACHESON
ACTING SECRETARY OF STATE
STATE DEPARTMENT
WASHINGTON D C

UNDERSIGNED ORGANIZATIONS DESIRE AGAIN TO STRESS TO THE AMERICAN DELEGATION DEALING WITH SETTLEMENT FOR AUSTRIA THAT EQUITY AND JUSTICE TO AUSTRIAN AND FORMER AUSTRIAN JEWS NOW SCATTERED THROUGHOUT THE WORLD AS WELLAS THOSE STILL LOCATED IN AUSTRIA MAKE ESSENTIAL THAT JEWISH COMMUNAL PROPERTY IN AUSTRIA AND HEIRLESS OR UNCLAIMED PROPERTY IN AUSTRIA WHICH BELONGED TO JEWS SHOULD BE MADE AVAILABLE TO AN ORGANIZATION REPRESENTATIVE OF JEWS THROUGHOUT THE WORLD TO BE USED FOR RELIEF R HABILITATION AND RESETTLEMENT IN AUSTRIA AND ELSEWHERE OF ALLSURVIVING AUSTRIAN AND FORMER AUSTRIAN JEWISH NICTIMS OF NAZI PERSECUTION STOP IT IS RESPECTFULLY REQUESTED THAT SECRETARY MARSHALL AND GENERAL CLARRK BE ADVISED OF THESE VIEWS

AMERICAN JEWISH CONFERENCE
AMERICAN JEWISH COMMITTEE
WORLD JEWISH CONGRESS
JEWISH AGENCY FOR PALESTINE
AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE

343288

5 organizations

February 5, 1947

I. I. Koenen

I am enclosing for your information copies of letters from Professor Jerome Michael and Dr. A. Leon Kubowitzki in connection with the proposed Jewish restitution agency.

The above memo with enclosures went to:

Dr. Simon Segal
Maurice Boukstein
Arthur Lourie
Moses Leavitt
Colonel Bernstein
Prof. Michael
Dr. Kubowitzki
Dr. Barth
Mr. Livergant
Mr. Lowenthal

*4/15/47
G. 11445-416*

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C
O
P
Y

COMMISSION ON EUROPEAN JEWISH CULTURAL RECONSTRUCTION
affiliated with
Conference on Jewish Relations, Inc.
1841 Broadway, New York 23, N. Y.

January 31, 1947

Mr. I. L. Kenen
American Jewish Conference
521 Fifth Avenue
New York 17, N. Y.

Dear Mr. Kenen:

We think it advisable to try to state very explicitly our conception of the relationships which ought to obtain between the Jewish Restitution Commission, as the trustee of confiscated Jewish property, cultural and non-cultural, and the Joint Distribution Committee and the Jewish Agency, as the trustee's agents with respect to non-cultural property, on the one hand, and the trustee's agent with respect to cultural property, on the other.

By way of background for what is to follow, you should know that we, the State Department and General Clay are, we think, in agreement upon the following plan with respect to the restitution of cultural property.

A. German and Austrian governments and governmental agencies shall be required to surrender to the United States authorities all confiscated Jewish religious and cultural property which is in their possession.

B. As soon as the necessary arrangements can be made, there shall be turned over to the Trustee Jewish religious and cultural property now or hereafter in the possession of the United States authorities (a) which is unidentifiable and (b) which is identifiable as having been owned by a Jewish community which is extinct or by a Jewish philanthropic or cultural institution which has ceased to function, upon the understanding that the Trustee will hold all such property until the expiration of whatever period may be fixed for the filing of claims thereto and will continue to hold all of such property to which claims are filed until such claims are adjudicated.

C. Jewish religious and cultural property now or hereafter possessed by the United States authorities which is identifiable as having been otherwise owned but which may not be claimed or which may prove to be ownerless, shall be turned over to the Trustee at the expiration of whatever period may be fixed for the filing of claims thereto, or, in the case of property to which claims may be filed, upon the adjudication of such claims.

(Parenthetically, we wish to point out to you that both General Clay and the State Department are prepared to regard as ownerless cultural property formerly owned by Jewish communities which are extinct or Jewish philanthropic or cultural institutions which have ceased to function. This is a broader conception of ownerless property than that which is embodied in Section 6 of the proposed Restitution Law (Draft of October 18, 1946) and, therefore, before enactment, the Restitution Law should be amended in that regard. And, of course, as pointed out in the letter addressed to the Secretary of State on Nov. 27, 1946, by the Conference and other organizations, it should be so amended as to insure that the Trustee will be recognized as the successor in interest to all unclaimed or ownerless confiscated Jewish property, cultural and non-cultural.)

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D. The Trustee shall be permitted to take possession of Confiscated Jewish religious and cultural property which is in the possession of individual Germans or Austrians or of private German or Austrian corporations or associations only if the Trustee establishes its claim thereto as successor in interest of the former owners of such property.

- 2 -

E. A small mission representing the Trustees shall be admitted to Germany and Austria for the purposes of taking custody of the Jewish religious and cultural property which is presently to be turned over to the Trustee, of consulting with the authorities there with respect to other Jewish religious and cultural property, and of negotiating with lawful owners of such property for its acquisition by the Trustee by purchase or otherwise.

You will observe, therefore, that with respect to cultural property the Trustee will have the following duties and functions:

- (1) To take possession of, to care for, and to hold Jewish religious and cultural objects which from time to time may be turned over to the Trustee as hereinabove provided by the United States authorities.
- (2) To assist the United States authorities in the discovery, as a preliminary to the seizure, of confiscated Jewish religious and cultural property which is in the possession of German or Austrian governments or governmental agencies.
- (3) To discover Jewish religious and cultural property in the possession of individual Germans or Austrians or of private German or Austrian corporations or associations, as a preliminary to the institution and prosecution of claims therefor.
- (4) To file and prosecute claims for the recovery of confiscated Jewish religious and cultural property.
- (5) To consult and advise with the United States authorities regarding Jewish religious and cultural property and problems in connection with its restitution, and to negotiate with lawful owners of such property, such as depleted Jewish communities, for the acquisition thereof by purchase or otherwise.
- (6) To distribute Jewish religious and cultural property acquired by the Trustee among Jewish communities throughout the world in such a manner as best to serve the religious and cultural needs of the Jewish people.

We propose forthwith to organize a membership corporation under New York law with some such name as the Jewish Cultural Reconstruction Corporation. This corporation, to which we shall hereafter refer as the Reconstruction Corporation, will be given powers sufficiently varied and broad to enable it to act either as the Restitution Commission's agent with respect to confiscated cultural property, in the event that there shall be a single trusteeship for both cultural and non-cultural property, as we hope there will be, or as the trustee of the cultural property, in the event that there shall be a separate trustee for such property.

The members of the Reconstruction Corporation will include the World Jewish Congress, the American Jewish Conference, the American Jewish Committee, the Hebrew University, the Commission on European Jewish Cultural Reconstruction, the Council for the Protection of the Rights and Interests of Jews from Germany, and the organization most representative of Jews still living in Germany and Austria.

In the event that there shall be a single trusteeship for all confiscated Jewish property, the Restitution Commission shall irrevocably designate the Reconstruction Commission as the Trustee's agent to perform, in the Trustee's name and on the Trustee's behalf, the duties and functions of the Trustee with respect to cultural property stated above and all other duties and functions of the Trustee in relation thereto.

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It seems clear that in order to perform the Trustee's duties and functions with respect to non-cultural property, the Joint Distribution Committee and the Jewish Agency will have to organize and maintain a special staff and one or more offices in Germany and Austria. In the interests of economy and efficiency this staff should be sufficiently large and should include the necessary expertness to enable it to

- 3 -

perform, under the Reconstruction Corporation's direction, the first four and, perhaps, the first five of the duties and functions of the Trustee with respect to cultural property stated above.

We think that the Committee and the Agency should pay the costs of the recovery of cultural as well as of non-cultural property. In this connection we desire to emphasize the great importance of creating a fund which may be used to purchase Jewish religious and cultural property, for the benefit of the Jewish people, from German and Austrian communities and other lawful owners thereof. Otherwise, Jewish scholarship and the Jewish people will suffer irreparable loss through the dispersion of libraries and the dissipation of other cultural property.

The Reconstruction Corporation will make periodic reports concerning its activities to the Restitution Commission. These reports will be of such a character as to keep the Commission fully informed regarding the manner in which the Trustee's duties and functions with respect to confiscated cultural property are being performed. The Commission will, of course, be entitled to make recommendations to and advise with the Reconstruction Corporation concerning the performance of these duties and functions.

At a recent meeting of the general restitution committee you expressed the belief, in which there appeared to be general concurrence, that the Restitution Commission will be organized and ready to function by February 15, 1947. We very much hope that this will be so, for time is of the essence as far as cultural property is concerned. Every day's delay increases the hazards to which this property is exposed and we do not think that we would be justified in delaying independent action much longer.

Will you please bring this letter to the attention of the Committee, the Agency and all other interested groups.

Sincerely yours,

(signed)

JEROME MICHAEL
Acting Chairman

343292

SUGGESTED CHANGES

EXCERPTS FROM LETTER FROM DR. A. LEON KUBOWITZKI, WORLD JEWISH CONGRESS

January 31, 1947

"(a) The Restitution Commission will be composed of the Five organizations cooperating on Jewish problems in Germany plus the Council for the Protection of Rights and Interests of Jews from Germany;

"(b) The scope of the Commission will be limited to Germany and not extended to other countries as well;

"(c) The appointment of certain organizations as operating agencies will be left to the Board of the Commission and will not be incorporated in the by-laws of the Commission;

"(d) A special department for the recovery of cultural property will be created and the nomination of the operating agencies in this field will also be reserved to the decision of the Board of the Restitution Commission.

343293

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION

FRIEDRICHSTRASSE 29 · FRANKFURT/MAIN

MAR 28 1955 ✓

PHONE: FRANKFURT 70831
CABLE: RESTITUTION FRANKFURT

A. P. O. 757
U. S. ARMY

25 March 1955.

Mr. Saul Kagan
JRSO - New York

Letter #2147.
7030.

Dear Saul:

I am attaching photostatic copies of a letter prepared by Dr. Weis and outlining a rather complicated problem we are having in connection with some existing accounts which were confiscated by the Reich in Berlin. You will see from the memorandum that the legal position of the JRSO is not quite clear and that, if the Bund wants to make difficulties, they certainly can on a substantial number of points. Schoenfeldt has proposed an arrangement according to which we would get about 4 million DM and the Bund would get about 2 million DM from these accounts, which together total about 6 million. The Bund, in recognition of the fact that these were certainly Jewish securities which were confiscated, would use the money it receives for a special hardship fund on behalf of all racial persecutees. I have been inclined to favor this proposal but to alter the use of the funds in order to allocate them for the maintenance of Jewish cemeteries if we can reach such an agreement with the Bund.

Bear in mind that what we would be recovering here are securities on deposit in Berlin, and these would have to be sold after validation which might take a considerable period of time. We would also have a possible equity problem in that if an individual could prove that he was the owner of any one of the shares which we might recover, we would probably have to turn it over to him. The number of such cases I anticipate will be very small, since it is practically impossible to identify the shares which we will be receiving.

Since this involves a rather complicated business I felt that it would be safer all around if I sent it on to New York so that it might be reported to the operating agents rather than having the whole thing come to them as a surprise. I have told Weis to proceed with Koppe, informing Koppe that it was his own personal view that the proposal of Schoenfeldt should be accepted. In a more recent talk with Weis I told him to go ahead and commit the JRSO to it. Dr. Lachs is also agreed on behalf of the JTC. I don't think it calls for any other decision now, but I am sending it on merely for your information so that you will be completely in the picture.

Cordially yours,

Ben
BENJAMIN B. FERENCZ

OZ
Z. Lachs
So J. ...
BBF,11

Encl

343294

Prof J. ...

L. ...

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON 76 19 81

Berlin claims for ...

22 February 1955
Dr. W/cz

TO : Mr. D. S. Ferencz
Herrn Dr. Katzenstein
Herrn Dr. Lachs
Herrn Dr. Meyrowitz
Herrn Dr. Schoenfeldt

RECEIVED
24 FEB. 1955
REG. No. 2574
FILE No. 7080

FROM: Dr. G. Weis

SUBJECT: Ministerialkonten und -Depots
Hilfsverkaufskonten und -Depots

1. We have filed the following claims:

a. Ministerialkonten

This is a claim for two accounts which on February 1st, 1950 amounted to 11,912 DM and 499,539 DM. The amount has increased since then on account of accrued interests and both accounts total between 500,000 to 600,000 DM. The money comes from the sale of confiscated Jewish securities. The Reich which had acquired these securities at a stop price sold mostly at a better price, but sometimes at a loss. The amounts just mentioned are what remained on the accounts on May 8, 1945. We do not know to whom the securities in question formerly belonged and we do not know (and nobody knows) which securities were sold and which of them at a loss and which at a profit.

b. Ministerialdepots

There are 6 depots. The value of the securities in question amounted on 14 October 1954 to 6,627,383 DM. Two of the depots have a value of 3,838 and 6,500 DM, one depot contains only non-valeurs. The remaining depots have the following values:

Depot 652005	1.813.159 DM
Depot 32	1.219.148 DM
Depot 31	3.585.386 DM.

All these depots contain confiscated Jewish securities. We do not know (and nobody knows) who were the previous owners.

Depot 32 contains securities confiscated in Bohemia and Moravia; depot 31 securities delivered by Jews who received Reichsschatzanleihen in exchange; depot 652005 contains securities delivered under the 11th Decree.

c. Heimeinkaufskonto:

This amounted to 246.475 DM in 1952 and has increased since then on account of accrued interest.

Heimeinkaufsdepots:

There are some foreign securities with strange names which are probably without value.

2. Our claims raise the following

A. legal questions:

- a. Are the assets involved identifiable in the meaning of restitution legislation?
- b. Are we the legal claimants and
- c. are our claims valid claims although we do not know the names of the persecutees?

and

B. an economic question:

Are not the assets in question covered by other claims filed by the Successor Organizations or by individual restitution claims or by individual indemnification claims?

Ad A, a:

I do not think that the accounts are identifiable property although it can be said that the money on these accounts is only a substitute for sold securities which were, of course, identifiable. Some of the money in the Heimeinkauf account might have been paid into the account in cash.

Ad A. b.:

In my opinion it does not matter that we do not know the names of the persecutees as far as deposits are concerned. Under Art. 9 of the Berlin Restitution Law we are entitled to claim any affected property "where no claim for restitution has been lodged". In my opinion it is for the defendant or the Restitution Agency to prove that a claim has been lodged for the assets in question and if this cannot be proved our locus standi is established.

The Bundesfinanzministerium (representing the Reich) pleads, of course, that the accounts are not identifiable property. It has no answer to Art. 9 but pleads

Ad A. c:

that it is essential for the validity of a claim that not only the property is described but also the name of the former owner is given. I do not agree. It is established opinion that a claim is valid if the property is described, and if one says that the property is only described if also the name of the former owner is given this amounts to the denial of our rights under Article 9. Of course, the defendant is in great difficulties if we do not give the name of the persecutee. If, however, the doctrine of the Bundesfinanzministerium is accepted there would remain a certain number of assets which came undoubtedly from Jews, were undoubtedly confiscated, but cannot be claimed neither by individuals nor by us.

Unfortunately there are only 2 decisions pertaining to this question:

- a. one in our favor by the OLG Hamm, 13 RW 213/53, dated 9 December 1953, copy of which I inclose, and
- b. one against us by the Kammergericht Berlin, 15 W 1035.54, dated 14 September 1954, partial copy of which I also inclose.

The decision of the Kammergericht is, of course, more pertinent to our case than the Hamm decision.

Ad B.:

The Bundesfinanzministerium is rightly afraid that most of the assets in question might have been claimed by Successor Organizations (3. Masse claims) or by individuals (either in natura, either as 3. Masse claims or under the indemnification law).

To counterbalance this anxiety I explained to the Bundesfinanzministerium the position as follows:

- a. One of the deposits in question (depot 32) contains securities confiscated in Bohemia and Moravia. As the Successor Organizations have filed claims for securities only on the basis of bank reports

there cannot be 3. Masse claims of the Successor Organizations pertaining to these assets. There cannot be valid 3. Masse Claims of individuals either. Confiscation took place in Bohemia and Moravia. If a former owner would have filed a 3. Masse claim his claim would be rejected as the confiscation took place outside the area of restitution legislation.

There cannot be indemnification claims as generally Czech Jews lack the residential qualifications.

If, however, there should be a claim for restitution in natura and if the claimant can prove that the assets which belonged to him are identical with the assets in question the Successor Organizations would release these assets to the individual claimant.

b. The same arguments apply to all other securities as far as they came from Eastern Germany (although there might be some Jews from Eastern Germany who took residence in Western Germany and, therefore, qualify under the East-West BK/O or the Indemnification Law). We do not know which of the securities came from Eastern Germany but I suggested that according to 1933 population figures it should be assumed that 1/3 of the assets not coming from Bohemia and Moravia came from Eastern Germany.

c. One deposit (No. 651200) contains securities delivered as payment for discriminating taxes. There overlapping indemnification claims could exist. As, however, this deposit amounts only to 3.800 DM there was no need for lengthy discussions.

d. I stated that quite generally we would be prepared to release to former claimants any assets where they could prove that they have filed a claim for assets which were identical with assets handed over to us.

3. Dr. Schoenfeldt and I met Dr. Koppe and two officials of the Berlin Sondervermoegensverwaltung in Bonn on Thursday, 17 February 1955.

After discussions which lasted about three hours the following positions were taken, both sides having stated that these were only preliminary suggestions not binding either side:

Dr. Koppe:

(a) All accounts (amounting to about 900.000 DM) would remain with the Reich. They would be reconverted into RM and accordingly cancelled.

(b) Deposit 32 (Bohemia and Moravia), amounting to about 1.200.000 DM, would be released to us.

(c) The remaining assets would be divided between the Reich and us 50 : 50.

Consequently we would receive

Bohemia and Moravia	1.200.000.-
50% of the remaining assets	<u>2.700.000.-</u>
	3.900.000.-

The Bund would obtain 2.700.000 DM but use it for a hardship fund in favor of persecutees which have restitution claims not coming under restitution legislation (for instance confiscations in France).

Dr. Weis:

(a) The accounts remain with the Reich.

(b) We obtain deposit 32 and deposit 652006 (Bohemia and Moravia).

(c) We obtain 1/3 of the remaining assets and the rest is divided 50 : 50.

We would, therefore, receive:

Bohemia and Moravia	1.200.000.-
1/3 of the remaining assets	1.800.000.-
50% of the then remaining assets	<u>1.800.000.-</u>
	4.800.000.-

(d) The Bund would use the assets falling to him for a hardship fund.

4. Even after three hours Dr. Koppe and I did not come to even a personal and provisional understanding Dr. Schoenfeldt made the following suggestion:

(a) The accounts would remain with the Reich.

(b) We would receive deposit 32 and 652006 (Bohemia and Moravia).

(c) The remaining assets would be divided 60 : 40 in our favor.

This means for us:

Bohemia and Moravia	1.200.000.-
60% of the remainder	<u>3.200.000.-</u>
	4.400.000.-

I should be much obliged if I could obtain your point of view and your suggestions as quickly as possible.


DR. G. WEIS

Incls: a/s

343000

(5)

JUL 18 1955

July 12, 1955

CONFIDENTIAL

Ltr. # 193

Mr. B.B. Ferenoz
JR50 HQ - Ffm.

Dear Benny:

Berlin General

Attached hereto is copy of a letter which Dr. Arndt wrote to the Senator of Justice, Dr. Kielinger, Berlin, in view of an outrageous decision by the Kammergericht of November 29, 1954.

I received that decision from Dr. Ruge who is an outstanding lawyer of Berlin representing many Jews.

Sincerely yours,


Herbert S. Schoenfeldt

cc: May
SK
NR

343301

12. Juli 1955

Herrn
Bundestagsabgeordneten
Dr. Adolf Arndt

B o n n
Bundeshaus

Betr.: Entschädigungssache Kornhoven ./.. Berlin.
Entscheidung des Kammergerichts vom 29.11.1954 (13.U.Entsch.1623.54).

Sehr geehrter Herr Dr. Arndt:

Ich bestätige Empfang Ihres Schreibens vom 11. Juli nebst Anlagen und danke Ihnen herzlich dafür, daß Sie sich dieser Sache mit so großer Gründlichkeit angenommen haben. Ich hoffe sehr, daß der Herr Senator der Justiz Ihre ausgezeichneten Darlegungen dem Kammergerichtspräsidenten bekannt geben und daß Ihre erneute scharfe und überzeugende Kritik dazu beitragen wird, die Rechtsprechung des 13. Senats, dessen wiedergutmachungsfeindliche Tendenz schon wiederholt zu Tage getreten ist, günstig zu beeinflussen.

Mit freundlichen Grüßen

I h r

Herbert S.Schoenfeldt

343302

Dr. Adolf Arndt

ABSCHRIFT

den 11. Juli 1955
Dr. A./Sch.

An den
Senator der Justiz
Herrn Dr. Kielinger

Berlin-Schöneberg
Salzburger Str. 21/25

Sehr verehrter Herr Senator Kielinger !

Die Conference on Jewish Material Claims Against Germany hat mir eine notariell beglaubigte Abschrift des vom 13. Zivilsenat des Kammergerichts in Sachen Kornhoven ./ Berlin am 29. November 1954 erlassenen Urteils (13. U. Entsch. 1623/54) übermittelt. Zu meinem tiefen Bedauern sehe ich mich gezwungen, zu diesem Urteil die folgenden Ausführungen zu machen.

1.) Bei der Feststellung des Tatbestandes weicht das Urteil von einem seit Jahrzehnten gefestigten Sprachgebrauch in auffallender Weise ab. Es heißt im Tatbestand: Die Kläger w o l l e n in Carabotta nicht mehr sicher gewesen sein. Ferner: Die Kläger w o l l e n in Briancon illegal gelebt haben. Später wird im Tatbestand und in den Entscheidungsgründen zweimal von dem a n g e b l i o h illegalen Leben der Kläger gesprochen. In der üblichen Ausdrucksweise eines deutschen Gerichts müßte es stattdessen heißen: Die Kläger tragen vor . . . Die Kläger machen geltend . . . Die von den Klägern behauptete Illegalität ihres Lebens . . .

Diese von jedem Gerichtsgebrauch abweichende Ausdrucksweise des Urteils hat nicht nur einen verletzenden Unterton, sondern gewinnt auch im Zusammenhang mit den übrigen Umständen eine weitergehende Bedeutung. Sie deutet darauf hi, daß hier der 13. Zivilsenat des Kammergerichts dem Vorbringen der Kläger mit einer Denkweise gegenübersteht, die nicht unbefangen ist und mit dem Gesetz nicht übereinstimmt.

2.) Das Urteil bedient sich in mehrfacher Hinsicht des nationalsozialistischen Sprachmißbrauchs. Von der Klägerin wird zweimal gesagt, daß sie Arierin sei, obgleich es einen solchen Begriff in der Sprache eines demokratischen Rechtsstaats nicht geben kann. Ferner ist zweimal von einer Judenfrage und einmal von einer Lösung der Judenfrage die Rede. Auch hierbei handelt es sich unter Berücksichtigung aller Umstände und nach Lage des Falles um mehr als nur um Gedankenlosigkeit oder einen Mangel an Takt. Bereits in einem anderen Falle hatte derselbe Senat des Kammergerichts die durch das planmäßige Niederbrennen von Gotteshäusern, durch Totschlag, schweren Raub, Körperverletzung und Freiheitsberaubung im November 1938 begangenen Verbrechen als "Kristallnacht" bezeichnet. Der von Ihnen, sehr verehrter Herr Senator, insoweit vertretenen Auffassung, daß es sich dabei bloß um eine Nachlässigkeit in der Wortwahl handele, vermag ich nicht beizupflichten. Nach meiner Auffassung stellt eine so unwürdige Abfassung eines Gerichtsurteils ein Dienstvergehen dar, das zur Einleitung eines förmlichen Disziplinarverfahrens führen muß. Auch hier aber geht die Bedeutung einer solchen Ausdrucksweise über den formalen Mißgriff in der Sprache hinaus. Denn das Gericht spricht von den sog. Nürnberger Gesetzen, als ob jene Maßnahmen im Rechtssinne Gesetze gewesen wären, obgleich der Bundesgerichtshof in Übereinstimmung mit der einhelligen Auffassung der Rechtslehre bereits vor Jahren jenen Maßnahmen den Rang und die Würde von Gesetzen abgesprochen hat.

- 2 -

Das Gericht sagt auch, daß

"die Rassenschande begehende Frau sich nicht strafbar gemacht hatte".

Hiermit wird ebenfalls so getan, als ob es im deutschen Recht jener Zeit ein als Rassenschande zu bezeichnendes Delikt gegeben hätte, ja als ob ein Mann jüdischer Abstammung sich wegen einer so zu bezeichnenden Handlung hätte im rechtlichen Sinne strafbar machen können. Auch die hierin enthaltenen Behauptungen stellen eine solche Verletzung der richterlichen Dienstpflicht dar, die ein Disziplinarverfahren erfordert.

3.) In der Sache selbst bezweifelt das Gericht in seinen Entscheidungsgründen, ob die Klägerin mit einer Verhaftung rechnen mußte, da sie sich ja angeblich wegen einer sog. "Rassenschande" nicht "strafbar" gemacht hätte. Es ist eine offenkundige und daher auch gerichtsbekannte Geschichtstatsache, daß gegen eine Frau, obgleich sie angeblich nicht "strafbar" war, trotzdem oder gerade deshalb von den nationalsozialistischen Machthabern mit anderen Gewaltmaßnahmen, insbesondere durch die sog. "Schutzhaft" in Konzentrationslagern vorgegangen wurde, wenn sie zu einem jüdischen Mann in einer Beziehung stand, die von den Nationalsozialisten als sog. Rassenschande bezeichnet wurde. Das Gericht kann also nicht gutgläubig bezweifelt oder festgestellt haben, daß der Klägerin wegen ihrer Beziehung zum Kläger keine Gefahr für ihre Freiheit drohte. Schon am Anfang des Tatbestandes wird dementsprechend auch festgestellt, daß eben aus diesem Grunde sowohl das Vermögen der Klägerin vor der Gestapo beschlagnahmt als auch daß sie selbst ausgebürgert worden ist. Das Gericht wußte also, daß eine Frau unter diesen besonderen Umständen derartigen Verfolgungsmaßnahmen ausgesetzt war.

4.) Eine tragende Erwägung der Entscheidungsgründe ist, daß die Klägerin auch unter deutscher Besetzung in Briançon keine Verfolgung durch die Gestapo drohte, weshalb für sie keine Gefahr für Leib, Leben oder persönliche Freiheit einen hinreichenden Grund, um illegal zu leben, gebildet hätte, eben "sie als Frau wegen Rassenschande nicht mit Strafe bedroht war". Das Gericht wußte, daß unter der nationalsozialistischen Gewaltherrschaft unabhängig von angeblichen Strafvorschriften sowie unabhängig von einem Mißbrauch der Justiz eine damals als Rassenschande bezeichnete Beziehung die Gefahr von Gewaltmaßnahmen bis zur Ermordung hin heraufbeschwor. Da ferner das Gericht selbst feststellt, der Kläger sei als Jude zu einem illegalen Leben, um sich vor der Ermordung zu retten, gezwungen gewesen, ferner daß die Klägerin trotz der nur zum Schein als Schutzmaßnahme vollzogenen Scheidung sich als rechtmäßige Ehefrau des Klägers empfand und verhielt, so ist es unvorstellbar, wie eine Ehefrau legal in einer ehelichen Beziehung mit ihrem Ehemann zusammenleben kann und soll, während der Ehemann nach der eigenen Feststellung des Gerichts zu einem illegalen Leben genötigt wurde. Dieser Widerspruch ist so zwingend und so unverkennbar, daß ein mit drei rechtsgelehrten Richtern besetzter Senat des in der deutschen Rechtsgeschichte ruhmreichen Kammergerichts unmöglich diesen Widerspruch nicht eingesehen haben kann.

5.) Das Urteil behandelt die Frage, ob Maßnahmen der französischen Polizei als nationalsozialistische Verfolgungsmaßnahmen im Sinne der deutschen Gesetzgebung zu werten sind. Im Schrifttum und in der Rechtsprechung ist es streitig, ob und inwieweit solche Maßnahmen, die formell von französischen, ungarischen, rumänischen oder anderen scheinbar ausländischen Stellen ausgingen, in Wahrheit als Maßnahmen der nationalsozialistischen Machthaber Deutschlands anzusehen sind. Der 13. Zivilsenat des Kammergerichts wußte, daß es sich hierbei um eine Streit-

- 3 -

frage handelt. Er konnte daher nicht aussprechen, daß keine Rechtsfrage von grundsätzlicher Bedeutung zu entscheiden war. Er durfte deshalb wegen dieses seines eigenen Wissens die Zulassung der Revision nicht verweigern.

6.) Dem 13. Zivilsenat des Kammergerichts war am 29. November 1954 die allseits von berufenen Stellen und in der Öffentlichkeit an seiner wiedergutmachungsfeindlichen Rechtsprechung geübte Kritik bekannt. Ich brauche nicht zu betonen, daß grundsätzlich eine solche Kritik bis zu deräußerst möglichen Grenze vor dem Zweifel zurückschrecken soll, ob ein Urteil der richterlichen und gesetzesgerechten Überzeugung entspricht. Angesichts aller Umstände jedoch sowie nach Lage der Einzelheiten dieses Falles kann die schwere Sorge nicht mehr verschwiegen werden, daß sich hier ein Verdacht aufdrängt, ob diese Entscheidung nicht durch eine antisemitische Einstellung sowie durch eine subjektive Gegnerschaft gegen die Wiedergutmachung beeinflusst wurde und sich die beteiligten Richter der Einsicht verschließen konnten, das Gesetz zu verletzen. So schwer es mir wird, dies auszusprechen, halte ich es für meine Pflicht, mich zu der Überzeugung zu bekennen, daß um des Ansehens der deutschen Richterschaft willen sowie zum Schutz der Rechtsstaatlichkeit unserer Gerichte ein Ermittlungsverfahren wegen dieser Fragen geboten ist. Ich übermittle daher Abschrift dieses Schreibens gleichzeitig dem Herrn Generalstaatsanwalt beim Kammergericht.

Hierbei werden auch andere Vorgänge zu berücksichtigen sein. Zu diesen Vorgängen gehört das Urteil des 13. Zivilsenats des Kammergerichts vom 31. März 1954 hinsichtlich seiner Kostenentscheidung. Es erweckt den Verdacht, daß diese Kostenentscheidung auf die Kritik zurückzuführen ist, die der Rechtsanwalt Herr Dr. Georg Czapski in Den Haag an der Rechtsprechung dieses Senats in Fachzeitschriften geübt hat. Insoweit nehme ich Bezug auf die Eingabe vom 31. August 1954 des Herrn Rechtsanwalts Dr. Czapski an den Herrn Senator für Inneres sowie auf die Bescheide, die der Herr Senator für Inneres am 20. September 1954 und Sie, sehr verehrter Herr Senator, am 13. Januar 1955 Herrn Rechtsanwalt Dr. Czapski erteilt haben. Auch jener Vorgang wird zum Gegenstand eines Ermittlungsverfahrens gemacht und daraufhin geprüft werden müssen, ob die daran beteiligten Mitglieder des 13. Zivilsenats des Kammergerichts aus richterlicher Überzeugung eine solche Entscheidung getroffen haben.

Mit verbindlicher Empfehlung

Ihr sehr ergebener

343305

JEWISH CULTURAL RECONSTRUCTION, INC. is a New York corporation the main purpose of which is to assist in the recovery of Jewish cultural, historic and religious property. Included in its membership are organizations from all parts of the world.

BOARD OF DIRECTORS OF THE JEWISH RESTITUTION COMMISSION

The following are brief biographical sketches of the present members of the Board of Directors, together with the names of the member organizations from which they have been appointed.

Agudas Israel World Organization

DR. JACOB ROSENHEIM is a leader of Orthodox Jewry. He headed the Jewish Community at Frankfurt, Germany, for many years and edited the weekly of the Agudas Israel in Germany for 30 years; he left Germany in 1935 and has resided in the U.S. since 1941. He has been the president of the Agudas Israel since 1929.

DR. ISAAC LEWIN is a Rabbi. Before he came to the United States he was a Rabbi and City Councilman at Lodz, Poland. He teaches Jewish History at Yeshiva University and is the Chairman of the Executive Committee of the Agudas Israel World Organization.

MR. HARRY GOODMAN is the Political Secretary of the Agudas Israel World Organization in London. He is also a member of the Council and European Committee of the Anglo-Jewish Association, a member of the Home Office Ecclesiastical Advisory Commission, Vice-President of the Union of Orthodox Hebrew Congregations in Great Britain. He is the editor of the Jewish Weekly in London and was the Senior Specialist in charge of the Jewish Section of the British Ministry of Information from 1942 to 1946.

Jewish Agency for Palestine

Mr. Eliezer KAPLAN is a resident of Jerusalem, a citizen of Palestine. He is a member of the Executive of the Jewish Agency for Palestine and Treasurer of the Jewish Agency. He is the highest Jewish official in Palestine, in economic and financial matters. He has been a leader in the Zionist movement for the last 25 years.

DR. EMANUEL NEUMANN is a member of the Executive of the Jewish Agency for Palestine. He is President of the Zionist Organization of America and President of the Palestine Survey Commission.

MR. MAURICE BOKUNSTEIN is a member of the New York Bar and is counsel for the Jewish Agency for Palestine.

World Jewish Congress

RABBI STEPHEN S. WISE has been known for the last 50 years as an outstanding spokesman for the Jewish people. He was a member of the delegation to the Paris Peace Conference of 1919 which secured the inclusion of the protection of minorities in the Peace Treaties; in 1946 he was appointed by President Truman to the President's Committee on Higher Education. Dr. Wise is the founder and President of the World Jewish Congress, which represents Jewish organizations in 39 countries.

DR. A. LEON KUBAWITZKI is a lawyer and a prominent Jewish leader. He practiced before the Brussel Courts until the invasion of Belgium in 1940 forced him to leave that country. He founded the Zionist movement in Belgium and remained active in it until his emigration. In this country he devoted himself to the rescue of the Jews in Europe and served as a liaison officer of the World Jewish Congress to the War Refugee Board. He is the Secretary General of the World Jewish Congress.

-3-

Board of Deputies of British Jews

PROFESSOR SELIG BRODETSKY is a mathematician and community leader. He is a professor of applied mathematics at the University of Leeds, England, specializing in aerodynamics, and the author of several books. He has been a leader in Jewish movements; he is a member of the Board of Governors of the Hebrew University at Jerusalem, which he helped to found; in 1939 he was elected President of the Board of Deputies of British Jews.

Two additional directors will be appointed.

Central Committee of Liberated Jews in Germany

DR. JULIUS SPANIER is also the Chairman of the Munich Kultusgemeinde.

MR. PEISACH PIEKATSCH is a member of the Executive Committee of the Central Committee.

MR. LEON RETTER is the Secretary of the Central Committee.

Council for the Protection of the Rights and Interests of Jews from Germany

DR. KURT ALEXANDER, lawyer, is a former leader of central body of Jews in Germany during 1930's and now Exec. Sec. of the Council, in London.

Two additional directors will be appointed.

Jewish Cultural Reconstruction, Inc.

PROFESSOR JEROME MICHAEL is a member of the N.Y. Bar. Having served as City Attorney in his home town, Athens, Georgia, and as Special Assistant to the U.S. Attorney General, he has taught law at Columbia University Law School for 20 years, specializing in Procedure, Evidence and Criminal Law; he has published a number of articles and books on these topics. He is a member of the Board of Trustees of the Institute of Jewish Affairs and the Chairman of the Board of Directors of Jewish Cultural Reconstruction, Inc.

PROFESSOR SALO BARON is a historian. He is a Professor for Jewish History, Literature, and Institutions at Columbia University; author of many works on historical subjects. He is a member of the Executive Committee of the American Jewish Historical Society and President of Jewish Cultural Reconstruction, Inc.

RABBI SIMON FEDERBUSH was the Chief Rabbi of Finland. He was also a member of the Polish parliament. He is a member of the Actions Committee, World Zionist Organization, the head of the Department of Culture and Education of the World Jewish Congress, and a Vice-President of Jewish Cultural Reconstruction, Inc.

Central British Fund

Conseil Representatif des Juifs de France

Three directors from each of these organizations will be appointed within two weeks.

343308

MINUTES OF MEETING HELD 10/30/47

JEWISH RESTITUTION COMMISSION

PRESENT: Meir Grossman, Chairman

H. Marcuse
Eli Rock
B.M. Joffe
M. Leavitt

J.D.C.

Dr. Hevesi
Judge Gray

Amer. Jewish Com.

Dr. Lewis

Agudas

Mr. Muller

Council of Jews from Ger.

J. Starr

Prof. Baron

Jewish Cultural Recon.

Dr. Kubowitzki

World Jewish Cong.

Mr. M. Lowenthal

The meeting was called to order at 2:15. This is an informal ~~and~~ meeting and only decisions are to be reported. Col. Bernstein will not be present as he is out of town.

GROSSMAN - Does any one want to report on conversation with Mason?

~~Decision~~ JOFFE - Mr. Lowenthal had the conversation but Rock has the report.

Mr. Rock proceeded to read the report. With regard to Section 3, that is not going to be changed as this was Gen. Clay's decision but it was not made clear whether it is the version we had before us when we met with Clay several weeks ago, or a subsequent one which was drafted by the Legal Division in Berlin and later suggested to be changed. Which one it is we do not know.

GROSSMAN - Is any action required on this?

ROCK - The central point is that the law will be issued on Nov. 8th and Clay will ask about approval of the Jewish Restitution Commission and so it is up to us to quickly put in our papers to the State Dept. so they will be in a position to tell Clay what they think of us when he cables them.

LEAVITT - I think the thing to do is to see that we get these papers to the State Dept. as soon as possible so that we can get their approval, in which case I presume Clay will also approve and later Mason will see to it that this Restitution Commission is included in the implementation law.

343309

that you are a part of this Restitution Commission. That way you will have status.

First step is to send general letter to State Dept. on behalf of Restitution Commission and later Jewish Restitution Commission should ask that one of its agents, Jewish Cultural Reconstruction would like to send mission into Germany.

First

BARON - ~~The~~ should expand the letter so that they know who we are. Second, speaking only of Restitution Commission being appointed as successor to unclaimed property, also for such cultural property which is unidentifiable. Second amendment to phrase should be so enlarged to include confiscated property and cultural property of whatever kind that is heirless or unidentifiable that is of a Jewish nature.

GROSSMAN - I believe there is agreement on this letter. But I question all this reference to names to having great names, I don't know whether this is convincing and necessary.

LEAVITT - Clay said it would be good to know who are personalities aside from membership.

GROSSMAN - First amendment made by Prof. Baron has been accepted. I suggest we designate three people to pass on final wording of letter.

LEAVITT - I think the letter should be signed by the President of the Restitution Commission

LOWENTHAL - When you send papers, have a memorandum attached giving some of the titles and connections of some of these names because it will be very valuable and will strengthen Clay's feelings.

GROSSMAN - We can incorporate or attach list of Directors of members of Restitution Commission. I would like to ask Dr. Kubowitzki about the three directors from Congress.

KUBOWITZKI - I presume they will be appointed tomorrow.

LEAVITT - We can send Clay an official copy of the letter.

LOWENTHAL - I suggest as long as Rockwell is in charge of the Legal Div. you send him a copy of anything you might send to Clay, or send two copies to Mason and ask him to give one to Rockwell and one to Clay.

GRAY - I wish to make a motion as follows: I move that this letter be drafted and sent and signed by the President of the Restitution Commission. To elect a committee of two or three more people to approve final draft that Leavitt will get up. Copies are to go to Clay and Rockwell through Mason. This committee is to consider wording having in

consideration feelings of Gen. Clay. MOTION APPROVED.

343310

5

October 17, 1947

General Lucius D. Clay,
Commander-in-Chief, European Command,
Pentagon Building
Washington, D. C.

Dear General Clay:

On December 1, 1946, representatives of interested Jewish groups conferred with you in New York City regarding proposals which they had theretofore submitted to General J. H. Hilldring, then Assistant Secretary of State, relative to the custody and ultimate disposition of Jewish cultural property confiscated by the former German government and its various agencies. These proposals contemplated that certain categories of such property, specified therein, should be transferred to a membership corporation, to be formed under the laws of New York, in behalf of their former Jewish owners and the entire Jewish people.

In accordance with these proposals, the Jewish Restitution Commission has been incorporated and organized under the Membership Corporations Law of New York. The membership of the corporation is at present composed of the following organizations:

The American Jewish Committee
The American Jewish Conference
The American Jewish Joint Distribution Committee
The Board of Deputies of British Jews
The Central Committee of Liberated Jews in Germany
Conseil Représentatif des Juifs de France
The Council for the Protection of the Rights and
Interests of Jews from Germany
The Jewish Agency for Palestine
Jewish Cultural Reconstruction, Inc.

The World Jewish Congress is a member of the corporation last named. The membership of The Jewish Restitution Commission is not closed, and we assure you that as soon as the surviving Jewish communities of Germany and Austria form organizations to represent them, these organizations will be admitted to membership in the corporation.

The gentlemen who conferred with you on December 1, 1946, understood you to express the following views:

1. The corporation which succeeds to ownerless and unidentifiable Jewish cultural property should be representative of surviving German and Austrian Jews and of the entire Jewish people. We submit that by virtue of its membership, as now constituted and as it will be expanded, the Jewish Restitution Commission meets your view in this regard.

343311

General Lucius D. Clay

-2-

October 17, 1947

2. There should be turned over to such a representative corporation confiscated Jewish cultural property which is now in, or may hereinafter come into, the possession of the United States (a) which is unidentifiable or (b) which is identifiable as having been owned either by a Jewish community which is extinct or by a Jewish philanthropic or cultural institution which has ceased to function, - but upon the understanding that the corporation will hold all such property until the expiration of the period fixed by the proposed restitution law for the filing of claims thereto and will continue to hold all of such property to which claims are filed until such claims are adjudicated.

3. Confiscated Jewish cultural property, now or hereafter possessed by the United States, which is identifiable as having been owned otherwise than by extinct Jewish communities or by Jewish institutions which have ceased to function, should, if unclaimed, be turned over to the corporation at the expiration of whatever period may be fixed by the proposed restitution law for the filing of claims thereto or, if claimed during such period, upon adjudication that the claims are invalid.

4. The corporation should be permitted to take possession of confiscated Jewish cultural property which is in the possession of individual Germans or of private German corporations or associations only if it establishes its claims thereto, by the procedures established by the proposed restitution law, as the successor in interest of the former owners of such property.

We therefore respectfully request:

a. That in addition to being appointed successor organization to Jewish property pursuant to Sections 7, 9, 10 and 12 of the proposed restitution law, the Jewish Restitution Commission be recognized as the successor to unidentifiable and ownerless confiscated Jewish cultural property.

b. That a small mission, representing the Jewish Restitution Commission, be admitted into Germany for the purposes of taking possession of the confiscated Jewish cultural property referred to in sub-paragraph 2, supra, of consulting with the United States authorities with respect to other Jewish cultural property, and of negotiating with the lawful owners of such property for the purchase of other acquisition thereof.

c. That the mission of the Jewish Restitution Commission be provided by the Military Government and the German authorities with all the facilities, and that the members of the mission be given the status, necessary to enable the mission to perform its functions effectively.

Very respectfully yours,

The Jewish Restitution Commission,

By

JEROME MICHAEL

343312

Enemy-Nation Claims Extended

WASHINGTON, Aug. 26 (AP).—
Attorney General Tom C. Clark
today announced a general exten-
sion until further notice of the
deadline for filing debt claims
against former enemy govern-
ments, businesses or individuals
whose property was seized as alien
property prior to Jan. 1, 1947.

343313

Adviser on Jewish Affairs
Headquarters
European Command
Office of the Commander in Chief
APO 757 c/o Postmaster
New York, N.Y.

July 17, 1947

c
o
p
y

Mr. Meir Grossman
American Jewish Conference
521 Fifth Avenue
New York 17, New York

Dear Mr. Grossman:

Please convey the following information to the five organizations:

1. I have presented to General Clay a proposed program to counteract anti-Semitism. This embodies a synthesis of the major proposals that have come to me from those who have studied the problem, after screening out those suggestions which did not fit into the realities here. At the moment, I am not free to send you a copy of my memorandum to General Clay, inasmuch as he is giving it consideration. However, just as quickly as I have an official reaction from him and his authorization, I will send it to you. In the meantime, I would like ^{you} know that he has reacted favorably to our oral discussions.
2. In a conference with General Clay today, he asked about the delay in setting up the Jewish Cultural Reconstruction, Inc. I told him, on the basis of my conversations in New York in June, that I thought technical delays in corporation, etc. were responsible. However, in view of the fact that he has been asking me about this for the past three months, I would like to have a definite explanation to give him and, also, if possible, some assurances of early action.
3. General Clay recently gave some important assurances to the Jewish displaced persons, which are rather fully covered in the enclosed clipping from "Stars and Stripes".

I assume that Judge Levinthal is to be here within a few days. I plan to spend about three weeks with him and then to return to the United States by the middle of August.

Sincerely yours,

(signed) Philip S. Bernstein

PSB/mf
Encl

RABBI PHILIP S. BERNSTEIN

343314

COPY

AMERICAN JEWISH CONFERENCE
MEMORANDUM

TO: **Meir Grossman**

DATE: **July 25, 1947**

FROM: **D. N. Wahl**

SUBJECT: **Vienna Situation**

I have inquired about the possibility of approaching the War Department in order to ease the situation in Vienna. I find that the Senate is discussing at this moment the appropriations for the IRO bill. It is possible that by Saturday night they will have passed this appropriation. This will have eased the situation financially considerably and under such circumstances it would be easier to discuss the matter with the War Department. Therefore, I suggest that we wait until Monday and I shall then make some discreet inquiries with the hope of either working out a situation in which the Army will agree to take some special measures between now and September 1st, or get an agreement from the Army to arrange for IRO to step into the situation immediately. The next two days will certainly make a difference in the psychology of the War Department on this question. I will report further to you on Monday afternoon.

343315

November 9, 1962

Dr. Herman Muller
American Federation of Jews From Central
Europe
1241 Broadway
New York 1, N.Y.

Dear Dr. Muller:

I would appreciate it if you would reply directly to the enclosed letter from Mr. Lande in Miami Beach, indicating that the matter was referred to you by our office.

With best regards.

Sincerely yours,

Saul Kagan

P.S. I would be grateful if you would send a copy of your reply to Mr. Lande to our office.

343316

CAHJP - JDSO/ny 919

JULIUS MARTIN LANDE

9205 BYRON AVENUE
MIAMI BEACH 54, FLORIDA

October 17, 1962

OCT 22 1962

cc:sk

P. O. Box 6483
Suriside Branch
Miami Beach 54, Florida

American Claims Conference
3 E. 54th Street
New York, N.Y.

at: Mr. S. Kagan

Gentlemen:

I would be very grateful to have your advice on the status of the recent Acts to Amend the War Claims Act of 1948, to provide compensation for certain World War II losses as passed by the House, the Senate and the Conference.

Could you also please advise me of the date the President signed it in its final form. Furthermore I would highly appreciate to receive all printed matter which you have available on those Bills.

I am especially interested to determine the status of naturalized claimants under those Acts. I understand from a newspaper article that the Senate and House Conference made certain recommendations to the Foreign Claims Settlement Commission with respect to claims of later nationals. Where can I read up on those recommendations?

If there are any expenses involved in forwarding material to me, please advise and I shall remit check to cover.

Thanking you in advance for your early consideration, I am,

Very truly yours,

Julius Martin Lande

JML:ao

343317

November 15, 1962

Mr. Julius Martin Lande
9205 Byron Avenue
Miami Beach, Florida

Dear Mr. Lande:

Reference is made to your letter of October 17, 1962,
concerning war claims legislation. There is nothing we
can add to the information sent to you by Dr. Herman Muller,
who is fully conversant with this subject.

Sincerely your

Saul Kagan

Dictated but not read

October 22, 1962

Mr. Julius Martin Lande
9205 Byron Avenue
Miami Beach 54, Fla.

Re: War Claims Legislative

Dear Mr. Lande:

In immediate reply to your letter of October 17, 1962, please be advised that the bill recently passed by Congress provides that only such persons are entitled to file claims who were already citizens at the time when the loss or damage occurred. Our endeavors, in co-operation with other organizations, to have this provision of the bill amended to include also those who attained citizenship only after the war, have, unfortunately, been in vain. However, there is a ray of hope for future amendment insofar as Conference Report No. 2513, passed by House and Senate on October 3 and 5, 1962 resp., and published by the so-called Senate-House Conference Committee, expressly recommends such amendment in case the available funds should not be fully used up to satisfy the claims of those presently eligible for compensation.

The aforementioned report may be obtained from the House of Representatives or from the Senate in Washington 25, D. C.

We trust that the above clarifies the issue for you, and are,

very truly yours,

Herman Muller
Executive Vice President

HM:IB

343319

American Federation of Jews from Central Europe, Inc.

1241 BROADWAY, NEW YORK 1, N. Y.

Phone MUrray Hill 5-5900

Cables: Amfedera, New York

NOV 15 1962

CURT C. SILBERMAN
President

November 14, 1962

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FRED S. WEISSMAN

Saul Kagan, Esq.
Conference on Jewish Material
Claims Against Germany
3 East 54th Street
New York 22, N. Y.

Dear Mr. Kagan:

This will confirm the receipt of your letter of November 9, 1962 with enclosure.

I am returning to you herewith the letter Mr. Lande of Miami Beach addressed to the Claims Conference, and wish to inform you that Mr. Lande directed an identical inquiry to the Federation on October 17, 1962. I replied as per enclosed photostatic copy on October 22.

Under these circumstances I see no sense in duplicating my answer of October 22, 1962 since there is no additional information I could possibly supply.

With kind personal regards,

sincerely yours,

Herman Muller
Herman Muller

HM:IB
Encls.

343320