

December 19th, 1949

Seymour J. Rubin, Esq.
1822 Jefferson Place N.W.
Washington, D. C.

Re: OAP Unblocking of Persecutee Property

Dear Sy:

Gene Hevesi has sent me a copy of your letter to him of December 13, 1949 dealing with Dr. Filderman's letter of December 7, 1949. In the third last paragraph of the letter you refer to a recent action of State and Justice under which blocked persecutee property has now been unblocked. This is the first information which I have received of any such general action, if general it is, and I would appreciate very much having from you any and all further details. Does this mean that all persecutee property is now automatically unblocked or does it apply only to certain categories of property. Also, for those cases where it does apply, are holders of blocked persecutee property justified in treating the property as unblocked without need of specific approval or license from the OAP?

Best regards.

Sincerely yours,

Eli Rock

ERI:AU

P. S. Attached I am sending you copies of recent correspondence in connection with the Austrian Schilling loan.

344203

December 27, 1949

Seymour J. Rubin, Esq.
1822 Jefferson Place N.W.
Washington, D. C.

Dear Sy:

This will acknowledge your letter of December 22, 1949 regarding OAP unblocking of persecutee property from Eastern European countries. Your letter has clarified the matter considerably and I am most grateful to you.

In one sense, I assume that we are better off as a result of this latest development. I have reference to the questions of heirless blocked property and the problem which has been posed hitherto by the fact that it was unvested. If all these properties are in fact now going to be vested and if, hopefully, the amendment to Section 32 is passed during the coming session of Congress, I assume that the procedures under that amendment would apply automatically to these Eastern European assets also. No?

Best regards.

Sincerely yours,

Eli Rodk

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Handwritten signature

November 22nd, 1949

Letter No. 3038

To: AJDC PARIS - Attention Mr. Jerome J. Jacobson

From: AJDC NEW YORK

CONFIDENTIAL

Re: Austrian Restitution - Proposed Ordinance for Heirless Property

In connection with the above matter, I have spoken again to Monroe Karasik who tells me that the powers are really very close to agreement. You may also know that Isenbergh sent an inquiry to the New York office of the Committee, requesting instructions as to whether the draft ordinance should be presented to the Austrian government in a forthcoming visit which Isenbergh was planning to make to Vienna.

When Dr. Hevesi called me regarding Isenbergh's inquiry, I called Karasik and obtained the above information. In addition, in discussing the matter with Robinson, I was informed that (according to the information received by Robinson) the Vienna Gemeinde is not in agreement with all parts of the proposed ordinance, and both Robinson, Hevesi and I felt that it would be highly undesirable to submit a draft, even on an informal basis, if the Gemeinde were not agreeable to the draft. In the light of all these circumstances, Hevesi yesterday sent the following cable to Isenbergh, and I submit it to you for informational purposes:

FOUR ORGANIZATIONS FEEL DRAFT ORDINANCE SHOULD NOT NOW OFFICIALLY
SUBMITTED STOP NO OBJECTION HERE INFORMAL PRESENTATION WOULD BE BETTER
IF ISENBERGH FEELS ADVISABLE AND OTHER PARIS REPRESENTATIVES AND
VIENNA GEMEINDE AGREE

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Eli Rock

Files

October 31st,

49

Status of Heirless ~~Frozen~~ Assets in the U.S.

On Friday, October 21st, I discussed the above subject with Mr. Leon Brooks, who is one of the top officials in the OAP. Participating in the discussions also were Dr. Behemiah Robinson, Sy Rubin, and Joel Fisher. In addition, Messrs. Rubin and Robinson, and also Dr. Hevesi, met with me in New York on Wednesday, October 26th. As a result of our discussions on the frozen property question, the following conclusions seem clear.

Although the so-called "Snyder Plan" had sometime ago set machinery into motion for the return of frozen assets to Marshall Plan countries, it seems that the final steps contemplated under this plan have never been taken, with the result that the whole frozen assets question is still very much up in the air. In our previous discussions with the OAP, we had called attention to the problem of the heirless frozen assets in this country and had been assured that the machinery of the Snyder Plan did not, at least for the time being, contain the danger that heirless assets would be turned back to European countries along with the other types of frozen property. Nevertheless, during our conference in Washington, we felt it advisable to raise the question with the OAP again and to emphasize the need for continued conservation of the heirless Jewish property. As matters now stand, it would seem that the following four alternative courses are available in this connection.

1) Return of the assets by the U.S. directly to the interested European governments. Under this possibility, the U.S. government might decide that the respective countries in which the former owners of the property resided or had made their deposits, are now entitled to claim and to receive these heirless assets. In such a case, the U.S. government might under the Snyder Plan and through Executive agreements with the respective European countries simply turn the property over.

2) Vesting. Under this alternative, the U.S. government might simply vest those assets which have not yet been returned under the Snyder Plan, and presumably all heirless assets would be included in the vesting process. Actually, the Snyder Plan had contemplated that vesting would be the end step to be followed. Should it now be done, the heirless assets would presumably become subject automatically to the proposed amendment to Section 32 of the Trading with the Enemy Act, which is now pending in Congress and which, if passed, would call for vested, heirless Jewish assets to be turned over to a Jewish successor organization.

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3) Unblocking. It is also possible that rather than vesting the property, the U.S. government might decide simply to abolish all restrictions on the previously blocked or frozen assets, thus making them available at once to the former owners. Under this alternative, it is quite likely that the European governments claiming the heirless assets would appoint public custodians who would then seek to obtain possession of the unblocked properties.

4) Application of N.Y. Abandonment of Property Statute. Under the final alternative, nothing at all might be done at the Washington level to dissipate or transfer these frozen assets, in which case they eventually become subject to the various state abandonment of property statutes. Since most of these assets are located in New York, where the Statute does not require the assets to be turned over to the State until fifteen years after the last evidence of action or activity in the particular account or deposit, the effect of the Statute on these assets would probably not be felt until about 1954. Should it be decided eventually to use this channel, attempts would then be made to obtain legislation in New York which would provide for the State turning over these abandoned Jewish assets (after the fifteen years, of course) to a Jewish successor organization.

Conclusion. As a result of the aforementioned discussions, it was felt that alternative (3) presents a real threat. In other words, it is possible that the U.S. government might decide one of these days to cancel all of the blocking regulations, whereupon the Jewish heirless assets might be enabled to flow to the European governments claiming them. Because of this possibility and because of the continuing delay on the whole subject, it was decided that immediate discussions should be initiated in Washington as to the likelihood and possibility for alternatives 1) and 2) above. Everyone is agreed that the most preferable alternative from the Jewish viewpoint is No. 2), since we hope to have effectively-functioning legislation under the Trading with the Enemy Act within the near future. At the same time, it is recognized that there has been and is growing reluctance in this country towards further vesting of frozen properties, and the likelihood is that, despite the implications which were contained in the Snyder Plan, no further vesting would take place. For this reason and for the further reason that we have no assurance of the passage of the aforementioned amendment to the Trading with the Enemy Act, it was felt that the best and the most realistic possibility is probably No. 1) above. Specifically, it was suggested that some agreement might be made with such European governments as the Dutch, whereby the heirless assets turned back to them would be used for Jewish charitable purposes inside and outside of Holland; the quid pro quo to the Dutch would be our support for the effectuation of such Executive agreements, and in addition they would be receiving large amounts of non-Jewish assets which they could use as freely as they wished. In any case, Mr. Rubin will at once undertake discussions in Washington to explore the present temper of things as regards both alternatives 1) and 2). Following such discussions, a further conference will be held among the interested Jewish organizations to decide on future steps to be taken.

THE AMERICAN JEWISH
JOINT DISTRIBUTION COMMITTEE, INC.

270 MADISON AVENUE
NEW YORK 16, N. Y.

MEMORANDUM

From Eli Rock

To Files

New York, October 26th, 1949

Subject Meeting in Washington regarding various restitution questions, Friday, October 21st, 1949

On October 21st, the undersigned, together with Dr. Nehemiah Robinson of the Congress and Mr. Seymour Rubin of the Committee, met with a group of State Department representatives in Washington, led by Colonel Henry Byroade, newly appointed head of the State Department's Division on Austrian and German Affairs. The meeting had been held at the request of the four organizations, for the purpose of discussing a number of pending issues and (from our own viewpoint) for the purpose of establishing contact with Colonel Byroade. Subjects discussed were as follows:

1) Austria---

Heirless Property Question: In connection with this issue, we directed attention to the Krauland draft and expressed our concern lest such a law be enacted by the Austrian Parliament. Everyone was agreed that this draft was completely in violation of Article 44 of the proposed peace treaty. At the same time, some of the Department people expressed the opinion (a similar viewpoint had earlier been voiced to us by Mr. Karasik in New York) that passage of the draft could hardly be regarded as an immediate threat. It was pointed out that the Austrian Parliament was not yet in session, and that there was no certainty at all that the draft would either be introduced into the Parliament or passed. From the point of view of the U.S. government's relationships to Austria, it was suggested that the U.S. should not intervene frivolously in connection with legislation which is only a gleam in a minister's eye and that it therefore might be preferable and sufficiently timely if we waited to see whether the draft was in fact going to be introduced. In spite of the latter line of discussion, I would not be surprised, however, if either Mr. Karasik or someone else in the Department initiated a communication (perhaps this has already been done) to Austria on this question.

As a way of simultaneously avoiding the above threat and giving meaning to the proposed language of Article 44, the implementation of which was subject to all of the uncertainty and indefiniteness regarding final approval of the whole treaty, we suggested that the Department might now want to consider the possibility of urging the Austrians at this time to enact an heirless property law consonant with Article 44. We pointed to the long delay which has taken place on this very basic moral matter, and argued that the enactment of such a statute need not at all be made dependent on approval of the treaty. Aside from some nods and a general feeling that some of the people present thought our request to be reasonable, we received no indication from the Department as to what would be done on this score.

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Finally, in connection with Austria, Dr. Robinson pointed out that the Austrian authorities are now considering certain weakening amendments to the third restitution law, and he argued for the desirability of the U.S. intervening to forestall such actions. Here too, some of the above statements from the Department regarding timing were repeated, and in addition one of the people present expressed the opinion that the enactment of such weakening amendments was far from an immediate danger. There was apparently no question as to the Department's attitude that such amendments would be undesirable, but we received no indication as to what steps if any would be taken at this stage. (Although we did not mention it in Washington, Dr. Robinson had also earlier pointed out to Mr. Karasik that the recently enacted seventh restitution law contained language which suggests the possibility that individual restitution claimants may turn to the heirless property fund for compensation of losses not recoverable under the regular restitution laws. Mr. Karasik at the time agreed that this would appear to mix heirless property with indemnification and would be contrary to the language of Article 44, in his opinion; he agreed that he would communicate with Washington in the matter.)

2) French Zone Restitution.--

In this connection, we suggested that in addition to the representations by Ambassador Bruce to the French government, the Department might request Mr. McCloy to take the matter up directly with Poncet. The answer given us was that the entire codification program was now being worked on by representatives of the three Western powers in Germany and that undoubtedly the question of harmonizing the French Zone restitution law with those of the other two zones would come up in due course. It was further indicated that the Department would probably not find it desirable to pull restitution out of this channel of negotiation for purposes of a direct contact between McCloy and Poncet. (I believe that in this connection it would be helpful if we could be notified as to the present status of restitution codification, if any.)

3) Berlin.--

In connection with the Berlin restitution situation, we pointed out that the same problem was present for the French Sector of Berlin which was present in the case of the French Zone, and that Berlin offered an additional reason for early action to insure adequate heirless property legislation by the French. At the same time, we suggested the desirability of having some type of unified succession-ship arrangement for all three Western Sectors, and the Department people in turn referred to the codification process.

Also in connection with Berlin, we raised the question of some general claims legislation, pointing out that just as the development of restitution legislation had proceeded from the American Zone to the other zones, to Berlin, the same sequence could be hoped for with reference to general claims. Here we received a rather direct answer from the Department, pointing out the extreme economic situation in which Western Berlin now finds itself and the particular difficulty which will arise out of the fact that such a large concentration of

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SEN & EMERGENCY

October 26th, 1949

Letter No. 2953

To: AJDC PARIS - Attention Mr. Jerome J. Jacobson
JRSO MUNNBERG - Attention Mr. Benjamin B. Perance

From: AJDC NEW YORK

Re: Visit by four agencies with State Department

I am sending you attached my self-explanatory memorandum on the meeting held with the State Department in Washington, Friday, October 21st. In general, I would say that the meeting followed the usual course of patient and attentive listening on the part of the departmental representatives, with very little in the way of indications of concrete action on their part. Nevertheless, I believe the meeting served the beneficial purpose of bringing a number of questions to the surface of their attention which ordinarily would be neglected, and also served the further purpose of establishing a relationship with Murphy's newly appointed successor, Col. Byroade incidentally impressed us as being both a competent and sensitive individual.

With respect to the individual items listed in my memorandum, I would make the following explanatory remarks.

- 1) In connection with the Austrian heirless property question, we are still waiting to hear from Karasik as to the strategy of submitting the draft ordinance prepared by the Jewish organizations in Europe. You will note that in the meeting with the Department we made the point regarding the danger surrounding the Krauland draft, but I feel that it will still be essential in the near future to submit in Austria the draft worked out by the Jewish groups in Europe. I shall write to you as soon as I have heard from Karasik further on this.
- 2) In connection with Dr. Robinson's remarks regarding the 7th Restitution Law, I would appreciate some confirmation from you as to the possible violation of Article 44 contained in this law.
- 3) On the question of French Zone restitution, we would appreciate receiving, as soon as possible, the information regarding the status of the codification program.

/over/

344218

Memorandum

Re: Heirless Property

Following the conversations of Oct. 21 between Messrs: Rock, Fisher, Robinson and myself with Leon Brokks of the OAP, I talked with Ely Maurer and Stanley Metzger of State Department about the existence of any agreement between the U.S. and the Dutch. The story is as follows:

More than a year ago, there were certain talks with the Dutch on the problem of the blocked and uncertified assets in the United States. The Dutch raised two problems: one was in connection with their attempt to recover looted securities, now in the United States, part of which might have been the property of persons who were exterminated; the other was in connection with the problem of the residual assets in the United States which would remain after certification. On both these scores, there was some talk of the possibility of devoting the heirless properties portions of these properties to refugee or similar causes. On both aspects, the Dutch expressed some willingness to consider turning the heirless property portion over to some sort of successor organization if the entirety of the property were recoverable by them. In the case of the residual assets in general, no formalization was ever reached. In the case of the looted securities, it is the recollection of Metzger that a note expressing the agreement in principle of the Dutch Government was sent to the State Department. There have been no recent developments. The residual property problem is still under general consideration; the looted security suits have been preliminarily successful in the New York courts, on a motion to strike the complaints, but they still await trial on the merits.

A number of interesting and important questions are raised by these facts. If the United States were to proceed with its so-called Snyder Plan, for the eventual vesting of all residual assets left after the conclusion of certification, then the approach would obviously be to await vesting, and to strive to have these assets fall in the same category as is set up in our heirless property legislation which has now twice passed the Senate. I am doubtful, however, in view of postponements to date, that this vesting program will ever effectively be implemented. If that assumption is correct, it might be worthwhile to try to implement the successor organization in Holland, and to throw the weight of the Jewish organizations behind an agreement between the Dutch and the U.S., under which the Dutch would be permitted to certify heirless property, on the understanding that it would in turn be handed over to the successor organization. For such an agreement to be worth-while, of course, it would have to include agreement that the successor organization could and would use its resources outside of and well as (perhaps) in Holland. In any case, the matter should be discussed.

S.J. Rubin

Oct. 21, 1949

To: AJC - Hevesi; Isenbergh
JDC - Rock (who should supply copy to WJC)

344217

Rock

October 14th, 1949

Letter No. 2904

To: AJDC PARIS - Attention Mr. Jerome J. Jacobson

From: AJDC NEW YORK

CONFIDENTIAL

Re: Meeting of Four Organizations - October 13, 1949

You will have received by this time my following cable of October 14th:

539 FOUR ORGANIZATIONS REQUEST PROPOSED SUCCESSOR ORGANIZATION ORDINANCE
AUSTRIA NOT REPEAT NOT BE SUBMITTED TIME BEING LETTER FOLLOWS

I am sending you attached a copy of the minutes of the meeting of the four agencies held on October 13th, dealing with the question of Austrian restitution. I refer you particularly to Paragraph 3) of these minutes. I am hoping to hear from Karasik about the middle of next week and I will notify you then as to how the "strategy picture" looks from the point of view of submitting the ordinance.

Incidentally, one of the confidential items of information which we obtained in our meeting on Thursday (perhaps you may already have the information) is that Minister Krauland may soon be out of a job. There seems to be considerable opposition to him in Austria, even within his own party.

Eli Rock
Counsel, AJDC

ER:AU
Enc.

344218

AMERICAN JOINT DISTRIBUTION COMMITTEE

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JOINTFUND-PARIS

Paris Letter # 3426

Handwritten signature

September 26, 1949

To : AJDC - NEW YORK - Att. Mr. Eli Rock
From : AJDC - PARIS - Office of General Counsel
Re : OGC/GER/F/52 - French Zone Restitution Practice

We just received from Dr. Herzfelder (Adiva) copy of a letter he addressed to URO London. In order to keep you informed we attach copy of same.

The question raised by Dr. Herzfelder is no doubt worth being considered. Maybe that USNA and/or Dr. Müller could be helpful in finding out some valuable material proving that Jews of foreign citizenship were generally exposed to the same persecution as German Jews and that therefore the Restitution Chamber's decisions as referred to in Dr. Herzfelder's letter are wrong.

Should we receive from Dr. Herzfelder copies of the Court decisions, we shall let you have same.

Handwritten signature
Dr. Kurt Wehle
Attorney

KW/gw

Enc.

89064

Handwritten mark

Copy

Paris den 15. September 1949

Herrn Dr. Goldschmidt
c/o U.R.O.
8, Fairfax Mansions
LONDON N W 3

Lieber Herr Dr. Goldschmidt:

Ich danke Ihnen zunaechst fuer die Uebersendung von Nr. 8 der URO-News. Weiterhin muss ich mich heute in folgender sehr wichtiger Frage an Sie wenden:

Wie Sie wohl wissen, besteht in der franzoesischen Zone ein von der dortigen Militaerregierung eingerichteter "Controle judiciaire", das ist eine Stelle, welche die gesamte Rechtsprechung ~~in~~ und insbesondere die Restitutionsrechtssprechung in der franzoesischen Zone zu kontrollieren hat. Leiter dieser Stelle ist Herr JUNCKER, der uns schon im July 1948 versprochen hat, uns jederzeit Einblick in die ihm vorliegende Rechtsprechung zu gewaehren. Er hat nun von kurzem Herrn Wahsmann von mehreren in Konstanz ergangenen Urteilen Kenntnis gegeben, in welchen Restitutionsklagen abgewiesen wurden mit der Begrueendung, dass gegen auslaendische Juden unter dem Naziregime kein Kollektivzwang bestand. Ich weiss nicht, inwieweit diese Urteile schon rechtskraeftig geworden sind. Jedenfalls aber will Herr Juncker dieselben vor ein Gericht der franzoesischen Militaerregierung bringen, also vom Recht der evocation oder reformation Gebrauch machen. (Siehe meinen Artikel in URO News Nr. 4, Seite 44). Zu diesem Zweck bittet Herr Juncker uns, ihm bei Beschaffung des Materials behilflich zu sein, aus dem sich ergibt, dass auch gegen auslaendische Juden Kollektivzwang bestand. Ich glaube nun, dass es zunaechst auf die gesamten Umstaende jedes einzelnen Falles ankommen wird und habe deshalb Herrn Wachsmann gebeten, uns womoeglich die fraglichen Urteile zukommen zu lassen. Abgesehen davon ist es aber natuerlich in Hinsicht auf die ganze kuenftige Rechtsprechung auf diesem Gebiet von grossem Interesse ein moeglichst umfangreiches und wirksames Material ueber die allgemeine tatsaechliche und juristische Lage auslaendischer Juden und Halbjuden unter dem Naziregime zusammenzustellen. Es ist ja ~~ka~~ kein Zweifel, dass die auslaendischen Juden in gleicher Weise wie die inlaendischen der antisemitischen Hetze ausgesetzt waren, dass auch sie mehr oder weniger die Stellung rechtloser Parias hatten, und dass ihnen schon deshalb nicht zugemutet werden konnte, irgendwelchen Besitz in Deutschland zu behalten.

Nachdem aber offenbar die deutschen Gerichte ein sehr schlechtes Gedaechnis fuer die ganzen antisemitischen Verfolgungsmassnahmen haben, ist es von grosser Wichtigkeit, moeglichst viele und genaue Belege fuer die tatsaechliche und rechtliche Lage der auslaendischen Juden und Halbjuden unter dem Naziregime zu beschaffen. Dazu gehoert insbesondere natuerlich auch eine Zusammenstellung der antisemitischen Gesetzesbestimmungen, die nicht auf auslaendische Juden beschraenkt war. Ich selbst habe leider nicht die noetigen Unterlagen um diese Arbeit zu leisten. Ich moechte Sie also bitten zu veranlassen, dass das dortige URO-Office, vielleicht mit Unterstuetzung des Council, diese Arbeit so rasch als moeglich in Angriff nimmt. In jedem Fall waere ich Ihnen sehr dankbar, wenn Sie mir baldmoeglichst darueber Bescheid geben wuerden.

Mit ergebensten Gruessen

Ihr

(sgd) F. Herzfeldor.

344220

C O P Y

Paris, September 15, 1949

Dr. Goldschmidt
c/o U.R.O.
8, Fairfax Mansions
London N.W. 3

Dear Dr. Goldschmidt:

I first wish to thank you for sending me No. 8 of the URO-News. I am turning to you today in the following very important matter:

As you know, there is in the French zone a "Controle judiciaire" established by the Military Government. This is an agency whose task it is to control all court decisions, especially decisions on restitution claims, in the French zone. Mr. Juncker is in charge of the agency and he promised us already in June 1948 to let us look over at any time the decisions presented to him. Recently he informed Mr. Wahsmann of several sentences pronounced in Kontanz where restitution claims were refused with the motivation that during the Nazi regime no collective coercion was used against foreign Jews. I do not know to what extent these sentences have already taken effect. In any case, Mr. Juncker wants to present them before a court of the French Military Government, in short, make use of the right of evocation or reformation. (See my article in URO News No. 4, page 44). In this connection, Mr. Juncker asked us to help him gather the material which would prove that collective coercion was also used against foreign Jews. I believe, however, that the overall circumstances will have to be considered in each individual case and I therefore asked Mr. Wachsmann to communicate to us, if possible, the questionable decisions. Aside from this, it is of course of great interest with regard to the entire future legal procedure of cases in this category to gather as substantial and effective material as possible about the general actual and legal situation of foreign Jews and half-Jews under the Nazi regime. There is no doubt that foreign Jews, ~~xxx~~ just as German Jews were exposed to Jew baiting, that they also had the status of pariahs with no rights and that, if only for this reason, they could not be expected to keep any kind of property in Germany.

Since, however, German courts have a very short memory for all the anti-semitic persecution measures, it is of great importance to procure as many and exact proofs as possible about the actual and legal situation of foreign Jews and half-Jews under the Nazi regime. This includes, of course, particularly a list of anti-semitic regulations which were not applied to foreign Jews only. Unfortunately, I myself lack the necessary documents to do this work. I therefore request you to instruct the URO Office there to start this work perhaps with the cooperation of the Council, as soon as possible. In any event I should greatly appreciate it if you would advise me at your earliest possible convenience.

Sincerely yours,

/s/ F. Herzfelder

344221

COPY

Rest

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696A

22 September 1949 BBF/saa

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

Hq JRSO New York Letter #204

Dear Eli:

As I indicated in a note yesterday, we are sending the AJDC Munich an additional 100,000.- DM and hope to continue sending a like amount each month until the end of the year, at which time we hope to accelerate our work and the amount given to the Joint for charitable purposes.

With reference to the question of whether these funds should be charged off against the indebtedness of the JRSO to the JDC, my own reaction is that they should not. Although it is true that the dollars advanced by the Joint are to be repaid by the JRSO, this loan cannot be discharged with Government License to permit such an offset. Under the terms of the present license we can certainly repay any Deutsche Mark debts we have incurred. I would suggest that the entire matter of how the JRSO repays its dollar budget be kept in suspense. We will have some dollar income (e.g. for the sale of the scrap silver of art works now in New York). If everything goes well, we may even have sufficient dollar income to cover all our dollar costs. In any event, the final settlement of this question should be worked out in New York and only after such time as we know what funds the JRSO has been able to place at the effective disposal of the operating agents.

In short, I think the entire question of repayment should be tabled for the time being. I will see Moe Leavitt in Paris and will then discuss the problem with him in greater detail.

Sincerely yours,

BENJAMIN B. FERENCZ

cc: Mr. J. Jacobson

344222

Notes on Meeting #49/10 of the Four
Organizations held Thursday, September 22, 1949
at 12:00 noon at the JDC Office

Present: American Jewish Committee: Prof. Herman Gray
Dr. Eugene Hevesi
Mr. Seymour Rubin
American Joint Distribution Com. Mr. Eli Rock
Jewish Agency for Palestine Mr. Maurice M. Boukstein
World Jewish Congress Dr. Nehemiah Robinson

The following items were discussed by the meeting:

1) Swiss Heirless Property. In connection with the recent discussions in Switzerland between the Swiss Authorities and the European representatives of the four organizations, and particularly in connection with the "deal" between the Swiss and the Poles regarding the turn-back to Poland of heirless Jewish assets in Switzerland, it was the strong feeling of Dr. Robinson that some further protests should be entered against the Swiss action. Mr. Rubin pointed out that the State Department had very recently sent a formal protest to the Swiss under the Five Power Agreement, and that attempts to get the British and the French to join such a protest would serve no useful purpose. It was then suggested by Dr. Robinson that an attempt be made to get the International Reparations Fund to protest to the Swiss, and in this connection the individual member countries of the fund should be contacted. It was agreed that the Congress and the Committee would get together for the purpose of making such representations in Europe. It was also suggested that Dr. Schwartz of the JDC be requested to speak personally with Stucki to see if something might not be done to head off the implementation of the Swiss-Polish agreement, or at least to prevent this agreement from serving as a precedent for similar action vis-a-vis other Eastern European countries; it was felt that Dr. Schwartz, because of past relations with Mr. Stucki, might be in a particularly advantageous position to make such an approach.

2) General Claims Law--Assistance to Individual Claimants. In this connection, it was recognized by all present that some over-all program should be arranged for assistance to individual claimants who will not be in a position to afford outside help and who at the same time should be protected from falling into the hands of unscrupulous elements working in this field. However, because of the problem of cost and because of the need for having a staff in Germany which would process the claims on the spot (the JRSO has indicated that it cannot become involved in this matter) none of the organizations present were in any position to commit themselves to participation in such a program. It was finally agreed that the United Restitution Office (URO) which is affiliated with the American Federation of Jews from Central Europe, should be encouraged to approach the United Service for New Americans with a view to forming a joint program between the two organizations. The matter was left with the Federation (whose representatives were present for this part of the meeting) agreeing to discuss the total problem with its officers, as well as with its affiliates in other countries. It is possible that the URO may consider using its world-wide organization for this program, and in any event, the Federation will report back to the group as to the URO's future plans and as to assistance programs which already exist for this purpose in other countries.

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3) Austrian Restitution. In view of the continuing unsatisfactory state of the heirless property question in Austria, it was agreed by the group that this whole matter should again be taken up in Washington. Prior to doing so, however, it was felt that the American delegation to the Austrian Peace Treaty Conference (about to be held in New York) should be contacted by the organizations. The plan is to arrange such a step within the near future, following which further steps will be agreed upon.

4) French Zone Restitution Legislation. In this connection, as well as in connection with the Equalization of Burdens problem, there is a real difficulty in approaching the State Department in Washington at this time owing to the almost complete disorganization currently existing in the Division of German and Austrian Affairs. Although Mr. Murphy is still in office, his pending departure, as well as the failure as yet to appoint a successor, leaves the Division in a situation where virtually no decisions are being reached. It was agreed that Mr. Rubin would check with the Department to ascertain what had become of the letter from Ambassador Bruce, and following his report on this aspect, some sort of representations to the Department would be attempted, with an eye a) to giving the Paris Embassy the green light for representations by Bruce to the French, and b) to having the Department instruct McCloy regarding possible pressure on French High Commissioner Poncet in Germany.

5) Equalization of Burdens Law - Germany. On this score it was felt that no steps can be taken until the situation in the State Department's Division of Austrian and German Affairs has changed. In the meanwhile, it was suggested that McCloy's office in Germany be contacted and "sounded out" as to the possibilities, from that side, of obtaining the necessary broadening in the definition of "United Nations nationals" under the present law.

6) Berlin Indemnification Situation. It was agreed that Mr. Ferencz would be requested immediately to submit a report as to the present indemnification situation in the western sectors of Berlin. It was the feeling of the group that some steps should be initiated as soon as possible by the four organizations for the enactment of legislation in these sectors.

Eli Rock

344224

GEN. & EMERG

Rest

JNSO letter #119

July 27, 1949

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

Dear Ben:

This will refer to your letter #155 of July 20, 1949 requesting information on several news articles.

With reference to the article which refers to a law now pending in the U.S. Senate on the subject of heirless property in the hands of the Alien Property Custodian, the story there is that our ~~own~~ "famous" proposed amendment to section 32 of the Trading With the Enemy Act is being actively considered by the Senate and should shortly be passed by that body. We still have obstacles in getting the bill through the House, but we have our fingers crossed. Incidentally, I have been under the impression that this whole story was quite familiar to you. Should that not be the case, I would be glad to send you from here some copies of the brief which we prepared some time ago in connection with this legislation and which has been rather extensively used during the consideration of this bill in Washington.

The other news item from the bulletin of the American Federation of Jews from Central Europe, refers to the State Department's recent declaration of policy in connection with the well-known Bernstein case. I am attaching herewith a copy of the letter in question, which I believe will be self-explanatory.

Sincerely,

Eli Beck

ER:ega
encl.

cc:JJJ

344225

Series III, No. 1

- 11 -

July 1, 1949

PROPERTY

JURISDICTION OF U.S. COURTS RE SUITS FOR IDENTIFIABLE PROPERTY INVOLVED IN NAZI FORCED TRANSFERS - As a matter of general interest, the Department of State publishes herewith a copy of a letter of April 13, 1949, from Jack B. Tate, Acting Legal Advisor, Department of State, to the attorneys for the plaintiff in Civil Action No. 31-555 in the United States District Court for the Southern District of New York.

The letter repeats this Government's opposition to forcible acts of dispossession of a discriminatory and confiscatory nature practiced by the Germans on the countries or peoples subject to their controls; states that it is this Government's policy to undo the forced transfers and restitute identifiable property to the victims of Nazi persecution wrongfully deprived of such property; and sets forth that the policy of the Executive, with respect to claims asserted in the United States for restitution of such property, is to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials.

Copies of the letter were also sent to the court and to the attorneys for the other parties to the litigation. The letter is as follows:

BENNETT, HOUSE, & COUS,
Counselors at Law,
44 Wall Street,
New York 5, New York.

SIRS: You have brought to the attention of the Department Civil Action No. 31-555 now pending in the United States District Court for the Southern District of New York between Arnold Bornstein, plaintiff, and N.V. Nedorlandsche-Amerikaansche Stoomvaart-Maatschappij, also known as Holland-American Line, defendant, and Chemical Bank and Trust Company, third-party defendant, which involves certain matters treated in the case of Bornstein v. Van Hoyghon Frores Societo Anonimo, 163 F. 2d 246 (C.C.A. 2d 1947), cert. den. 332 U.S. 772 (1947).

You have pointed out that the Circuit Court of Appeals in the Van Hoyghon case stated:

"...a court of the forum will not undertake to pass upon the validity under the municipal law of another state of the acts of officials of that state, purporting to act as such." (page 250)

"...no court will exercise its jurisdiction to adjudicate the validity of the official acts of another state." (pages 249-250)

The court held that the Executive had not "acted to relieve its courts of restraint upon the exercise of their jurisdiction" (page 250) or had not "indicated any positive intent to relax the doctrine that our courts shall not entertain actions of the kind at bar". (page 251) It was therefore concluded that in the circumstances the court was without power to inquire into the acts of spoliation alleged to have been perpetrated on Bornstein in Germany in 1937-1938 in which Nazi officials of Germany were claimed to have been participants.

344226

You have inquired whether the Department might care to express its view concerning the Executive policy of this Government with respect to the exercise by courts of this country of jurisdiction in such cases. The Department considers the matter an important one and is pleased to express its views as follows:

1. This Government has consistently opposed the forcible acts of dispossession of a discriminatory and confiscatory nature practiced by the Germans on the countries or peoples subject to their controls. In this connection reference is made to the following:

a. Inter-Allied Declaration against Acts of Dispossession of January 5, 1943, United States Economic Policy toward Germany (Dep't State Pub. 2630) 52;

b. Gold Declaration of February 22, 1944, 9 Fed. Reg. 2096 (1944);

c. The Potsdam Agreement of August 2, 1945, 13 Dep't State Bull. 153 (1945);

d. Directive to the Commander-in-Chief of the United States Forces of Occupation Regarding the Military Government of Germany, April 1945, JCS 1067, paragraphs 4 (d), 43 (c) (2), 13 Dep't State Bull. 596 (1945);

e. Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany, July 11, 1947, paragraph 17d, 17 Dep't State Bull. 186 (1947);

f. Law No. 1 of the Allied Control Council (Off. Gaz. of the Control Council for Germ. No. 1, Oct. 29, 1945);

g. Military Government Law No. 1 (Mil. Gov. Gaz. - U.S. Zone June 1, 1946);

h. Military Government Law No. 52, sec. 1 (f), 2 (Mil. Gov. Gaz. - U.S. Zone June 1, 1946);

i. Military Government Law No. 59 on Restitution of Identifiable Property (Mil. Gov. Gaz. - U.S. Zone Nov. 10, 1947).

2. Of special importance is Military Government Law No. 59 which shows this Government's policy of undoing forced transfers and restituting identifiable property to persons wrongfully deprived of such property within the period from January 30, 1933 to May 8, 1945 for reasons of race, religion, nationality, ideology or political opposition to National Socialism. Article 1 (1). It should be noted that this policy applies generally despite the existence of purchasers in good faith. Article 1 (2).

3. The policy of the Executive, with respect to claims asserted in the United States for the restitution of identifiable property (or compensation in lieu thereof) lost through force, coercion, or duress as a result of Nazi persecution in Germany, is to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials.

Copies of this letter are being transmitted to Judge Sylvester J. Ryan and to the attorneys for the other parties to the litigation.

Jack B. Tato
Acting Legal Adviser

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

20 July 1949 BBF/HW.

Mr. Eli Rock
American Joint Distribution Committee
270 Madison Avenue
New York 16, N.Y.

JUL 25 1949

Hq. JRSO New York letter # 155

GEN. & EMER.
[Handwritten signature]

Dear Eli:

The following news article appeared in the "Neue Zeitung" of 18 July:

"Use of confiscated assets in the U.S. A. Washington (DPD). - A draft law is before the U.S. Senate according to which German property worth around 100,000 dollars which has been taken under control by the Alien Property Custodian would be turned over to organizations for the relief of political persecutees."

What is that all about?

The July 1949 information bulletin of the American Federation of Jews from Central Europe states on page 4 that the Department of State published a letter of April 13, 1949, repeating the U.S. policy concerning restitution. I think a copy of that letter might be very useful around here.

11-11
SIB bulletin
(Bermanstein case)

With best regards,

[Handwritten signature]

BENJAMIN B. FERENCZ

85825

ph

CC: AJDC, Paris, Mr. Jacobson

344228

July 1, 1947 UN & N
GENERAL INSTRUCTION SHEET ON DECONTROL GEN. & EMERG.
K

On 25 June 1947 a program for the disposition of properties held under protective custody by Military Government was announced. Citizens and residents of United Nation and Neutral countries who are owners of property under Military Government control may make application for the release of their properties and funds directly related to the operation thereof.

The conditions for release are satisfied:

- a. When the owner is a citizen or resident of a Nited Nation or Neutral country but is not a citizen or resident of Spain or Portugal.
- b. When the property was placed under property control solely by reason of absentes ownership and no other reason for control exists.
- c. When the nominee presents a document dated on or after 15 June 1947 (date transactional communications were authorized), which constitutes either a valid power of attorney from the owner or a confirmation of an existing power of attorney.
- d. When the nominee is politically acceptable under the Law for Liberation from National Socialism and is a resident of Germany.
- e. When the title is not in dispute.
- f. When the owner can prove ownership of fifty-one (51 percent or more of the property, if available official records in the Laender (for example, Grundbuch, Handelsregister, etc) do not show prima facie evidence of that fact.
- g. When a release (in English and German) binding on the owner, is executed at the time the nominee receives the property.
- h. When it appears that the owner acquired the title to the property subsequent either to 14 June 1941 (date on which Germany was blocked by the United States under the Trading with the Enemy Act) or to the date on which his country entered the war against Germany, whichever date is earlier, action on such applications shall be withheld pending further instructions from Finance Division, Office of Military Government for Germany (U.S.).

- 2 -

There must be included in the power of attorney a statement that the agent has authority to execute the receipt and release form required by Military Government. The following steps should be taken in the execution of the power of attorney.

- a. Consult your attorney.
- b. Include in the power of attorney a statement that the agent has authority to execute the receipt and release form required by Military Government.
- c. Have power of attorney acknowledged before an officer appointed to take acknowledgment of such statements.
- d. Have power of attorney authenticated by clerk or other certifying officer of the court of the district where the acknowledgment is made.
- e. Have power of attorney acknowledged by the foreign office or other comparable office.
- f. Mail power of attorney to the agent named therein.

Upon receiving the necessary documents (power of attorney and evidence of ownership) the agent will then request the German State Property Control Agency to release the property to him; applications for release of properties in the U.S. Sector of Berlin should be made by the agent to the Property Control Chief, Office of Military Government, Berlin Sector.

You are further advised that no license will be necessary under Military Government Laws 52 and 53 for the agent to accept an appointment from a person outside of Germany for management, maintenance, preservation and care of property in Germany. However any transactions in connection with such appointment and those engaged in by the agent which are not authorized will require specific licenses under Military Government Laws No. 52 and 53. Existing general licenses ~~may~~ permit all transactions ordinarily incidental to the normal conduct of business activities of business enterprises owned by persons abroad. However, attention is invited to the fact that such licenses will not be construed as authorizing any business enterprises to make capital investment in property or in other business enterprises without special Military Government approval.

Military Government will maintain protective custody over this property until 1 January 1948, at which time responsibility for custody and administration of properties subject to the decontrol program will be transferred to Property Control agencies of the respective German State Governments. After January 1, 1948, Military Government offices will exercise only general supervision over the German agencies.

344230

net mail
Lachs

84

July 7th, 1952

Dr. H. Tuch - JRSO Berlin

Re: Grundstueck Berlin-Schaeneberg, Kurfuerstenstr. 168
Grundbuch: Berlin-West Bd. 67 Bl. 2209
(Akt.Z.: III/L 889)
Lache-Heidemann ./ Scholtz

Dear Dr. Tuch:

This will refer to your letter of May 23rd in the above matter.

Please be advised that we have succeeded, through the American Federation of Jews from Central Europe, to obtain Mr. Lachs's address, which is 271 Conkey Avenue, Rochester, N. Y.

Inasmuch as Mr. Lachs does not reside in New York City, it will not be possible to have a personal interview with him. In view of this fact, and in view also of Mr. Kagan's absence from the country at the present time, you may prefer to correspond directly with Mr. Lachs. He has been advised by the Federation that the JRSO will be in touch with him.

Sincerely yours,

Secretary to Mr. Kagan

344231

6360

American Federation of Jews from Central Europe, Inc.

1674 BROADWAY • Room 808-809 • NEW YORK 19, N. Y.

Phones: Circle 5-4255 • JUDson 6-3878

117

July 3, 1952

RUDDOLF CALLMANN
Chairman of the Board

NATHAN STRIN
President

HERMAN MULLER
Exec. Vice President

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

Att. Mr. Saul Kagan

Dear Mr. Kagan:

Re: Kurt Lachs

Referring to your letter of June 6th we are pleased to inform you that we succeeded in finding the present address of Mr. Lachs, which he gave us as follows:

271 Conkey Ave
Rochester, N.Y.

We informed Mr. Lachs that we have passed his address on to you and that he will hear from you directly.

Very sincerely yours,


Gertrude Nitke

ni

344232

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American Federation of Jews from Central Europe, Inc.

1674 BROADWAY • Room 808-809 • Phone Circle 5-7775 • NEW YORK 19, N. Y.

(Our New Tel. No.)

Circle 5-4955

June 11, 1952

6/12
JL

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HERMAN MULLER
Exec. Vice President

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

Dear Mr. Kagan:

Re: Kurt Lachs

Kurt Lachs

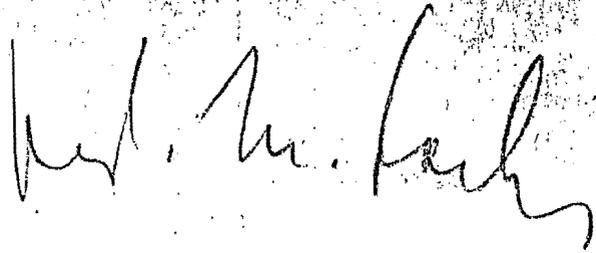
In reply to your letter of June 6th I am sorry to inform you that our files do not disclose the name and address of Mr. Kurt Lachs whom your Berlin office is looking for.

However, we will publish a search note in the next issue of the "Aufbau". As soon as we hear from or about Mr. Lachs we shall let you know.

Very sincerely yours,

Herman Muller
Herman Muller
Exec. Vice President

HM:ni



June 6th, 1952

Dr. Hermann Muller
American Federation of Jews from Central Europe
1674 Broadway
New York, N. Y.

Dear Dr. Muller:

At the request of our Berlin office, we are attempting to locate a Mr. Kurt Lachs, who is supposed to be residing at the present time in or around New York City. Mr. Lachs was born on 1 November 1882 at Schweidnitz. Formerly he was a stock broker and had his last residence in Germany in Schoeneberg, Rosenheimer Str. 31. From there he emigrated to Panama City and was reported to have immigrated to the United States subsequently. His wife was Franziska, nee Heydemann, born on 1 October 1889.

I would appreciate it if you might be able to locate Mr. Lachs, either through the records of your organization or possibly through a notice in the Aufbau.

With kind regards,

Sincerely yours,

Saul Kagan

SK:AUN

344234

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
DIREKTION: TEL. 74 21 173
ZENTRALE: TEL. 74 21 184
76 06 65 76 54 38

6/5

23 May 1952
HT/cz

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

SUBJECT: Grundstueck Berlin-Schoeneberg, Kurfuerstenstr. 168
Grundbuch: Berlin-West Bd. 67 Bl. 2209
(Akt.Z.: III / L 889)
Lachs-Heydemann ./.. Scholtz

Dear Mr. Kagan,

This is to reply to your letter of 29 April 1952.

We have not been able to trace Mr. Lachs' address in New York. We only found out the following particulars about him:

Mr. Kurt Lachs was born on 1 November 1882 at Schweidnitz. Formerly he was a stock broker and had his last residence in Schoeneberg, Rosenheimer Str. 31.

From there he emigrated to Panama City and was reported to have immigrated to the United States subsequently. His wife was Franziska née Heydemann, born on 1 October 1889.

Sincerely yours,

H. Tuch

H. TUCH

JRSO Berlin Regional Office

344235

23 May 1952
HT/cz

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

SUBJECT: Grundstueck Berlin-Schoeneberg, Kurfuerstenstr. 168
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Sincerely yours,

HT

H. TUCH
JRSO Berlin Regional Office

344236

West, Ind -
Lachs

April 29th, 1952

Jewish Restitution Successor Organization
Berlin Regional Office

Re: Grundstueck Berlin-Schoeneberg, Kurfuerstenstr. 168
Grundbuch: Berlin - West Bd. 67 Bl. 2209
(Akt.-Z.: III/L 889)
Lachs-Heydemann ./. Scholtz

Gentlemen:

This will refer to your letter of April 25th in the above mentioned case, in which you requested us to communicate with Mr. Kurt Lachs, the former co-owner of the above property.

Unfortunately it was not possible for us to locate Mr. Lachs in New York on the basis of the limited information contained in your letter, and we would suggest that you make an effort to obtain Mr. Lachs's address so that we may then get in touch with him.

Sincerely yours,

Saul Kagan

SK:AUN

344237

9/28

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TEL. 74 21173, 74 21184
76 54 38 UND 76 06 65

den 25. April 1952
Sl./lm

Jewish Restitution
Successor Organization

Attn.: Mr. Saul Kagan

270 Madison Avenue

New York.

Betr.: Grundstück Berlin - Schöneberg, Kurfürstenstr. 168
Grundbuch: Berlin - West Bd. 67 Bl. 2209
(Akt.-Z.: III/L 889)
Lachs - Heydemann ./ Scholtz.

Sehr geehrter Mr. Kagan,

In der obigen Rückerstattungssache unterbreiten wir Ihnen folgenden Sachverhalt und bitten Sie, Herrn Lachs, der in New York wohnen soll (nähere Anschrift nicht bekannt), zweckentsprechend zu unterrichten.

Herr Lachs war Miteigentümer des Grundstücks Berlin W 35, Kurfürstenstr. 168 und hat seinen Miteigentumsanteil durch Vertrag vom 9. 9. 1938 an die jetzigen Rückerstattungspflichtigen verkauft. Da Herr Lachs keinen Rückerstattungsanspruch fristgemäß geltend gemacht hat, ist die unterzeichnete Organisation in seine Rechte eingetreten. Die Antragsgegnerin in diesem Prozeß versucht nunmehr über ihren Anwalt mit Herrn Lachs in Verbindung zu treten und eine Erklärung von ihm herbeizuführen, daß er das Grundstück auch ohne die Herrschaft des Nationalsozialismus in Deutschland verkauft hätte.

Solche Erklärung könnte für die unterzeichnete Treuhandorganisation, deren Aufgabe es ist, nicht beanspruchtes jüdisches Vermögen für allgemeine jüdische Zwecke im Rückerstattungsverfahren zurückzufordern, im Rückerstattungsprozeß sehr nachteilig sein.

Wir bitten daher, falls die Anschrift von Herrn Lachs (Kaufmann Kurt Lachs, früher wohnhaft Berlin W 30, Rosenheimer Str. 31, jetzt New York) bekannt sein sollte, Herrn Lachs darüber aufzuklären, daß er solche Erklärungen gegenüber der Rückerstattungspflichtigen nicht abgibt.

Dies würde letzten Endes auch zum Schaden von Herrn Lachs auslaufen, der zurzeit noch die Möglichkeit hat, durch einen Board of Equity - Antrag bei der hiesigen Dienststelle sein Vermögen jedenfalls

344238

teilweise zurückzuerhalten.

Hochachtungsvoll,

[Signature]
Rechtsanwalt
JRSO Berlin Regional Office.

...

...

January 18, 1956

Dr. R. A. Schildbach
Jewish Restitution Successor Organization
Fontanestr. 16
Berlin-Dahlem, Germany

Re: BoE - Rosa Lenart

Dear Dr. Schildbach:

This will acknowledge your letter of January 13, 1956 in the above matter.

Please be advised that we have sent the report in this case to Dr. George Weis on January 5, 1956.

Sincerely yours,

Saul Kagan

ES/AS

JAN 16 1956

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

den 13. Januar 1956
Schi/se

An
Jewish Restitution
Successor Organization Inc.
270 Madison Avenue

New York 16, N.Y.
USA

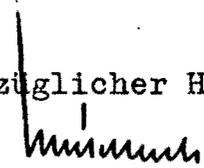
DRINGEND
LUFTPOST

Betr.: BOE wegen des Grundstücks Berlin-Schöneberg,
Regensburger Str. 34 für L e n a r t , Rosa
Az.: III/L 39

Wir nehmen Bezug auf unsere Schreiben vom 10.10. und 10.11.1955, mit denen wir um Überprüfung der Vermögens- und Einkommensverhältnisse der Frau Rosa L e n a r t (fr. Lewy), 1418 North Mansfield Avenue, Hollywood 28 (Cal.) USA, nachgesucht hatten, und bitten Sie höflichst, von einer weiteren Erledigung der obigen Anfragen abzusehen und uns lediglich mitzuteilen, wie weit die Hardshipprüfung bis jetzt gediehen war.

Wir danken Ihnen im voraus für Ihre freundliche Mühewaltung und zeichnen

mit vorzüglicher Hochachtung


RA Schildbach

JRSO Berlin Regional Office

344241

January 5, 1956

Dr. George Weis
JRSO - Berlin-Dahlem

Re: Mrs. Rose Lenart
Property - Berlin - Schoeneberg, Regensburgerstrasse 34

Dear Dr. Weis:

I am enclosing herewith copy of the report on Mrs. Lenart.
Since Mrs. Lenart has been living on public assistance for quite some-
time, we must consider her eligible on the basis of financial hardship.

With best regards.

Cordially yours,

Saul Kagan

HK/ajh

344242

NOV 16 1955

UNITED HIAS SERVICE the Jewish international migration agency

World Headquarters:

425 LAFAYETTE STREET • NEW YORK 3, N. Y. • OREGON 4-6800

Cable Address: UNITEDHIAS

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Vice-Chairman

DM 95,300

November 15, 1955

Yes

Mr. Saul Kagan
Jewish Restitution Successor Org.
270 Madison Avenue
New York, N.Y.

Re: JRSO Berlin Referral 10/10/55
Rose Lenart (FR. Lewy)
1418 No. Mansfield Avenue
Hollywood 28, California

Dear Mr. Kagan:

We attach herewith report in duplicate received from our cooperating agency in Los Angeles on the above named situation.

We trust this contains the information that you require and that it will be helpful.

Sincerely yours,

Fannie G. Steiner

(Mrs.) Fannie G. Steiner
Field Representative

ms

344243



... wherever the migrant!

Combining the Hebrew Sheltering and Immigrant Aid Society (HIAS), United Service for New Americans (USNA), and the migration services of the American Joint Distribution Committee (AJDC).

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*MOSES A. LEAVITT
MRS. HERMAN J. LEFFERT
MRS. HERMAN R. LEVINE
RABBI JOSEPH H. LOOKSTEIN
*ISADOR LUBIN
*MAX OGUST
MAX ORNSTEIN
MRS. EDWARD POPPER
§ ISIDOR J. PUDNOS
JOSEPH PULVERMACHER
DANIEL RACHLES
*HON. HUGO E. ROGERS
*JACOB J. ROSENBLUM
*WILLIAM ROSENWALD
*MRS. J. BERNARD SALTZMAN
SOI SATINSKY
JOSEPH SCHLOSSBERG
MRS. MORTIMER SCHWAGER
HON. SAUL SEIDMAN
*MRS. DAVID SHER
*SAUL R. SIEGEL
LOUIS P. SMITH
HON. ADOLPH STERN
MRS. HAROLD L. STRAUSS
SAM STREITFIELD
MRS. ROSE TABACHNICK
MRS. MARY B. TARCHER
SAMUEL A. TELSEY
MEYER TENENBAUM
MORRIS TIGEL
BERNARD TOMSON
*BEN TOUSTER
MRS. BEN TOUSTER
EDWARD M. M. WARBURG
*DR. HAROLD M. WEINBERG
HARRY WEINBERG
MORRIS WEINBERG
JOSEPH I. WEINER
S. J. WEINSTEIN
RUDOLPH L. WEISSMAN
*ABRAHAM S. WILK

* Member of the Executive Committee.

§ Deceased

344244

Jewish Family Service of Los Angeles

OFFICERS

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President

DR. J. EDISON GOLDSMITH
1st Vice-Pres.

MR. ARTHUR MANELLA
2nd Vice-Pres.

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MRS. STEPHEN LOEW, JR.

MRS. LOUIS S. NORDLINGER, JR.

MRS. MORTIMER PERLSTEIN

MRS. HYMAN ROSEN

MR. LUDWIG SCHIFF

MR. HERBERT T. SILVERBERG

MRS. A. B. SHORE

MRS. ARTHUR WILDBERG

MR. HUGO ZIVI

November 9, 1955

FREDA MOHR
Executive Director

Mrs. Fannie G. Steiner
Field Representative
United HIAS Service
425 Lafayette Street
New York 3, New York

NOV 14 1955

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

Referral Berlin 10-10-55

Dear Mrs. Steiner:

Re: Rose Lenart (FR. Lewy)
1418 No. Mansfield Ave.
Hollywood 28, Calif.

In answer to your letter of October 24, 1955, we interviewed the above-named and her son on November 9, 1955.

At the present time Mrs. Lenart's income consists of \$85 a month from State Bureau of Public Assistance and \$40 a month for a room she rents in her small apartment. This gives her a total of \$125 a month of which \$50 is used for rent.

Her son, who was married in 1947, is unable to contribute to his mother's maintenance because of his own family obligations. He has one child six years old and expects another early in 1956. At the present time he is operating a photographic studio and the income from this enterprise is just enough to support his own family.

Since her husband's death in 1943, Mrs. Lenart has been receiving assistance from public agencies in California. During the period her son was in the Army, 1945 to 1946, she was receiving \$50 a month through the Army allotment. After that she received full assistance from public agencies. When she turned 65 years of age she was eligible for State Old Age Assistance and has been receiving this for the past five years.

If further information is needed, please feel free to write again.

Very truly yours,

JEWISH FAMILY SERVICE



Arnold Rothstein, RSW
Caseworker

344245

AR/ig



NOV 14 1955

J R S-O Berlin Regional Office

Berlin - Dahlem, Fontanestr. 16

Jewish Restitution Successor Organization Inc.
270 Madison Ave.,
New York 16., N.Y.
USA

den 10. November 1955
Schi/wa

Betr.: B O E wegen des Grundstueckes Berlin - Schoneberg, Regensburger-
strasse 34 fuer L e n a r t , Rosa (./ Goerz) AZ: III L 39.

an Mr. Fried (United Service for New Americans),

Wir nehmen hoeflichst Bezug auf unser Schreiben vom 10.10.55 mit dem
wir Sie um Ueberpruefung der Vermoegens- und Einkommensverhaeltnisse
von

Frau Rose L e n a r t (fr. Lewy), 1418 North Mansfield Av.,
Hollywood 28 (Cal.) USA -

gebeten hatten und erlauben uns, an die baldige Uebersendung ~~des~~ des
Berichtes zu erinnern.

Wir zeichnen

hochachtungsvoll

mit freundl.
RA Schildbach

JRSO Berlin Regional Office

November 16, 1954

Dr. Heins A. Pinner
590 South San Vicente Boulevard
Los Angeles 48, California

Dear Dr. Pinner:

This will acknowledge your letter of November 5, 1954, concerning your interview with ~~Mrs. Rose Lanart~~. I would like to take this opportunity to thank you again for your very real assistance.

I am sending copy of your letter to our office in Berlin for their further consideration.

Sincerely yours,

Saul Kagan
Secretary

SK:JUN

344247

November 16, 1954

Dr. W. Galwski
JRSO Berlin

Re: 34 Regensburger Strasse
Berlin-Schoeneberg

Mrs. Rose Lenart
1418 No. Mansfield
Los Angeles 46, Calif.

Dear Dr. Galwski:

Reference is made to your letter of September 3, 1954, in which you advised us that it was still desirable to obtain all possible information from Mrs. Lenart concerning an alleged waiver by her to the restitutor in the above property.

We have now made arrangements to have Mrs. Lenart interviewed by an attorney in Los Angeles, and I am enclosing copy of the letter received from the attorney in this matter. As I see it, the implication is quite clear. Mrs. Lenart undoubtedly did not give a timely waiver to the restitutor in this case. On the other hand, she is apparently not ready to give us any further assistance in the matter unless we were prepared to consider her equity claim.

If you feel that you wish to press this case against the restitutor even if it involves consideration of Mrs. Lenart's equity claim - despite her previous statements on behalf of the restitutor - I would suggest that you communicate directly with Mrs. Lenart.

Sincerely yours,

Saul Kagan

SK:AUN
Enc.

344248

C
O
P
Y
Drs. Wolfen, Pinner, Behr, Marcuse & Associates

Los Angeles 48, California

Los Angeles Office:
Dr. Heinz Pinner
Dr. Bruno Lamm
590 South San Vicente Boulevard
Los Angeles 48, California

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

November 5, 1954

Attention: Mr. Saul Kagan

Dear Mr. Kagan:

Referring to our correspondence of October 13, 20 and 23 I want to advise you that Mrs. Lennart did come to my office and that I have discussed the matter with her. It so happened that she was accompanied by her son in law who is a client of mine in his restitution matters. Therefore the atmosphere was a very nice one. However, Mrs. Lennart is an elderly lady whose memory is not best anymore. She did not have all her papers with her and therefore could not answer all the questions, especially she was not sure what the contents of the documents were she sent to the buyer of the property; she told me that she did not believe that it was a waiver.

She left my office telling me that she would try to locate the papers and then pay me a second visit. This happened on Friday, October 22, but I have not heard from her since. The reason for her not coming again might be, that she told me that she had not filed a claim, because she thought that the sale was not a "forced" sale or a sale "under duress", but that she now, after having learned, that she could have filed a claim, would like to have JRSO assign the rights to her. I called her attention the fact, that I was afraid that the JRSO's deadline for equity claims has elapsed on December 31, 1953 and that JRSO therefore would not accept her equity claim.

If I should be right, I am afraid that there is nothing I can do for JRSO unless Mrs. Lennart should contact me again; if however JRSO would consider to assign its rights to Mrs. Lennart, I am gladly prepared to convey this message to her.

Very truly yours,

Dr. Heinz A. Pinner

344249

*made
revised*

DRS. WOLFEN, PINNER, BEHR, MARCUSE & ASSOCIATES

FOREIGN LAW ADVISERS

NOV 8 1954

NEW YORK CHICAGO LOS ANGELES SAN FRANCISCO BALTIMORE
WASHINGTON, D. C.

November 5, 1954

RUDOLPH BEHR
ALFRED A. EISENSTADT
MARTIN I. KOREY
PAUL MARCUSE
HEINZ PINNER
MARTIN WOLFEN
RECHTSANWAELTE BEIM
OBERSTEN WIEDERBUTMACHUNGSGERICHT
BRUNO LAMM

LOS ANGELES OFFICE:
DR. HEINZ PINNER
DR. BRUNO LAMM
590 SOUTH SAN VICENTE BOULEVARD
LOS ANGELES 48, CALIFORNIA
PHONE: WEBSTER 3-5259

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

Attention: Mr. Saul Kagan

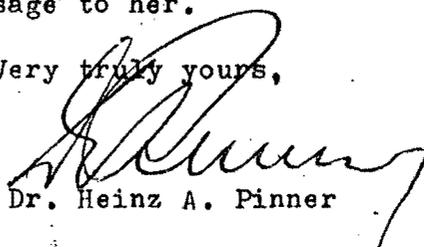
Dear Mr. Kagan:

Referring to our correspondence of October 13, 20 and 23 I want to advise you that Mrs. Lennart did come to my office and that I have discussed the matter with her. It so happened that she was accompanied by her son in law who is a client of mine in his restitution matters. Therefore the atmosphere was a very nice one. However, Mrs. Lennart is an elderly lady whose memory is not best anymore. She did not have all her papers with her and therefore could not answer all the questions, especially she was not sure what the contents of the documents were she sent to the buyer of the property; she told me that she did not believe that it was a waiver.

She left my office telling me that she would try to locate the papers and then pay me a second visit. This happened on Friday, October 22, but I have not heard from her since. The reason for her not coming again might be, that she told me that she had not filed a claim, because she thought that the sale was not a "forced" sale or a sale "under duress", but that she now, after having learned, that she could have filed a claim, would like to have JRSO assign the rights to her. I called her attention the fact, that I was afraid that the JRSO's deadline for equity claims has elapsed on December 31, 1953 and that JRSO therefore would not accept her equity claim.

If I should be right, I am afraid that there is nothing I can do for JRSO unless Mrs. Lennart should contact me again; if however JRSO would consider to assign its rights to Mrs. Lennart, I am gladly prepared to convey this message to her.

Very truly yours,


Dr. Heinz A. Pinner

344250

October 25, 1954

Dr. Heinz A. Pinner
590 South San Vicente Boulevard
Los Angeles 48, California

Dear Dr. Pinner:

This will acknowledge your letter of
October 20 concerning Mrs. Rose Lenart. I would like
to express our sincere appreciation for your helpful-
ness in this matter.

Sincerely yours,

Saul Kagan

SK/nh

344251

DRS. WOLFEN, PINNER, BEHR, MARCUSE & ASSOCIATES

FOREIGN LAW ADVISERS

NEW YORK CHICAGO LOS ANGELES SAN FRANCISCO BALTIMORE
WASHINGTON, D. C.

OCT 22

RUDOLPH BEHR
ALFRED A. EISENSTAEDT
MARTIN I. KOREY
PAUL MARCUSE
HEINZ PINNER
MARTIN WOLFEN
RECHTSANWAELTE BEIM
OBERSTEN WIEDERRUHMACHUNGSGERICHT

BRUND LAMM

LOS ANGELES OFFICE:

DR. HEINZ PINNER

DR. BRUND LAMM

590 SOUTH SAN VICENTE BOULEVARD

LOS ANGELES 48, CALIFORNIA

PHONE: WEBSTER 3-5259

October 20, 1954

Jewish Restitution Successor Organization
270 Madison Ave.
New York 16, N.Y.

Attention: Mr. Saul Kagan:

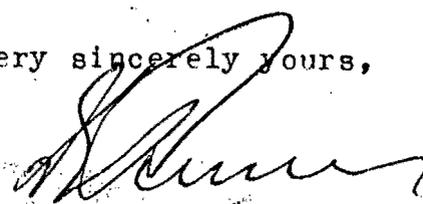
Dear Mr. Kagan:

I received your letter of October 13 concerning the property located at Berlin Schoeneberg, Regensburgerstrasse 34, formerly owned by Mrs. Rose Lenart.

I am gladly prepared to assist you in this matter as requested by you and ~~for~~ have written today to Mrs. Lenart as per enclosed copy.

If Mrs. Lenart should come to see me, I shall ask her the questions mentioned in your letter and will inform you then of her answers.

Very sincerely yours,


Dr. Heinz A. Pinner

Dr. HAP/b
1 Encl.

344252

OCT 22 1954

October 20, 1954

Mrs. Rose Lenart
1418 No. Mansfield
Los Angeles 46, Calif.

Dear Mrs. Lenart:

The Jewish Restitution Successor Organization (JRSO), New York has asked me to invite you to come to my office for an interview concerning the Restitution claim for the property located at Berlin-Schoeneberg, Regensburgerstrasse 34. There are quite a few questions which the JRSO would very much like to have cleared at this interview.

If you agree to discuss the above matter with me, I would suggest that you call me on any day during the week, ~~except~~ Saturday, between 9 - 5 at the above phone number to make an appointment.

Awaiting your reply, I remain

Very truly yours,

Dr. Heinz A. Pinner

Dr.HAP/b

344253

H. Miller
October 13, 1954

Dr. Heinz Pinner
590 South San Vicente Boulevard
Los Angeles 48, California

Re: Mrs. Rose Lenart
1412 North Mansfield
Hollywood, California

Property at 34 Regensburger Street., Berlin-Schoenberg

Dear Dr. Pinner:

Dr. Herman Muller has suggested that we write to you in connection with a problem involving the above named. We would deeply appreciate any assistance you might be able to give us in this matter and only hope that it could be done without causing you too much trouble.

As you know, the Jewish Restitution Successor Organization is the successor organization for heirless and unclaimed Jewish property in the U. S. Zone of Germany and Berlin; the above case originated with our Berlin regional office, which approached us with a request for information.

The property at 34 Regensburger Straase, Berlin-Schoeneberg was formerly owned by Mrs. Rosa Lewy, nee Freund, now known as Mrs. Rose Lenart. Mrs. Lewy-Lenart sold the property by contract dated December 6, 1935 to Mrs. Marie Goerz, Miss Anna Elizabeth Goerz and Miss Dorothea Goerz.

Mrs. Lenart did not file a restitution claim for the property in question and our organization, having filed a claim within the prescribed period, succeeded as the legal claimant and commenced discussions with the restitutor. In these discussions the restitutor stated that Mrs. Lenart had executed a waiver of her claim, as required by the Berlin restitution ordinance and that the property was therefore not subject to restitution. It is not entirely clear, however, whether there was in fact a legally effective waiver here involved and some clarification is necessary.

We would therefore greatly appreciate it if you could invite Mrs. Lenart to come to your office for an interview. You may advise her that our organization has filed a claim for the property in question, that the restitutor stated that a waiver had been issued, and that before determining how to proceed further we wished to clarify some questions concerning this waiver. We would appreciate it if you would clarify with Mrs. Lenart the following questions:

344254

- 2 -

1. The reasons why she had not filed a claim for restitution.
2. Her relationship to the present restitutor and the circumstances under which the property had been sold originally.
3. If a waiver was issued, the date when the waiver was issued, whether it was witnessed or notarized. If the latter, when and where was it notarized.
4. Her present relationship with the restitutor; had Mrs. Lenart been to Germany in recent years or have the Misses Goerz been visiting in the U. S.
5. Did she receive any additional payments from the restitutor, other than the original salesprice agreed upon in 1935.

I appreciate that there may be delicate questions here involved and that Mrs. Lenart may be reluctant to give full information on all the above questions. I would be most interested in your personal impression of Mrs. Lenart and her attitude.

I sincerely hope that this would not cause you too great an inconvenience and would like to express again our real gratitude for any assistance you may be able to give us in this matter.

Sincerely yours,

Saul Kagan, Secretary

344255

626c
SEP 7 1954

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

September 3, 1954

Ga/tz.

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

Re: 34 Regensburger Strasse,
Berlin-Schoeneberg

Dear Mr. Kagan:

We are referring to our correspondence of October 13/19, 1953.

We did not answer your letter of October 19, 1953, so far, because we hoped to get through without your further assistance. Unfortunately, this could not be realized. Therefore, we are giving you the particulars desired as follows:

Mrs. Rosa Lewy née Freund (now Mrs. Rose Lenart) sold the property by contract dated December 6, 1935 to Mrs. Marie Goerz née von Schulz-Hausmann, Miss Anna Elisabeth Goerz and Miss Dorothea Goerz for RM 126.000.--, of which RM 47.000.-- had to be paid in cash, whereas the rest was covered by mortgages. The Einheitswert at that date was RM 95.300.--.

According to the evaluation of our expert, the property was worth RM 196.000.-- in 1935 and is worth DM 159.000.-- now.

The first statement supposed to have been written on June 6, 1950, is worded as follows:

"Ich erkläre hiermit ausdrücklich, dass ich bezüglich des Grundstückes Berlin-Schoeneberg, Regensburger Strasse 34, keinerlei Rechte auf Rückerstattung gegenüber den seinerzeitigen Erwerbern, Frau Marie Goerz und Mit-eigentümer, geltend mache. Diese Erklärung ist ausdrücklicher Verzicht nach Art. 10, 3 Berliner RBAO."

- 2 -

We then asked the attorney of the restitutors to submit an affidavit sworn by Mrs. Lenart and stating that the statement of June 6, 1950, was in fact written and sent off on that date. Thereupon, we were furnished with an affidavit dated November 5, 1952 which reads as follows:

"Ich bestaetige hierdurch, dass ich das Grundstueck Berlin-Schoeneberg, Regensburger Str. 34, seinerzeit unabhaengig von der damaligen Herrschaft des Nationalsozialismus verkauft habe. Ich habe im August 1935 laut Original des Angebots der Firma und ihrer damaligen Aufstellung der Maklerfirma Henning, von Harlessem & Co., Berlin, den Auftrag zum Verkauf des Grundstueckes gegeben.

Bei der Durchfuehrung des Verkaufs sind die Verhandlungen seitens der Kaeufer, Frau Marie Goertz und Tochter und ihrem Bevollmaechtigten, Herrn Erich Richter, in anstaendigster Weise gefuehrt worden. Der geforderte Kaufpreis wurde ohne Schwierigkeiten von den Kaeufern bewilligt und zu meiner Verfuegung ausgezahlt.

Gelegentlich meiner ein Jahr nach dem Verkauf des Grundstueckes erfolgten Auswanderung haben mir im uebrigen die Kaeufer nach besten Kraefte jede Unterstuetzung zuteil werden lassen.

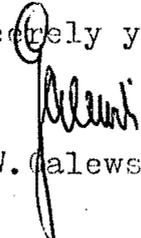
Aus den vorstehenden Gruenden habe ich einen Rueckerstattungsanspruch, den ich nicht fuer gegeben halte, nicht angemeldet."

Characteristically, the sworn affidavit does not mention the statement of June 6, 1950. That is why we distrust the whole matter.

Thanking you in anticipation for your assistance,

we remain,

Sincerely yours,


W. Galewski

344257

part. hand - Lenart

October 19, 1953

Dr. W. Galewski
Jewish Restitution Successor Organization
Fontanestr. 16
Berlin-Dahlem, Germany

Re: 34 Regensburger St., Berlin-Schoenberg

Dear Dr. Galewski:

This will reply to your letter of October 13, concerning the whereabouts of Mrs. Rose Lenart. We have determined that a person by that name resides at 1418 N. Mansfield in Hollywood. The problem now, however, is to decide upon the best approach to her. I would be interested to know whether the statement, which is dated June 6, 1950, was witnessed by anyone and if yes, I would be grateful for the name of the witness. On the basis of the facts that are contained in your letter it would appear strange that after allegedly signing a waiver on June 6, 1950, she then proceeded in November, 1952, to swear out an affidavit to the same effect. I would be grateful if you could send me a brief report concerning the restitution case including the name of the restitutor, date of the transaction, value involved, etc. As soon as I have the information from you I will try to locate a trustworthy lawyer in Los Angeles, of which Hollywood is a part, and ask him to interview Mrs. Lenart. I frankly wish that Mrs. Lenart would not live 3000 miles from here so that we would not have to rely upon outsiders to interview her. On a previous occasion it was possible through a direct interview to obtain enough information to establish that a waiver was fraudulently backdated.

Sincerely yours,

Saul Kagan

SK:mc

344258

10/16

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN - DAHLEM
FONTANESTRASSE 16

TELEFON: 76 19 81

October 13, 1953

Ga/tz.

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

Dear Mr. Kagan:

Re: 34 Regensburger St., Berlin-Schoeneberg

We have before us a sworn affidavit containing a waiver, ^{and} dated Los Angeles, November 5, 1952, and signed by Mrs. Rose Lenart, whose name formerly was Lewy.

We also have a statement signed by Mrs. Rose Lenart-Lewy and alleged to have been made on June 6, 1950, to the effect that no restitution claims would be filed for the above-mentioned property.

For Berlin, the time limit for waivers was June 30, 1950. We doubt that the statement purposed to have been signed on June 6, 1950, was in fact signed on that date and arrived in Berlin on/before June 30, 1950.

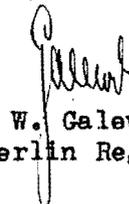
Unfortunately the address of Mrs. Lenart-Lewy is given on neither of these documents. The first one is dated Hollywood.

We should like to find out whether Mrs. Lenart has actually signed the first statement on/about June 6, 1950, and should be grateful for any information you could gather on that subject.

Thanking you in anticipation,

we remain,

faithfully yours,

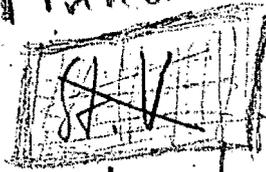


W. Galewski
JRSO Berlin Regional Office

344259

Dr. Heinz Pinner

590 South



San Vicente

Blvd.

Los Angeles, 48, Calif.

Mrs. Rose Lenart
1418 N. Mansfield
Hollywood, California

Telephone: HOLlywood 9-5662

UNITED RESTITUTION OFFICE

BERLIN-WILMERSDORF • HELMSTEDTERSTRASSE 5 • TEL. 87 34 65

TELEGRAMMADRESSE: UROCLAIMS BERLIN

Bei Rückantwort bitte angeben:

Dr. Max Levy

BERLIN, June 27, 1952.
B/L

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

Dr. Max Levy

Dear Mr. Kagan,

After having received your letter of June 23, 1952, I contacted the advocate Dr. Nelson, and we explored all possibilities to assist Dr. Levy and to get an advance from the defendant. I am sorry to say that the defendant refused and it seems impossible to come to an agreement with him.

Being personally acquainted with Dr. Levy, I regret very much, that I can't see my way to help him at the moment.

With best regards.

Yours faithfully,

[Signature]

(Dr. O. Blumenthal)

P.S.: Would you be so kind as to deliver the letter enclosed to Mr. Max Levy, whose address in US is unknown to me.

1 enclosure.

↓
Mr. Levy left N.Y. before.
84

344262

UNITED RESTITUTION OFFICE

BERLIN-WILMERSDORF • HELMSTEDTERSTRASSE 5 • TEL. 87 34 55

TELEGRAMMADRESSE: UROCLAIMS BERLIN

Bei Rückantwort bitte angeben:

BERLIN, 27.6.52.

B/L

Herrn
Dr. Max Levy,

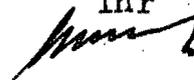
Sehr geehrter Herr Dr. Levy,

Ich habe in Ihrer Sache mehrfach Verbindung mit dem die Sache bearbeitenden Rechtsanwalt Dr. Nelson aufgenommen. Leider versteift sich der Widerstand des Gegners mehr und mehr. Er weigert sich, alle erforderlichen Auskünfte zu geben und den Handelsregister-Auszug vorzulegen. Wir haben alle diese Arbeit selbst übernehmen müssen. Es sind inzwischen eine Reihe von wichtigen Feststellungen von uns getroffen worden. Wir versuchen nun, noch eine Auskunft über den Vermögensstatus der Gegenseite einzuziehen und werden die Kosten hierfür vorlegen. Leider ist es aber nicht möglich, mit der Gegenseite zu einem Vergleich zu kommen. So dass wir die Sache gerichtlich austragen müssen. Die Gegenseite lehnt aus diesem Grunde auch die Zahlung jeglichen Vorschussbetrages ab. Unserem Büro stehen ^{keine} ~~keine~~ Sperrkonten zu diesem Zweck keine Fonds zur Verfügung der Berliner Zentralbank.

Wir hätten Ihnen sehr gern in der Sache geholfen, wie Sie mir glauben dürfen, sehen aber leider keine Möglichkeit. Ich hoffe, dass Ihre Reise erfolgreich und interessant war und bedaure es sehr, Ihnen einen so negativen Bescheid geben zu müssen und Sie hier nicht begrüßen zu können.

Mit bester Empfehlung

Ihr



(Dr. O. Blumenthal)

344263

Max Levy

June 23, 1952

Dr. O. Blumenthal
United Restitution Office
Helmstedterstr. 5
Berlin-Wilmersdorf, Germany

Dear Dr. Blumenthal:

Dr. Max Levy from the Technion in Haifa spoke to me today concerning his restitution claim in Berlin. It involves an interest in a publishing house Franken und Lang, which was taken over from Dr. Levy's parents by a Fraeulein Stumpe. Dr. Levy is returning to Israel and is very anxious to do something about his case in Berlin. He expects to have about three to four days in Europe on his way from the U.S. to Israel. Apparently he has no funds whatsoever, and his immediate problem, as I understand it, is to see whether some sort of an advance could be obtained to cover his IM expenses in Germany. I am not familiar with the case and with any other restitution claims which Dr. Levy may have to pass judgment on it. I am confident, however, that you will explore all possibilities to assist Dr. Levy in this matter.

With best regards.

Sincerely yours,

Saul Kagan

SK:AUN

344264

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
SAMMEL-NR. 76 19 81

SM
K. Gumpert

JUL 1 1953

June 17, 1953
HT/rm

Mr. Saul Kagan
c/o Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, N.Y.

Dear Mr. Kagan

RE: Property Berlin-Schoeneberg, Lutherstr. 28
Sternheim, Liebermann ./ . Jancke and Linde
A.Z.: III/L 48

Dear Mr. Kagan,

In reply to your letter of June 5th, 1953, we would advise you that Dr. Goldsmith and Dr. Gumpert discussed in our office Dr. Levin's case thoroughly. Dr. Goldsmith visited Berlin only for some hours yesterday and returned to Bad Nauheim. He will report to Dr. Levin and will give us the information which we requested.

Sincerely yours,

H. Tuch

H. TUCH
JRSO Berlin Regional Office

*Perls, Ind -
S. Lewin*

June 5th, 1953

Dr. George Weis - JRSO Berlin

Dear Dr. Weis:

You will recall our previous correspondence concerning the case of interest to Dr. Isaac Lewin.

Dr. Solomon Goldsmith, who is also a member of the Board of Directors of the JRSO, and who represents Dr. Lewin in New York and who has written the memorandum concerning the case which I handed over to you in Bonn on April 11th, will be arriving in Berlin around June 21st. Dr. Goldsmith has your name and the address and telephone number of the office. As you know, the JRSO has also an interest in this case, and it would appear to me to be most opportune to use the occasion of Dr. Goldsmith's presence in Berlin to meet with him and Dr. Gumpert, who is the German lawyer in the case, in order to discuss all aspects of the problem and to arrive at a joint decision about future action.

I would appreciate it if you could assist Dr. Goldsmith during his stay in Berlin in whatever way possible.

Sincerely yours,

Saul Kagan

SK:AUN

344266

Per. Ind -
Levin

March 16, 1953

Dr. I. Levin
258 Riverside Drive
New York City

Dear Dr. Levin:

Attached is a very detailed report concerning the status of the Restitution Claim for the properties Berlin, Motzstrasse 34 and Lutherstrasse 28.

I am sure that you will find this report very valuable and informative.

I presume that you will make arrangements to furnish our office with whatever information is available to you concerning the questions raised on page 5 of the letter.

In connection with the difficulties of obtaining a proper debt certificate in Batavia for Mr. Levie Sternheim, it occurred to me that you may want to request the assistance of the U.S. Embassy in Indonesia. After all this is a matter of concern to an American citizen, and they may be successful in making arrangements for the issuance of a certificate by an Indonesian Court.

I shall ofcourse be pleased to clarify whatever questions you may have arising from the attached report.

Sincerely yours,

Saul Kagan

1 Encl.

SK:ar

344267

636c

Sh

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

Handwritten notes:
Mr. Kagan
JRSO
17
1/16/53

MAR 16 1953

12th March, 1953.

Mr. Saul Kagan,
JRSO, New York.

JRSO Hq. letter 1655.
7030.

Handwritten signature:
Benjamin B. Ferencz

Dear Saul,

I am attaching herewith a copy of a complete report in connection with the Berlin claim in which Dr. Lewin was interested. I am sure that this will answer any questions which Dr. Lewin might have.

Cordially yours,

Handwritten signature:
BBF
BENJAMIN B. FERENCZ

BBF.le

Encl.

10/2/53
BoE
(Lewin)
tem
Lieberman

February 3, 1953

JRSO letter #1208

Mr. Benjamin B. Ferencz
JRSO - Nuernberg

Dear Ben:

The attached letters from Dr. Lewin are self-explanatory. He is apparently desperate about the lack of cooperation from Dr. Gumpert and he is asking that we help him in getting Dr. Gumpert to react. I gather from this letter that we have also an interest in the settlement of this case.

I would be grateful if you would request our Berlin office to look into this case and send me a few lines.

Sincerely yours,

Saul Kagan

SK:ab
enc.

344269

MENT 2-3543

ב"ה

הסתדרות העולמית, אגודת ישראל

Agudas Israel World Organization

THE UNION OF UNIVERSALLY ORGANIZED ORTHODOX JEWRY
(WORLD-AGUDAH OF ORTHODOX JEWS, INC.)

2521 BROADWAY
NEW YORK 25, N. Y.

January 31, 1953

OFFICE OF THE CHAIRMAN
OF THE
WORLD EXECUTIVE, AMERICAN SECTION

FEB 2 1953

Mr. S. Kagan,
Jewish Restitution Successor Organization,
270 Madison Avenue,
New York, N.Y.

Dear Mr. Kagan:

Enclosed please find the questionnaire you have sent to the members of the Executive Committee. I signed it and marked that I agree to Mr. Ferencz's proposal.

At this opportunity I would like to ask you a favor.

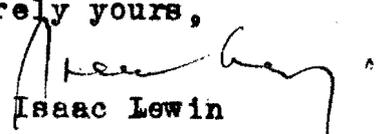
As you know, my wife is represented in Berlin in her restitution claim by Dr. Hans Gumpert, Mommsenstrasse 56 (Berlin-Charlottenburg). However, Dr. Gumpert unfortunately is not doing anything. He does not even answer the letters which our lawyer here, Dr. Goldsmith writes him. Dr. Goldsmith has worked out (in German) a document which Dr. Gumpert was supposed to copy and submit to the Court. Apparently this was also neglected by him. A few weeks ago Dr. Goldsmith has written to him that if he is so overburdened with other work he should notify him and he will have to find another lawyer in Berlin. This letter remained also without an answer.

I would therefore appreciate very much if you would kindly write to Berlin and ask to draw the attention of Dr. Gumpert that this situation cannot continue. Either he will take the matter seriously or resign from the case. At this opportunity I would be very grateful if your lawyer could look into the matter (the documents are available to every lawyer in the Court) and tell us whether there are any prospects to win the case.

I have also the address of another lawyer in Berlin, Mr. Jacob Gross, Mehringdamm 66, Berlin SW 61, whom we consider for the event that Dr. Gumpert might withdraw. I would appreciate very much if you could ask kindly for an information as to his reliability.

Thanking you very much for your kindness, I am,

Sincerely yours,


Dr. Isaac Lewin

344270

DR. ISAAC LEWIN
258 RIVERSIDE DRIVE
NEW YORK 25, N. Y.

January 31st, 1953

Mr. S. Kagan,
J.R.S.O.
270 Madison Avenue,
New York, N.Y.

FEB 2 1953

Dear Mr. Kagan:

Pursuant to my letter from the office I would like to add the following facts concerning the Berlin matter:

The property is located at Berlin, Motzstrasse 34 and Lutherstrasse 28.

Dr. Tuch wrote to Mr. Ferencz on November 30, 1951, that JRSO has registered a claim with the other 50% of the property which belonged to Lemel Lieberman (a cousin of my late mother-in-law). He was supposed, according to this letter, to cooperate with Dr. Gumpert in pursuing the matter, since the interest of JRSO is involved.

A solution for our problem would possibly be if Dr. Tuch would take energetically the whole matter in his hands.

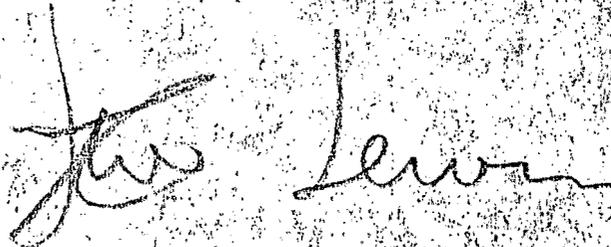
I would anyhow very much appreciate his opinion on the case as well as his strong intervention with Dr. Gumpert. I would be also grateful for his reaction as to possibilities of settlement with the present owner.

Thanking you for your cooperation, I am, with kind regards,

Sincerely yours,

Leahberg

344271



January 10th, 1952

Dr. Hans Tuch, JRSO Berlin

Re: Dr. Isaac LEWIN, 258 Riverside Drive, New York 25, N. Y.
Property Motestr. 34 / Lutherstr. 28, Berlin-Schoeneberg

Dear Dr. Tuch:

I refer to your letter of November 30th to Mr. Ference, on the above subject. Dr. Lewin is following your advice and abstaining from employing an additional lawyer. He has tried, however, to communicate with Dr. Gumpert without any response. Even a cable was left unanswered. Dr. Lewin would appreciate very much if you could continue to keep in touch with Dr. Gumpert. It may also be appropriate to point out to Dr. Gumpert that a client, even of a busy lawyer, is entitled to know what is happening to his case. I would appreciate a few lines from you concerning this matter.

Sincerely yours,

Saul Kagan

SK:AUN

cc. Dr. Lewin

January 2, 1952
File 7010

Mr. Saul Kagan - JRSO NY

Dear Saul:

JRSO Hq. Letter #1228
Property Metzst. 34/Lutherstr. 28 Berlin-
Schoeneberg

Referring to your letter #843 I am enclosing two copies of the letter to Dr. Lewin to which was attached copy of Dr. Tuch's letter to us.

We understand that because of the foggy weather there may have been some delay in airmail deliveries. This will probably account for Mr. Lewin's failure to receive Ben's letter of December 5.

Cordially yours,

SYLVIA BASKIN

Enclos

SB/Lk

344273

C o p y

December 5, 1951
File 7010

Dr. Isaac Lewin
258 Riverside Drive
New York 25, N.Y.

Dear Dr. Lewin:

RE: Property Motzstr. 34/Lutherstr. 28 Berlin-
Schoeneberg

I have just received the attached letter from the head of our regional office in Berlin and I am hastening to send it on to you.

I hope that the information in the letter will be of some value to you and you may rely absolutely upon Dr. Tuch's integrity. As soon as we have any additional information about the progress of the case, we will be pleased to pass it on to you.

With all best wishes,

Cordially yours,

BENJAMIN B. FERENCZ
Director General

BBF/b
cc: Dr. Tuch

enc.

344274

C o p y

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
BERLIN REGIONAL OFFICE

30 November 1951
HT/cz

TO : Mr. Benjamin B. Ferencz
Director General, Hq., JRSO

FROM: Dr. H. Tuch
JRSO Berlin Regional Office

SUBJECT: Dr. Isaac LEWIN, 258 Riverside Drive, New York 25, N.Y.,
Property Motzstr. 34 / Lutherstr. 28, Berlin-Schoenberg

Dear Mr. Ferencz,

According to the information I got from Mr. Walter Hein, Dr. Lewin's representative, he has now settled the difficulties caused by the change of lawyers. Dr. Gumpert, Dr. Lewin's second lawyer, has not yet demanded the files from Dr. Heine-
mann, because he is overburdened.

Nevertheless I would strongly advise against engaging a third lawyer. Dr. Gumpert is one of the most efficient Jewish lawyers in Berlin and particularly experienced in restitution cases. For this reason he is overburdened, but he is known as a hard worker. By changing again Dr. Lewin would delay the case once more and as he wants to get the services of an experienced lawyer he would have to choose another one who has got a big practice.

We are investigating the property as we have registered a claim with regard to Mr. Lemel Liebermann's 50% interest in the property which has not been claimed for restitution. When we shall have finished our evaluation we will contact Dr. Gumpert in order to cooperate with him in pursuing the matter.

Sincerely yours,

H. TUCH
JRSO Berlin Regional Office

344275

C o p y

December 5, 1951
File 7010

Dr. Isaac Lewin
258 Riverside Drive
New York 25, N.Y.

Dear Dr. Lewin:

RE: Property Motzstr. 34/Lutherstr. 28 Berlin-
Schoeneberg

I have just received the attached letter from the head of our regional office in Berlin and I am hastening to send it on to you.

I hope that the information in the letter will be of some value to you and you may rely absolutely upon Dr. Tuch's integrity. As soon as we have any additional information about the progress of the case, we will be pleased to pass it on to you.

With all best wishes,

Cordially yours,

BENJAMIN B. FERENCZ
Director General

BBF/b
cc: Dr. Tuch

enc.

344276

C o p y

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
BERLIN REGIONAL OFFICE

30 November 1951
HT/cz

TO : Mr. Benjamin B. Ferencz
Director General, Hq., JRSO

FROM: Dr. H. Tuch
JRSO Berlin Regional Office

SUBJECT: Dr. Isaac LEWIN, 258 Riverside Drive, New York 25, N.Y.,
Property Motzstr. 34 / Lutherstr. 28, Berlin-Schoeneberg

Dear Mr. Ferencz,

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mann, because he is overburdened.

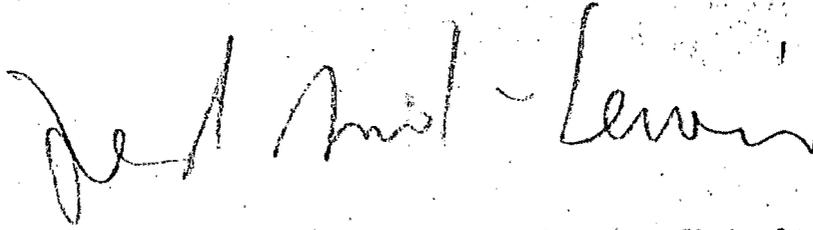
Nevertheless I would strongly advise against engaging a third lawyer. Dr. Gumpert is one of the most efficient Jewish lawyers in Berlin and particularly experienced in restitution cases. For this reason he is overburdened, but he is known as a hard worker. By changing again Dr. Lewin would delay the case once more and as he wants to get the services of an experienced lawyer he would have to choose another one who has got a big practice.

We are investigating the property as we have registered a claim with regard to Mr. Lemel Liebermann's 50% interest in the property which has not been claimed for restitution. When we shall have finished our evaluation we will contact Dr. Gumpert in order to cooperate with him in pursuing the matter.

Sincerely yours,

H. TUCH
JRSO Berlin Regional Office

344277



December 21st, 1951

Dr. Isaac Lewin
258 Riverside Drive
New York, New York

Dear Dr. Lewin:

I understand from Mrs. Lewin that you have not received as yet the original of the letter which Mr. Ferencs sent to you on December 5th. I am attaching the copy which came in yesterday's mail. I would appreciate its return whenever it served your purposes. Should there be anything else that I can do to assist you in the matter, please feel free to call.

Sincerely yours,

Saul Kagan

SK:AMH
Enc.

344278

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

12/20

Jaw

December 17, 1951
File 7010

Mr. Saul Kagan - JRSO NY

Dear Saul:

JRSO Hq. Letter #1202
Re: Dr. Lewin - BOE

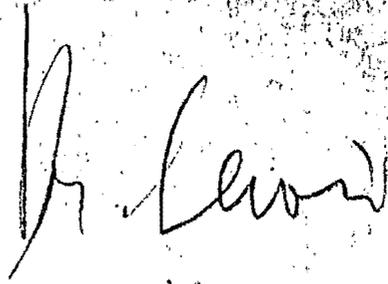
I have your letter #819 of December 5 and the information requested was sent to you earlier.

Cordially yours,

Ben
BENJAMIN B. FERENCZ

BBF (b)
cc: JJJ

344279



December 5th, 1951

JRSO Letter No. 819

Mr. Benjamin B. Ferencs, JRSO Nuernberg

Dear Beni:

Dr. Lewin has called again about his Berlin mother-in-law. I was getting ready to say that I sympathize with him, on the assumption that his mother-in-law is at least as persistent as he can be at times. Toni just mentioned that his mother-in-law passed away so that the persistence must be fully ascribed to Lewin. I know that you have written to Tuch from New York. Could you please remind him?

Cordially yours,

Saul Kagan

SK:AUN

344280

Levin

December 21st, 1951

JRSO Letter No. 843

Mr. Benjamin B. Ferencz, JRSO Nuernberg

Re: Dr. Lewin

Dear Ben:

With reference to your letter No. 1202 of December 17, 1951 in connection with the above matter, I have not received a copy of your letter of December 5th to Dr. Lewin, nor did Lewin receive the original.

Sincerely yours,

Saul Kagan

SK:AUN

344281

Lewin

November 2nd, 1951

To: Dr. Tuch, JRSO Muernberg

Dear Dr. Tuch:

I have received the attached letter from Dr. Isaac Lewin, who is a prominent member of our Board of Directors. I would appreciate it if you would look into the matter and try to find out the answers to Dr. Lewin's questions. Please send me a report back to Muernberg on it and I will then refer it back here to New York.

With best personal regards to you and Mrs. Tuch,

Sincerely yours,

Benjamin B. Ferencz

BBF:AUN
Enc.

344287

DR. ISAAC LEWIN
258 Riverside Drive
New York 25, N. Y.

October 30, 1951

Mr. B. Ferencz
JRSO c/o JDC
270 Madison Avenue
New York, N. Y.

Dear Mr. Ferencz:

In accordance with our talk, I am sending you herewith the letter from our lawyer describing the trouble with the claim my wife has to a house in Berlin.

I would highly appreciate if your representative in Berlin would look into the case and get in touch with the lawyers in Berlin in order to bring about the restitution of the house.

I understand that the JRSO is also interested in the case since the house belonged in half to my mother-in-law and in half to a cousin on whose behalf the JRSO made the claim.

I would be also interested in a possible agreement with the present owner. The case itself, as we were told, is fully justified but since it takes so much time to get back the title I would be glad to have the advice of your representative whether a settlement with the present owner would not be preferable.

The main thing, of course, is to clear the matter with the two lawyers in Berlin and to push the matter. As the matter stands now, very little, if anything, is being done by them.

Thanking you very much for your help, I am, with kind regards,

Sincerely yours,

Dr. Isaac Lewin

344283

Salomon Goldsmith
Counselor-at-Law
39 Broadway
New York 6, N.Y.

October 29, 1951

Dr. Isaac Lewin
258 Riverside Drive
New York, N. Y.

Dear Dr. Lewin,

In accordance with your request I am giving you a short statement about the restitution claims of Mrs. Lewin, at present pending before the restitution authorities of West Berlin. Mrs. Lewin is the sole heir of her mother, Mrs. Rahel Sternheim, who was the owner of one half of the properties located at Motzstrasse 34 and Lutherstrasse 28, Berlin-Charlottenburg (File Numbers 1 WGA 562 and 563 respectively). You are represented by Walter Hein, an accountant and tax consultant at Bayernallee 37, Berlin-Charlottenburg 9. He found it advisable to secure the services of a lawyer, Dr. Hans Heinemann, Sybelstr. 69, Bln-Charl., who filed a brief and asked you for a power of attorney. You decided against giving him the power, giving preference to a Charlottenburg lawyer, Dr. Hans Gumpert, Mommsenstrasse 56, Bln-Charl. whom you had consulted back in 1946 on the occasion of a trip to Berlin. Gumpert writes that he has difficulties to get the files of your case from Dr. Heinemann, who feels entitled to a fee for his services. Dr. Gumpert is slow in answering letters. Mr. Hein whom you wish to stay in the case is willing to cooperate with either Dr. Heinemann or Dr. Gumpert and wrote me that a letter of Dr. Heinemann is on its way to me, dated October 5th, 1951, which however has not arrived yet.

Our idea would be to engage a third lawyer, but we don't wish to be confronted with an array of lawyers, each representing his claim for fees, in particular as Mr. Hein took over the case, as he writes on the basis of a 3% contingent fee, if the case is settled by compromise, or 2% if the property is restituted in natura, and in the latter case the obligation to leave him the administration of the properties for a term of five years. From that we take that he would take care of the compensation of any lawyers he finds necessary to employ.

I don't know anything either about the qualifications of Dr. Heinemann or Dr. Gumpert. I suppose that your friends in the JRSO have the opportunity to obtain an information in that respect and, if necessary, to recommend to you a capable and reliable lawyer, if the case could not be continued by the lawyer at present in charge.

Any additional information you wish to submit to your friends will be gladly furnished to you.

With my best regards to you and your family, I am

Yours

344284

February 17, 1955

Dr. George Weis
JRSO Berlin

Re: Berlin NW 40, Spenerstr. 34
Lewin vs. Sauer - VIII / L 973

Dear Dr. Weis:

Handwritten signature

Upon my return from Europe this week I found your letter of January 24th in this matter. In the meantime I had requested Dr. Alexander of the URO New York office, who was visiting the corresponding agency of URO in Chicago, to look into this matter during his stay there.

Dr. Alexander states that he discussed this matter with the agency in Chicago. While Mrs. Lewin had registered with that agency upon her arrival in Chicago in 1941, she had not been in any contact with them since, and the agency did not feel it advisable to contact her at this time, without previous introduction or preliminaries, particularly in view of her very advanced age.

Dr. Alexander further states that he was able to learn from the agency in Chicago that Dr. Max Heyn is an accountant and adviser in tax matters. The URO Berlin Department knows him from one or two cases. They consider him as not very cooperative, but there are no specific objections against him.

I sincerely regret that we could not have been more helpful to you in this matter. I would suggest that you use your own discretion in whether or not to allow Mrs. Lewin to reassign the claim to the JRSO.

Cordially yours,

Saul Kagan

SK:AIIN

344285

United Restitution Organization (URO)

NEW YORK OFFICE

7-7500
O WEST 77th STREET • NEW YORK 24, N. Y. • Phone SUsquehanna 7-7500 • Cable Address: Amfedera, New York

IAN 27 1955
January 26, 1955.
(dict. Jan. 21)

Mr. Saul Kagan
c/o JRSO
270 Madison Ave. - Suite 800
New York 16, N.Y.

Our Ref.: D-KA/ea To be quoted in your reply. (Angabe dieses Aktenzeichens dringend erbeten.)

Re: JRSO, Berlin NW.40, Spenerstr.34
Lewin ./ Sauer - VIII/L 973.

Dear Mr. Kagan:

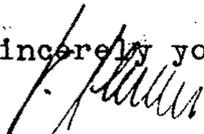
Before I left for Chicago your secretary gave me the letter you received from Dr. G. Weis on the above case.

I tried to get some information during my stay in Chicago, but, unfortunately, nobody could help me in contacting Mrs. Lewin. Mrs. S.B.Schaar, Administrator of the Jewish Family and Community Service made a search in her records to find out, whether any connection could be established. She found a record, but it proved only that in 1941 upon her arrival in this country Mrs. L. registered with the agency. I refrained from calling Mrs. Lewin without proper introduction and the ladies of the agency also advised me against doing so. I was afraid to get the old lady excited, especially since we know nothing about her state of health.

To my regret I have to return the correspondence without having been able to comply with Dr. Weis' request.

I found out here in our office that Dr. Max Heyn is an accountant (C.P.A.) and adviser in tax matters. Our Berlin Department knows him from one or two cases. They consider him as not very cooperative, but there are no specific objections against him.

Sincerely yours,


K. Alexander
Administrator

encl.

344286

DEC 6 1954

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 76 19 81

1 December 1954
Dr. W/cz

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

SUBJECT: Berlin NW 40, Spenerstrasse 34
Lewin ./ Sauer - VIII / L 973

Dear Mr. Kagan,

I should be much obliged if you could help us in the following matter:

Mrs. Johanna LEWIN of Chicago 44, Ill., 46 N Central Ave., petitioned us for equity through Mr. Max Heyn, who is a "Rechtsbeistand fuer Rueckerstattungs- und Entschaedigungssachen".

The property in question has an Einheitswert of 36.500 DM. It was confiscated in 1940. Legally the case is, therefore, quite sound.

We complied with the petition and assigned our claim to Mrs. Lewin. We now received a letter from Dr. Heyn, copy of which we inclose.

As Mrs. Lewin was already 78 or 79 when she petitioned in equity her age is not a really sufficient explanation for her behaviour. To prosecute a claim based on a confiscation in 1940 cannot be a real burden for the old lady. Nobody will need any information from her anyway. The only explanation is that the old lady never really was interested in the claim but only Dr. Heyn or some legal adviser in the States, that either of the gentlemen have now found out that they cannot hope for quick payment of their fees and that they were, therefore rather inclined to withdraw the claim than to prosecute it.

344287

We can, of course, have the claim reassigned to us but that would cost us probably some couple of hundred Marks for Gebuehren.

As I should like to know whether my suspicion is correct that Mr. Heym is soliciting Board of Equity claims I should be much obliged if you could find a way to contact Mrs. Lewin and to find out how the whole Equity case started and what she knows of further developments and Mr. Heyn's offer in his letter of November 26th. We have in our files a power of attorney for Mr. Heyn signed by Mr. Lewin.

Yours sincerely,

DR. G. WEIS

Incl: a/s

Abschrift

DEC 6 1954

DR. MAX HEYN
Rechtsbeistand fuer Rueck-
erstattungs- und Entschae-
digungssachen

Berlin-Wilmersdorf, 26. November 1954

An die
J R S O
Berlin-Dahlem
Fontanestr. 16

Betrifft: BoE-Antrag wegen des Grundstuecks Berlin NW 40,
Spenerstr. 34, fuer Frau Johanna L E W I N, Chicago

In vorbezeichneter Angelegenheit bitte ich um Ihre grundsatzliche
Stellungnahme, Frau Johanna L e w i n, an die Sie die Rueckerstattungs-
antraege abgetreten haben, steht im 80. Lebensjahr und ist daher
uninteressiert an einem Grundstueck, dessen Realisierung sich noch
viele Jahre hinziehen kann. Waeren Sie bereit, ohne dass Frau Lewin
neue Kosten entstehen, die Rueckabtretung des Rueckerstattungsanspruchs
entgegenzunehmen.

Falls Sie sich hierzu nicht entschliessen koennen, bitte ich weiter-
hin zu klaeren, ob und welche Gebuehren entstehen koennten, wenn
Frau Lewin sich entschliesst, den Rueckerstattungsantrag zurueck-
zuziehen.

Fuer recht baldige Antwort waere ich verbunden.

Hochachtungsvoll

gez. Unterschrift

344289

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

FURTHER STRASSE 112 · NORNBERG (2)
SCHLISSFACH 510

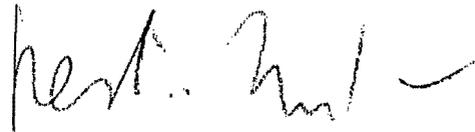
DEC 2 1954

PHONE: 61041
CABLE: RESTITUTION
APO 245, U. S. ARMY

DEC 3 1954

30 November 1954
Dr. K/f

JRSO New York
Attn.: Mr. S. Kagan



Re: Property Heidelberg, Unterestr. 18

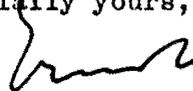


Dear Saul,

With reference to your letter of 26 November 1954 (# 1806) : If we are going to relieve Mrs. Liebmann of the encumbrances, a step which you recommend in your letter of 26 November 1954, the proper thing for us to do is, to waive our claim vis-à-vis her. We cannot very well assign our claim to her because she is not successor in title to the Bund der Israelitischen Wohlfahrtsvereinigung in Baden e.V.. In so far it was not quite proper what I said in the pen-ultimate paragraph of my letter to you of 15 November 1954.

I have, accordingly, instructed our Mannheim Regional Office to waive our restitution claims concerning the two land charges (Grundsschulden) in the amounts of RM 2 000 and RM 1 000, respectively, which were originally registered in favor of the Bund der Israelitischen Wohlfahrtsvereinigung in Baden e.V. I enclose copy of my letter of even date to our Mannheim Office.

Cordially yours,



E. Katzenstein

344290

30. November 1954
Dr. K/f

JRSO Mannheim
Attn.: Dr. Loebenstein

Betr.: Heidelberg, Unterestr. 18
2 Grundschulden ueber RM 2 000 und RM 1 000 zugunsten des Bundes
der Israelitischen Wohlfahrtsvereinigun~~g~~in Baden e.V. in Karls-
ruhe, eingetragen auf dem vorgenannten Grundstueck der Frau
Caecilie Liebmann.

Ich bitte Sie, die Ansprueche bezueglich der oben genannten beiden
Grundschulden nicht weiter zu verfolgen, sondern darauf zugunsten der
Frau Caecilie Liebmann zu verzichten.

E. Katzenstein

cc: SK

344291

November 26, 1954

JRSO LETTER NO. 1806

Dr. Ernst Katzenstein
JRSO Nuernberg

Re: Property Heidelberg, Unterestr. 18

Dear Ernst:

I have your letter of November 15 concerning the above matter. I personally believe that in this case we should assign our claim for the mortgages to Mrs. Liebmann. From our interview here with Mrs. Liebmann we have the impression that she is indeed an elderly woman in difficult financial circumstances and while I am afraid she will be no richer by our assignment I believe we should do it in this case.

It is not as odd as it seems that Mrs. Liebmann should have been paying the interest on the mortgages and yet be unwilling to redeem the latter. Mrs. Liebmann, I am afraid, has very little understanding of what is involved in the administration of property. And the interest charges were paid automatically by her representative in Germany.

Cordially yours,

Saul Kagan

SK:Nh

344292

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

FURTHER STRASSE 112 · NÜRNBERG (2)
SCHLISSFACH 510

NOV 18 1954

PHONE: 61041
CABLE: RESTITUTION
APO 245, U.S. ARMY

15 November 1954
Dr. K/f

JRSO New York
Attn.: Mr. S. Kagan

Re: Mr. Kagan - Liech

for

Re: Property Heidelberg, Unterestr. 18

Dear Saul,

This refers to your letter # 1786 of 29 October 1954 signed by Mrs. Neiger.

The facts are the following: Two land charges (Grundschulden) were registered in the amounts of RM 2 000 and RM 1 000, respectively, in favor of the Bund der Israelitischen Wohlfahrtsvereinigungen in Baden e.V. in Karlsruhe. The registrations ~~was~~ on 1 September 1938 and on 1 September 1928, respectively.

The present value of the two land charges combined is DM 192,81.

The owner of the property, Mrs. Caecilie Liebmann, has never come forward with a request to forgo our claim; on the contrary: 4% interest on the land charges have been paid to us by the legal representatives of the owner, Messrs. Spitz in Heidelberg, for the years 1948 until 1952 in a total amount of DM 44,36 (the land charges bear interest of 4% per annum).

I know nothing of the financial conditions of Mrs. Liebmann. If you feel that we should forgo our claim I think the proper method would be for her at once to file a BoE application for assignment of our claim to her as the conditions for such assignment may be existent in the light of the contents of your letter.

I would appreciate your early reply.

Sincerely yours,

E. Katzenstein
E. Katzenstein

cc: Mr. Grynblat

344293

per. hand
Celia Liebman (new file)
October 29, 1954

Letter No. 1786

Dr. Ernest Katzenstein
JRSO - Nuornberg

Re: Property Heidelberg
Unterestr. 18

Dear Mr. Katzenstein:

We have received in this office a visit from Mrs. Celia Liebman of 949 Faile Street, Bronx, N.Y. Mrs. Liebman was the owner of the above-mentioned property before the war and subsequently recovered the property under the Restitution Law. The JRSO entered this matter in connection with mortgages on the property which had been held by the Jewish community in consideration of some cash they had given to Mrs. Liebman to facilitate her emigration. Title to these mortgages passed subsequently through the Reichsvereinigung and then to the JRSO which had filed a claim for them.

The JRSO is now, of course, requesting Mrs. Liebman to pay off this obligation and this is the reason why she came to our office. Frankly, it was my impression that Mrs. Liebman simply feels that since we are a Jewish organization she should not have to pay this obligation and sees no reason for doing so. She feels that she is aged, in difficult financial circumstances, and receives very few proceeds from her house. She feels that the community, if it were still the mortgage holder, would not require her to repay and does not see why she should repay them to us.

The amount involved is a small one, although here also there seems to be some difference of views. We apparently filed claims for two mortgages in the amounts of 2,000 and 1,000 RM respectively. Mrs. Liebman insists that only an amount of 2,000 RM was involved. The DM equivalent in any case is not very significant, I am sure.

I endeavored to explain the situation to Mrs. Liebman and advised her that we were in no position to give our office in Germany any instructions in these matters but could only advise them of her visit and of her position.

Sincerely yours,

Antonie U. Neiger

AUN:bg

344294

Part. 1 -

September 17, 1953

Dr. S. Loebenstein
Jewish Restitution Successor Organization
Otto Beck Str. 47
Mannheim, Germany

Lindauer

Re: Anmeldung bezüglich der Fa. Gebr. Lindauer,
Bruchsal, Wuerttembergerstr. 18015 (Handels-
betrieb Rohtabakhandlung, Waren, Inventar,
Firmenwert).

Dear Dr. Loebenstein:

In reference to your letter of April 24, concerning the above matter, we would like to inform you that we have attempted on several occasions to get in touch with Mrs. Fanny Lindauer. There has been no response to our letters nor have we been able to reach Mrs. Lindauer by telephone. We regret that there seems to be nothing further we can do in the matter.

Sincerely yours,

SK:mc

Saul Kagan

344295

Post, Mrs
Lindauer

May 27, 1953

Mrs. Fanny Lindauer
c/o Theo Heymann
503 West 111 Street
New York 25, N.Y.

Dear Mrs. Lindauer:

I would like to refer to my letter of
May 1. I have not heard from you since and
would appreciate it if you would get in
touch with me.

Sincerely yours,

Saul Kagan
Secretary

SK:mc

344296

Rest. Inst.
Lindauer

May 1, 1953

Mrs. Fenny Lindauer
c/o Theo Heymann
503 West 111 Street
New York 25, N.Y.

Dear Mrs. Lindauer:

I would be very grateful if you could get in touch with me concerning a problem which is of concern to one of our offices in Germany. I would appreciate it if you could phone for an appointment at a time convenient for you.

Sincerely yours,

Saul Kagan
Executive Secretary

SK:mc

344297

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
Mannheim Regional Office
Otto Beck-Str. 47

To APR 27 1953

JRSO New York

270 Madison Avenue

New York 16, N.Y.
U.S.A.

Mannheim, den 24. April 1953
R1/Sche

Kartei-Nr. 4466

Betr.: RE-Anmeldung bezueglich der Fa. Gebr. Lindauer, Bruchsal,
Wuerttemberger Strasse 13-15 (Handelsbetrieb Rohtabak-
Handlung, Waren, Inventar, Firmenwert)..

Wegen des obengenannten Vermoegensobjektes haben wir eine Rueck-
erstattungsanmeldung vorliegen. Verkaeufferin der Fa. Gebr. Lindauer
war Frau Fanny Lindauer, c/o Theo Heymann, 503 West 111. Str.,
New York 25, N.Y.

Wir hatten uns mit Frau Fanny Lindauer in Verbindung gesetzt, die
uns aber nur kurz folgendes mitteilte:

" Die Firma Gebrueder Lindauer in Bruchsal ist niemals
mit der Firma Leopold Lindauer in einer geschaeft-
lichen Beziehung gestanden und hat auch keinerlei
Berechtigung evtl. Ansprueche an die Firma Gebrueder
Lindauer.

Zu jeder weiteren Information stets gerne bereit,
zeichne

hochachtungsvollst !
gez. Fanny Lindauer "

Darauf hatten wir an Frau Lindauer wie folgt geschrieben:

" Ihr Schreiben vom 1. Februar 1953 ist uns nicht ganz
verstaendlich. Es handelt sich doch darum, dass wir
einen Rueckerstattungsanspruch bezueglich der Firma
Lindauer, Wuerttemberger Strasse 13-15 angemeldet
haben. Es muesste also geklaert werden, ob diese
Firma verkauft wurde. An wen erfolgte der Verkauf ?

- 2 -

Wie hoch war der Kaufpreis ? Gelangte dieser zur freien Verfuegung ?
Alle diese Fragen waeren von grosser Bedeutung. Wir hatten uns bereits an die Wiedergutmachungsbehoerde gewandt und als Antragsgegner Heinrich Hillen, Hermann Hillen und Max Josef Herbstrieth benannt. Kommen diese als Erwerber der Firma Gebr. Lindauer in Frage ? Von den Antragsgegnern ist bereits behauptet worden, die Firma Gebr. Lindauer sei von ihrem damaligen Buchhalter liquidiert, d.h. also aufgelöst worden, da sie nicht mehr lebensfaehig gewesen waere. Ist dies richtig ? Fand also ein Verkauf nicht statt ?
Wir bitten um eingehende Information. "

Eine Antwort von Frau Fanny Lindauer ist trotz Erinnerung nicht eingegangen. Wir vermuten, dass Frau Fanny Lindauer auf Grund ihres Alters wohl nicht in der Lage ist, von sich aus ausreichende Auskunft zu geben.

Wir bitten Sie daher hoeflichst, zu versuchen, durch eine Besprechung mit Frau Fanny Lindauer die noetige Aufklaerung zu erreichen.

Was wir wissen muessen, ergibt sich aus dem oben wiedergegebenen, an Frau Fanny Lindauer gerichteten Schreiben. Es muesste also insbesondere geklaert werden, ob eine Liquidierung der Fa. Gebr. Lindauer erfolgte, d.h. also eine Aufloesung oder ein Verkauf des Geschaefts. Im ersteren Fall muessten wir unsere Anmeldung zuruecknehmen; im zweiten Fall koennte das Rueckerstattungsverfahren in Gang gebracht werden, wenn Frau Lindauer in der Lage waere, uns die Antragsgegner zu benennen und auch sonst Angaben ueber die Einzelheiten des Verkaufs zu machen.

Wir danken bestens fuer Ihre Bemuehungen und sehen Ihrer Stellungnahme entgegen.

1 Abschrift dieses Schreibens fuegen wir bei.

Hochachtungsvoll !

Dr. S. Loebenstein

Dr.S. Loebenstein

1 Anlage.

344299

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
Mannheim Regional Office
Otto Beck-Str. 47

To
JRSO New York
270 Madison Avenue
New York 16, N.Y.
U.S.A.

Mannheim, den 24. April 1953
R1/Sche

Kartei-Nr. 4466

Betr.: RE-Anmeldung bezueglich der Fa. Gebr. Lindauer, Bruchsal,
Wuerttemberger Strasse 13-15 (Handelsbetrieb Rohtabak-
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lichen Beziehung gestanden und hat auch keinerlei
Berechtigung evtl. Ansprueche an die Firma Gebrueder
Lindauer.

Zu jeder weiteren Information stets gerne bereit,
zeichne

hochachtungsvollst !
gez. Fanny Lindauer "

Darauf hatten wir an Frau Lindauer wie folgt geschrieben:

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verstaendlich. Es handelt sich doch darum, dass wir
einen Rueckerstattungsanspruch bezueglich der Firma
Lindauer, Wuerttemberger Strasse 13-15 angemeldet
haben. Es muesste also geklaert werden, ob diese
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- 2 -

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Alle diese Fragen waeren von grosser Bedeutung. Wir hatten uns bereits an die Wiedergutmachungsbehoerde gewandt und als Antragsgegner Heinrich Hillen, Hermann Hillen und Max Josef Herbstrieth benannt. Kommen diese als Erwerber der Firma Gebr. Lindauer in Frage ? Von den Antragsgegnern ist bereits behauptet worden, die Firma Gebr. Lindauer sei von ihrem damaligen Buchhalter liquidiert, d.h. also aufgeloeset worden, da sie nicht mehr lebensfaehig gewesen waere. Ist dies richtig ? Fand also ein Verkauf nicht statt ?
Wir bitten um eingehende Information. "

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Wir bitten Sie daher hoefflichst, zu versuchen, durch eine Besprechung mit Frau Fanny Lindauer die noetige Aufklaerung zu erreichen.

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Wir danken bestens fuer Ihre Bemuehungen und sehen Ihrer Stellungnahme entgegen.

1 Abschrift dieses Schreibens fuegen wir bei.

Hochachtungsvoll !

Dr. S. Loebenstein

Dr. S. Loebenstein

1 Anlage.

344301

Loewenfeld

June 17th, 1952

JRSO Letter No. 985

Dr. Ernst Katzenstein - JRSO Nuernberg

Re: Loewenfeld

Dear Ernst:

With reference to your report concerning the Loewenfeld case, you will be interested in the attached letter from Franz Schneller, the curator in absentia. I received it today from Dr. Loewenfeld. I spoke to Loewenfeld on the phone and informed him of the present status of the case and of the decision of the restitution chamber which shows that the estate of Sophie Loewenfeld is protected by virtue of Schneller's petition. I noticed that the decision of the chamber was issued in April 1952, which theoretically gives us until July in which to lodge an appeal. I explained to Dr. Loewenfeld that I don't think that it makes any sense for us to appeal, as we intend to make it possible for him to recover the property.

Best regards,

Sincerely yours,

Saul Kagan

SK:AUN
Enc.

344302

PHILIPP LOEWENFELD

6/18
FRENCH BLDG. AT 45TH STREET
MURRAY HILL 7-8220

84
551 FIFTH AVENUE
NEW YORK

June 17, 1952

Mr. Saul Kagan
Jewish Restitution Successor Organization
270 Madison Ave
New York

Dear Mr. Kagan:

Thank your for the forwarding of your headquarters report of June 13, 1952, concerning the real estate in Munich-Schwabing.

I have reluctantly to share the opinion of Dr. Katzenstein that under the circumstances the IRSO is hardly in the position to take any more steps in the matter. I would have, for the reasons mentioned in my letter of June 6, 1952, preferred to wind up the matter with IRSO on a fee basis satisfactory to IRSO. I have, however, to admit that this would only be possible if the order of the Munich Restitution Chamber of April 25, 1952, would be set aside and in view of the whole situation I understand completely that IRSO is not going to contest the decision.

On the other hand, you have learned in the meantime from the letter of Mr. Schmeller that his absentee curatorship was cancelled by the Vormundschaftsgericht Muenchen, due to the fact that Heinrich Marx had died already when he filed a restitution claim.

In view of the foregoing I will ask my co-executor of the estate of Heinrich Marx and my co-heirs of the estate of Sophie Loewenfeld, to appoint an attorney in order to wind up this case.

In view of the last sentence of the decision of the Wiedergutmachungskammer quoted by Dr. Katzenstein I hope, that the result will not be that the same Court authority will decide that the sale of the real estate in 1939 was no wrongful deprivation of property in the meaning of Art. 1 REG.

I am herewith returning Dr. Katzenstein's report to you and wish to use this opportunity to thank you very much for the personal interest which you have taken in our case.

Very sincerely yours,

Enc.

Philipp Loewenfeld

344303

PHILIPP LOEWENFELD

6/17/52
FRENCH BLDG. AT 48th STREET
MURRAY HILL 6-1148-9

551 FIFTH AVENUE
NEW YORK

June 16, 1952

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

Dear Mr. Kagan:

I am enclosing copy of a letter of May 28, 1952, addressed to me by Franz Schneider, attorney-at-law in Munich.

The letter shows that my opinion that the absentee curatorship for Heinrich Marx was instituted on the basis of an error of fact on the part of the Court and that the Estate Sophie Loewenfeld has never been represented by Franz Schneller was correct.

Sincerely yours,

Heinrich

Enc

344304

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

Mr. Saul Kagan
JRSO New York

13 June 1952
Dr. K/uk

Re: JRSO New York Letter # 1407

Re: Your letter # 969: The Loewenfeld Case

Dear Saul:

I have before me your letter to Benny of 4 June 1952 regarding the Loewenfeld case. I am afraid that the suggestion made by Dr. Loewenfeld cannot be sustained in view of the following facts:

- 1) By way of execution sale the property consisting of Plannummer 850, 850 1/5 and 850 1/2 and located in Munich-Schwabing, Leopoldstrasse was acquired in 1903 by Elias Marx holding a share of 3/10, Lazarus Marx holding a share of 4/10 and the executor of the deceased Siegmund Neustaetter holding a share of 3/10.
- 2) Lazarus Marx, Siegmund Neustaetter and Elias Marx died leaving the following heirs:
 - a) Lazarus Marx. His estate devolved upon Heinrich Marx and Sophie Loewenfeld in equal shares.

Heinrich Marx died on 2.3.47. A curator in absentia by the name of Schneller was appointed on his behalf; Schneller filed an IC on 23.12.48.

Sophie Loewenfeld also died leaving as heirs:

- (1) Philipp Loewenfeld.
- (2) Johanna Guenz, nee Loewenfeld.
- (3) Bertha Prager nee Loewenfeld.

The shares of the persons mentioned at 1, 2 and 3 are 1/3 each.

344305

- b) Siegmund Neustaetter. His estate devolved upon Elias Marx and, as he died as well, upon Anna Borchardt as reversionary heir.
- c) Elias Marx. His estate accrued to:
 - (1) Dorothee Hermann,
 - (2) Hilde Hermann,
 - (3) Kurt Hermann,
 - (4) Eva Hermann.
- 3) The estates of Siegmund Neustaetter and of Elias Marx became bankrupt, the advocat Dr. Motzet was appointed executor in bankruptcy.
- 4) On 25.8.39 the above mentioned Munich property was sold by:
 - a) The executor in bankruptcy Dr. Motzet,
 - b) Mr. Hugo Marx as executor of the estate of Mrs. Sophie Loewenfeld,
 - c) The advocate Richard Schmid in Munich as curator in absentia of Mr. Heinrich Marx.
- 5) It is this sale which is the subject matter of the restitution claim.
- 6) JRSO has filed a restitution claim covering all estates, i. e. 4/10 of Lazarus Marx, 3/10 of Siegmund Neustaetter and 3/10 of Elias Marx.
- 7) As the curator in absentia of Heinrich Marx (Schneller) filed a restitution claim on behalf of Heinrich Marx on 23.12.48 only, i. e. after the death of Heinrich Marx which occurred on 2.3.47 already, JRSO put in the following plea:
 - a) Schneller's IC on behalf of Heinrich Marx is not effective in law because of Marx's death prior to that I.C.
 - b) There is no IC regarding the estates of Siegmund Neustaetter and of Elias Marx.

Hence only JRSO is vested with a restitution claim concerning all the estates.

-3-

- 8) JRSO's argument was rejected by order of the Munich Restitution Chamber dated 25 April 1952 which held Schneller's IC was effective not only in respect of Heinrich Marx' share but also with regard to the other co-heirs of Heinrich Marx and to all heirs of Siegmund Neustaetter and Elias Marx.
- 9) By virtue of that decision JRSO is completely out.
- 10) With regard to Dr. Loewenfeld's fear that the curator being a meticulous person confined his claim only to the part which appertains to Heinrich Marx, I would like to quote from the judgment itself:

"Nach Artikel 56 Abs. 3 REG kann die Anmeldung durch einen von mehreren Mitberechtigten erfolgen. Die rechtzeitige und vollwirksame Anmeldung des Nachlasspflegers kommt aber auch deshalb den anderen Miterben des Lazarus Marx zugute, weil die 4/10 Eigentumsanteile am entzogenen Grundbesitz im Zeitpunkt der Entziehung der Erbgemeinschaft nach Lazarus Marx gehoerten, in welcher Heinrich Marx Miterbe zu 1/2 war, und die zur Erhaltung des Nachlasses notwendigen Massnahmen jeder Miterbe ohne Mitwirkung der anderen treffen kann, Par. 2032, 2038/I BGB. Diese Anmeldung schliesst daher auch insoweit die Anmeldung durch die JRSO nach Art. 11 Abs. 1 und den Rechtsuebergang auf sie nach Art. 11 REG. aus, obwohl die anderen Erben den Rueckerstattungsanspruch nicht angemeldet haben. Nun haben aber auch die fruerehen Miteigentuerer der 6/10 Anteile keine Anmeldung vorgenommen. Da hinsichtlich des Miteigentumsanteils zu 4/10, wie ausgefuehrt, der Rueckerstattungsanspruch rechtzeitig und vollwirksam angemeldet wurde, ist noch die weitere Frage zu klaeren, inwieweit die Anmeldung eines Miteigentuerers (hier des zu Gunsten der Erbgemeinschaft handelnden Abwesenheitspflegers) auch fuer die anderen Bruchteilseigentuerer wirkt. Es muss angenommen werden, dass ein Miteigentuerer im Sinne des Par. 1018 BGB Mitberechtigter im Sinne des Art. 56 Abs. 3 REG ist, Par. 1008 ff., Par. 741 BGB. Er kann daher den Rueckerstattungsanspruch hinsichtlich des gemeinsamen entzogenen Vermoegensgegenstandes auch mit Wirkung fuer die Mitberechtigten anmelden. Waehrend insoweit das OLG Frankfurt in RZW 50 Seite 401 als Voraussetzung nach Art. 56 Abs. 3 REG zu verlangen scheint, dass die Bruchteileanteile hinsichtlich der Entziehung das gleiche Schicksal gehabt haben und dass der Anmeldende auch den Willen hatte, die anderen Anteile anzumelden, weist das OLG Muenchen in der Entscheidung Wi 225, 228/50 zu Recht darauf hin, dass Art. 53 Abs. 3 nicht verlangt, dass die Anmeldung "fuer die Mitberechtigten erfolgt", sondern, dass sie "durch einen von mehreren Mitberechtigten" erfolgt. Dieser

344307

-4-

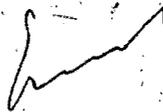
Entscheidung zufolge muss nur der entzogene Vermoegensgegenstand in der Anmeldung bezeichnet sein und genuegt es, wenn ein vermeintlicher oder wirklicher Mitberechtigter anmeldet. Auch komme es bei der Anmeldung gar nicht darauf an, ob die ideellen Anteile durch den gleichen Entziehungsvorgang oder durch zeitlich und oertlich verschiedene Entziehungsvorgaenge entzogen worden sind. Dass Art. 56 REG weit auszulegen sei, hat das OLG bereits in Wi 56/49 ausgesprochen.

Selbst wenn man sich also den Erwaegungen des OLG Frankfurt anschliessen wollte, koennte man im vorliegenden Fall zu keinem anderen Ergebnis kommen. Denn es liegt hier nicht nur ein einheitlicher Entziehungsvorgang vor; sondern der Abwesenheitspfleger beantragte auch fuer den beteiligten Heinrich Marx, "soweit nicht anderweitig Rueckerstattungsantrag gestellt wird", Rueckerstattung "im Umfang der Entziehung bzw. zwangsweisen Veraeusserung".

Bei dieser Sach- und Rechtslage war der Rueckerstattungsantrag der JRSO schon mit Ruecksicht auf die mangelnde Aktivlegitimation im vollen Umfange als unbegrueendet zurueckzuweisen. Eine weitergehende Pruefung der Begrueendetheit des Rueckerstattungsanspruches war insoweit nicht erforderlich. Darueber, ob die Veraeusserung des Grundbesitzes im Jahre 1939 an die Antragsgegnerin zu l sich als eine Entziehung darstellt und ueber die sich daraus ergebenden weiteren Folgen, wird nach Rechtskraft dieses Beschlusses entschieden werden."

I hope that this information will satisfy Dr. Loewenfeld and clarify the position to the effect that JRSO which is not going to contest the judgment is hardly in a position to take any more steps in the matter.

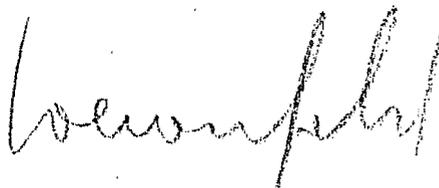
Sincerely yours,



cc: Mr. Ferencz

E. Katzenstein

344308



June 11th, 1952

JRSO Letter No. 981

Mr. Benjamin B. Ferencz, JRSO Nuernberg

Re: Loewenfeld

Dear Ben:

Further to my letter of June 4th, I am enclosing
Loewenfeld's memorandum. What next?

Cordially yours,

Saul Kagan

SK:AUN
Enc.

344309

PHILIPP LOEWENFELD

6/9
FRENCH BLDG. AT 45TH STREET
MURRAY HILL 6-1148-9

Loewenfeld
551 FIFTH AVENUE
NEW YORK

June 6, 1952

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

Dear Mr. Kagan:

Thank you very much for your letter of June 4, 1952, and your interest in the case. For your clear understanding I will describe to you, in a nutshell, the whole situation.

Of the whole real estate in question 6/10 belong to the estate of one Elias Marx and one Sigmund Neustetter. Both of these estates were in bankruptcy when the Nazi Regime began. In both of these estates neither I nor any person represented by me has an interest. According to the letters I received from your European representative it is very dubious anyway whether the 6/10 can be realized.

Only 4/10 of the whole real estate (and the ones which, according to the news from the other side can be probably recovered) were the property of my grandfather Lazarus Marx, who died in 1916. Since his percentage of the real estate had not been separated from the whole at the time of the death of his brother Elias and his cousin Sigmund Neustetter, his 2 children, namely my mother Sophie Loewenfeld nee Marx and her brother Heinrich Marx inherited just the percentage without being in the position to do something as to the realization of its money value. My mother died in April 1927 and it is, therefore, just impossible that any curator absentiae would have been appointed by any Munich Court in the 1940s. The fact that my mother was since a long time dead, was well known to all authorities in charge, especially the ones who appoint such curators. Things were different as to my mother's brother Heinrich Marx, who emigrated in 1931 (wise man!) from Germany to Switzerland and later on in 1938 from Switzerland to the USA, where he died on March 1, 1947 in New York City. The German authorities did not know anything about the fact of his death and the Court in charge appointed a curator absentiae in order to take care of his interest (this is normally done if it is assumed that a person is alive and that the whereabouts of such a person are not known).

I am, of course, aware of the provisions of Art. 56 No. 3 and 4 REG. In this case, however, it would be very dubious whether the petition filed by a curator absentiae would be valid at all and, if it would be valid, whether it would be valid as far as the heirs of Sophie Loewenfeld are concerned.

344310

-2-

As to the first question, namely whether the petition of the curator is valid at all, it has to be kept in mind that the curator obviously filed the petition for an "absentee", while the person who was believed to be absent was already dead. A curator is, as such, no "Berechtigter", he is only an official representative. If it is known or would become known, however, that his power of representation was created under a wrong assumption of the Court in charge, then the appointment itself would be invalid under German law and no "Berechtigter" or even "vermeintlich Berechtigter" would have filed a petition. The curator was, without any doubt, also no "vermeintlich Berechtigter", since it was clear that he could act only in the name and in the interest of a "Berechtigter" or "vermeintlich Berechtigter". If, however, his appointment was invalid (as it seems to be), then it would have not created a claim for anybody and would have not prevented that IRSO obtained "the legal position of the claimant" within the meaning of article 11 No. 2 REG.

Since no "Berechtigter" or "vermeintlich Berechtigter" had filed a petition himself and since a petition was filed only by a person who obviously erroneously believed to be the legal representative of one or several co-claimants, it is certainly more than dubious whether this petition would have any legal effect as far as the interest of a person or persons is concerned whom to represent the putative curator could not have any right according to the contents of the appointment.

If IRSO would drop the case and withdraw the pending litigation, the effect -in all probability- would not be a simpler solution of the case in the interest of the heirs concerned, but a further confusion and a danger for the case, especially as far as the heirs of Sophie Loewenfeld are concerned (while Heinrich Marx left a multiple of heirs whom I represent as executor under his will, my mother Sophie Loewenfeld has left only me and my two sisters as her heirs and one of these two sisters has died in 1938).

Since, as you see from the foregoing, the heirs of Heinrich Marx and Sophie Loewenfeld are even not identical, it is all the more to be assumed that only difficulties could ensue from carrying out the idea to drop the case on the part of IRSO in favor of the curator.

Beyond that you certainly allow me to say that I have no information whatsoever as to the personality and capabilities of the curator, while I have the confidence that your organization has a staff which is in every respect qualified to finish the litigation, be it by a settlement, be it by a decision of the Court.

For the foregoing reasons you will understand that I would very much prefer that IRSO itself would bring the affair to an end and that IRSO would make an arrangement with the survivors as suggested before.

Since the REG became effective on November 10, 1947 and all claims according to Art. 55 ff of the law had to be filed until December 31, 1948, and since Heinrich Marx died on March 1, 1947, it seems to be practically unthinkable that the curator

344311

-3-

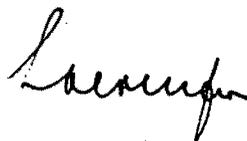
could have made a valid claim even for Heinrich Marx and/or his estate, while he, as shown above, certainly had no power to make a claim for Sophie Loewenfeld and/or her estate.

Since I have forwarded to your Munich branch a death certificate of Heinrich Marx, showing the fact and the date of his death, I suppose that the contesting of the curator could be finished by your Bavarian branch within the shortest time and I would be anyway willing to give you for the estate of Heinrich Marx a statement in my capacity as an executor (signed also by my co-executor), and a further statement of the heirs of Sophie Loewenfeld, that none of us regards the curator as legal representative and/or the claim filed by him in the name of Heinrich Marx as a valid petition within the scope of the REG.

According to your suggestion I am enclosing a copy of this letter for your Nuernberg office.

Thanking you once more, I am,

very sincerely yours,

A handwritten signature in cursive script, appearing to read 'L. Loewenfeld'.

344312

Loewenfeld

June 4th, 1952

JRSO Letter No. 969

Mr. Benjamin B. Ferencz, JRSO Nuernberg

Dear Ben:

I refer to your letter #1396 of May 23 on the Loewenfeld case. It seems that it is even difficult to give away things. Loewenfeld doubts whether the curator in absentia could represent the interests of Sophie Loewenfeld, who died already in 1927. According to Loewenfeld, another type of a curator would have been appointed; this would have been a curator for the estate, or a "Nachlasspfleger", rather than an "Abwesenheitspfleger". He is therefore afraid that the claim of the curator in absentia would not protect the rights of Sophie Loewenfeld's estate. I pointed out to him that Article 56/4 should cover the rest of the estate, as the curator absentis would then be considered as having filed for the true claimant. The danger always remains that the curator, being a meticulous person, confined his claim only to the part which appertains to Heinrich Marx.

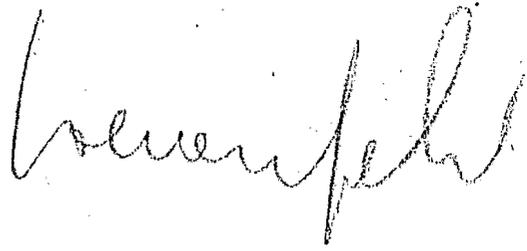
Loewenfeld decided that he will write a memorandum, setting forth the relationships within the estate and making his final suggestions on the proper future handling of this claim. It would seem to me that if the curator has only filed a claim for part of the estate, then the JRSO claim for the rest of it should be uncontested and it would then fall under an equity procedure. In view of the state of the case as reported in your letter, it may save us some embarrassment if you could simply inform me that the claim by the curator absentis will cover all of the rights, including the share of Sophie Loewenfeld.

Sincerely yours,

Saul Kagan

SK:AUN

344313



June 4th, 1952

Dr. Phillip Loewenfeld
551 Fifth Avenue
New York, N. Y.

Dear Dr. Loewenfeld:

This will confirm our telephone conversation concerning the claim of the heirs of Sophie Loewenfeld for property in Munich-Schwabing. I advised you that Mr. Ferencz expressed our preparedness to withdraw from the pending litigation between the JRSO and the curator in absentia who filed claims on behalf of the heirs to this property. In the course of our conversation you questioned whether the curator was also a curator for the estate of Sophie Loewenfeld. You were under the impression that the curator was appointed only for Heinrich Marx. Therefore the withdrawal of the JRSO from the case may possibly result in the forfeiture of any benefits which should accrue to the heirs of Sophie Loewenfeld. I called your attention to Article 56(4) of the law, which may make the claim filed by the curator in absentia valid for all heirs to this property.

In view of the complexity of the case, particularly the problems relating to the interests of the various heirs, we agreed that it would be best for you to prepare a memorandum setting forth all the facts in the case as you see it and your suggestions for the best way in which the case should be handled from here on forward. I called your attention to the fact that it would simplify matters if we stop contesting the case and thus no further litigation would be necessary. I would appreciate if you would send this memorandum in two copies, so that I may retain one here and forward the other to our Muernberg office.

Sincerely yours,

SK:AUN

Saul Kagan

344314

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

5/26

Lowenfeld

23rd May, 1952.

SK

Mr. Saul Kagan, JRSO New York.

JRSO Hq. letter 1396.

Dear Saul,

I have before me about 200 pages of file on the Lowenfeld case with a very extensive and interesting digram by Dr. Katzenstein in which he analyses the shares of about a dozen different heirs. If I may summarize it briefly the conclusion is that Mezger is full of beans.

This is not a Board of Equity case at all. The issue is whether or not a claim filed by a curator in absentia is valid on behalf of Lowenfeld. Mezger has been arguing that it is not and therefore Lowenfeld can only be considered an equity claimant. The fact is that the claim filed is valid and the JRSO has no business being in the case at all. Mezger found a delightful legal theory which might sustain his position. The theory, however, is not shared by other legal scholars, such as myself. My opinion by strange coincidence is also shared by the German courts who are on the verge of kicking us out of the case.

Under the terms of the Bavarian agreement, if we should win this case the benefits would go to Bavaria. Therefore it makes no sense at all for us to even try to sustain Mezger's theory.

In view of this delightful mess I think you should advise Lowenfeld that we appreciate his assistance and in gratitude we are going to stop trying to defeat his legitimate claims. We need not mention the fact that the German court has already decided against us, since this is not yet official. You can tell him that we will do all we can to see that the JRSO loses the case and thereby the Lowenfeld interest will be protected. To achieve this we have to do nothing. As a positive contribution we will refrain from appealing to CORA, (where I am convinced we would lose as well).

I think everybody should be happy. Lowenfeld will get his interest in the property, the JRSO will have no useless appeals and Mezger's services will be terminated on the 1st July. You can have all the kohvid.

Cordially yours,

B

BENJAMIN B. FERENCZ

BBF.le

cc: Dr. Katzenstein.

Prof. Dr. Loewenfeld

May 1, 1952

JRSO NY Letter #935

Mr. Benjamin B. Ferencz
JRSO - NUERNBERG

Dear Ben: BOE Case Dr. Loewenfeld

You will recall that I discussed with you at Wassenaer the BOE case in which Dr. Loewenfeld is interested. I turned over to you photostats of some correspondence which pertained to this case and we were agreed that it will receive special priority.

I heard from Dr. Loewenfeld today that he was in possession of a four page letter from Dr. Metzger dated March 28. The letter was negative in tone, saying in substance that the case cannot be disposed of as there are no instructions for the processing of 1951 BOE cases. I explained to Dr. Loewenfeld that since then a decision was made on the procedures for handling these late cases and that I will write to Germany, inquiring about the status of the case. Dr. Loewenfeld gave me some information which may be helpful in settling same. Our Munich file (I-M-673) will show that plots of land in Munich-Schwabing were sold to Engelmann & Co. on August 25, 1939. The Jewish ownership of this property was distributed as follows:

- 1) 4/10 to Sophie Loewenfeld and Heinrich Marks in equal shares
- 2) 3/10 to the estate of Elias Marks
- 3) 3/10 to the estate of Siegmund Neustadter

Dr. Loewenfeld's interest is confined to the first 4/10 of the property. I understand from Metzger's letter that the chances of a favorable settlement of the claim for the 4/10 were good whereas the settlement of the restitution claim for the other 6/10 may be difficult, in view of the fact that bankruptcy proceedings were pending at the time of the Aryanization.

Dr. Loewenfeld would prefer to have the JRSO continue handling this case (this would be in conformity with the rules for the processing of 1951 BOE cases).

I am hopeful that this case has been excluded from turnover under the Bavarian bulk settlement. I would appreciate it very much if you could see to it that Dr. Loewenfeld is advised as soon as possible that the JRSO will be prepared to assign to the BOE claimants the proceeds that may result from the settlement of the restitution claim involving the 4/10 interest, subject to whatever charges you consider appropriate in this case.

SK/b

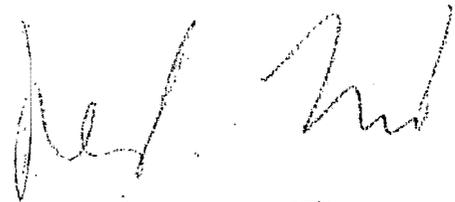
Cordially yours,
SAUL KAGAN

Please send me copy of letter to Loewenfeld.

344316

54

April 2nd, 1952



Dr. E. Metzger, JRSO Munich

Re: Death Certificate - Heinrich MARX

Dear Dr. Metzger:

Further to my letter of March 27th, I am pleased to send you enclosed the death certificate for Heinrich Marx, which you had requested.

Sincerely yours,

Toni Neiger

Enc.

344317

Not Incl - Marx

March 27th, 1952

Dr. E. Metzger, JRSO Munich

Re: Death Certificate - Heinrich MARX (Marx vs. Engelmann)

Dear Dr. Metzger:

This will acknowledge your letter of March 27th in the above matter.

Please be advised that I immediately went to the Manhattan Board of Health to apply for Mr. Marx's death certificate. Inasmuch as it appears that Mr. Marx indeed died in Manhattan, I encountered no difficulty and I expect the certificate to be mailed to me in about 3-4 days. I shall then send it to you immediately by airmail. I hope that this will meet your purposes.

Sincerely yours,

Toni Neiger

344318

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
MUNICH REGIONAL OFFICE
Muehlbauerstr. 8/IV

To:
Jewish Restitution Successor
Organization Inc.

Munich, 24 March 1952
Dr.M./Sd.
File I/M - 673

New York N.Y.
Madison Ave. 270

Attn. Miss Neiger
Secretary to Mr. Kagan.

Dear Miss Neiger,

we should very much like to get your assistance
in the following matter:

In our case Heinrich Marx and others vs.
E n . g e l m a n n & Co, and others, we are in need
of a death certificate of the late Heinrich Marx.
Heinrich Marx, a Jewish refugee from Germany, died
in New York-City on March 2, 1947. Would you be kind
enough to obtain for us, from the New York City De-
partment of Health, a death certificate (or a legalized
fotostatic copy) and forward it to us by Air Mail.

The matter is very urgent as the case is pending
before the court, and our claim may be dismissed if
we are unable to prove that Mr. Heinrich Marx died
in 1947.

Sorry to bother you.

With best regards to Mr. Kagan (if he should
happen to be in New York),

Yours sincerely,

E. Meiger
Dr. E. Meiger
Legal Director JRSO Munich.

125 Worth St.

9-4:45

344319

January 9th 1950

Jewish Restitution
Success Organization
270 Madison Ave
New York, N. Y.

GEN. & EMERG.

Res. Dept.
Sub. Dept.

Gentlemen:

We were informed by the "Hies" in Chicago that we could secure the information we enquire about as follows.

I arrived in the United States in June 1949, before I left Germany I signed my application with the "Commissary Race and Politic Displaced Person" to receive my money due me, but I find that I must secure my information from your organization how to go about it. 1524D

I was a prisoner of World War #2 being of Polish descent and was in the camp for forty (40) months.

Kindly send me the applications or the information that I need to

344320

~~to receive my money.~~

Thanking you in advance for
your cooperation, I remain

Yours Truly,

William Lublin
90 Sans Soucy
1535 South Pulaski Road

Chicago 23, Ill.

Your prompt attention to this
matter will be greatly appreciated.

Mark Arnold

August 29th, 1951

Dr. M. Herzfeld
Jewish Restitution Successor Organization
Urbanstr. 4
Stuttgart, Germany

Re: I, 200 Stuttgart - Marx and Arnold vs. City of Stuttgart

Dear Dr. Herzfeld:

This will refer further to your letter of July 11, 1951 in the above matter. Mrs. Marx and Miss Arnold have now returned from their vacation, and I was able to discuss with them the points raised by the brief submitted by the restitutor. The result of our discussion can be summed up as follows:

1) It is undoubtedly true that the house at Keplerstrasse constituted a considerable burden, both financially and administratively, and that this burdensomeness was a very considerable factor in the sale. It is equally clear, however, that the departure of the children from Germany created a situation where such a burden must become excessive for the remaining two elderly ladies. Had the children been able to remain in Germany, establish themselves there economically, etc., they would have been able to assist in the financing and the administration of the house, and the sale might very well not have taken place, at least not at that particular time. Thus, while there may have been other valid factors favoring a sale of the house, the departure of the children from Germany was undoubtedly the decisive factor bringing about a sale at that particular time.

2) Mrs. Marx and Miss Arnold did not exactly recall the number of rooms respectively in the houses at Keplerstr. and Lenshalde, although it would appear that the apartment they had occupied at Keplerstr. had at least 9 rooms. However, the argument of the restitutor that the house at Lenshalde was so big that the two ladies had to sublet two rooms is a completely spurious one. The fact of the matter is that the two ladies were forced to sublet the rooms by the Nazi authorities, who at that time already took steps to limit the living space available to Jews and who ordered the ladies to take two more people into their house. There can thus be no question of the house having been "too large" for the ladies.

I shall be happy to obtain for you whatever other information you may need.

Sincerely yours,

Eli Rock

ER:AUN

344322

July 30th, 1951

Dr. M. Herzfeld
Jewish Restitution Successor Organisation
Urbanstr. 4
Stuttgart, Germany

Re: I. 200 Stuttgart - Marx and Arnold vs. City of Stuttgart

Dear Dr. Herzfeld:

This will refer to your letter of July 11, 1951 in connection with the above matter. Unfortunately Mrs. Marx and Miss Arnold appear to be out of the city for the summer, and it was not possible for us to contact them. We shall try to get in touch with them just as soon as they return and obtain for you the information you require.

Sincerely yours,

Eli Rock

ER:AUN

344323

Diener

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

Stuttgart Regional Office

7/116

Mr. Eli R o c k
270 Madison Ave.
New York 16, N.Y.

Stuttgart 11. Juli 1951
Urbanstr. 4

Bitte, bei Antwort
folgendes Zeichen angeben:

I, 200 Stuttgart

Betr.: RE-Sache Marx und Arnold ./.. Stadt Stuttgart

Sehr geehrter Herr Rock,

In vorbezeichneter Sache ist mir seitens der Gegenpartei soeben der anliegende Schriftsatz zugegangen.

Ich bitte ergebenst die Damen Marx und Arnold zu einer moeglichst umgehenden Erklaerung auf diesen Schriftsatz, soweit sie dazu im Stande sind, zu veranlassen. Wenn ich auch kaum damit rechne, dass die Erklaerung noch bis zum 19. Juli 1951, dem Tage des Termins vor der Kammer, hier sein kann, so koennte ich doch ein etwaiges Vorbringen noch in einem nachtraeglich zu ueberreichenden Schriftsatz dem Gericht uebermitteln.

Mit vorzueglicher Hochachtung

Herzfeld

Dr. M. Herzfeld
Regional Director

Dr. H/h
Anlage

344324

344325

Abschrift

Stadt Stuttgart
- Rechtsamt -

Landgericht Stuttgart
Eing.: 11. JULI 1951

An das
Landgericht
-Wiedergutmachungskammer I-

S t u t t g a r t

Mehrf. Rest S (JRSO) 832(22)

4459 07/3 9. Juli 1951

In der Rückerstattungssache

J R S O / Stadt Stuttgart

wird insbesondere zu dem Vortrag der Antragstellerin vom 18.4. und 5.6.1951 noch ausgeführt:

1. Unstreitig ist, daß die Veräußerung des strittigen Grundstücks zu finanziell äußerst günstigen Bedingungen für dessen Ursprungseigentümer erfolgt ist. In dem von der Antragstellerin vorgelegten Schreiben von Dr. Geier, dem Vertreter von Frau Marx und Arnold, heißt es nämlich insoweit: "Dieser Preis (105 000 RM) wurde von meinen Auftraggeberinnen selbst als durchaus angemessen bezeichnet". Im Schriftsatz des Betreffenden in der vorausgehenden Rückerstattungssache Marx und Arnold/Hesser vom 21.2.1949 ist "von dem an die Stadtgemeinde günstig veräußerten Gebäude Keplerstr.28" die Rede. Es ist insoweit auch von Interesse, daß das Grundstück der Antragsgegnerin von den Veräußerern selbst zum Kauf angeboten wurde.

Der bezahlte Kaufpreis stand den Veräußerern zur uneingeschränkten Verfügung. Ein Teilbetrag von 60 000 RM wurde von ihnen zur Abdeckung der in gleicher Höhe hypothekarischen Grundstücksbelastung entsprechend den Kaufvereinbarungen verwendet. Der verbleibende Restbetrag diente den Veräußerern zum alibaldigen Ankauf des Hauses Lenzhalde 43. Art. 3 REG kann unter diesen Umständen nicht als Anspruchsgrundlage dienen.

2. Der auf Art.4 REG gestützten Anfechtung steht entgegen, daß in dem vorgenannten Schreiben des Vertreters der Rechtsvorgängerinnen der Antragstellerin selbst erklärt wird: "Der Preis ... bedeutete also keine Übervorteilung derselben (d.h. der Verkäuferinnen), der Vertrag ist auch nicht auf Grund eines Drucks der damals nazistischen Stadtverwaltung, deren Spitze (Oberbürgermeister Dr. Strölin) aber nicht jüdenfeindlich eingestellt war, zustande gekommen, sondern von meinen Auftraggeberinnen durchaus freiwillig abgeschlossen worden. Im Einverständnis mit den Damen Marx und Arnold ... habe ich deshalb von einer Anfechtung des Erwerbs der Stadtgemeinde Stuttgart

auf Grund des Gesetzes Nr. 59 abgesehen". (Vgl. Schriftsatz vom 16.11.1950.) Kaum mit größerer Deutlichkeit kann aber ein eine Anfechtung gem. Art. 4 a Rückerstattungsgesetz ausschließender Tatbestand dargelegt werden. Es ist nicht blosszum Ausdruck gebracht, daß der seinerzeitige vorteilhafte Verkauf von der nationalsozialistischen Herrschaft unbeeinflusst war, sondern daß auch in völliger Erkenntnis ihrer seinerzeitigen völlig unabhängigen Entschliebung seitens der Verkäuferer von Rückgabeansprüchen abgesehen wurde.

Es ist so nicht bloß verständlich, sondern nachhaltig begründet, wenn die erst jetzt von der Antragstellerin vorgelegten, in offenem Widerspruch mit diesem vorausgehenden eindeutigen Bekenntnis stehenden Erklärungen der Ursprungseigentümer von vornherein ernstliche Zweifel erwecken. Diese werden allgemein durch die jüngsten gerichtsbekanntem umfangreichen Vorcombe in Wiedergutmachungssachen verstärkt. Irgend ein Beweiswert kann den von der Antragstellerin vorgelegten Schriftstücken schon grundsätzlich nicht beikommen.

Hinzu kommt aber, daß den entsprechenden Behauptungen der Antragstellerin folgende unbestreitbare Tatsachen entgegenstehen:

- a) Eine wohnraummäßige Beschränkung der Ursprungseigentümer aus rein persönlichen Gründen ist nach dem eigenen Vortrag der Antragsteller aus lang vor dem Verkauf liegenden Jahren zusehends fortlaufend festzustellen. 1925 erfolgte die Aufgabe des Erdgeschosses, 1930 die des 1. Stockwerks; automatisch hat sich dies 1937 fortgesetzt. Die Kinder von Frau Marx und Arnold waren zu diesem Zeitpunkt eben in ein Alter gekommen, in dem sie sich selbständig machten und ausser Haus gingen. Dies ist eine rein natürliche, in jeder Familie zwangsläufig auftretende Erscheinung; sie hat mit politischen Gründen nichts zu tun. Es wäre dies auch nicht anders gewesen, wenn die Kinder in Deutschland geblieben wären. Die Verhältnisse waren im übrigen in den Jahren 1936/37 nicht derart, daß sie einen lebenslangen Dauerzustand verbürgten oder auch befürchten ließen und deshalb eine Rückkehr der gerade das Haus verlassenden Kinder nach Deutschland ausschlossen. Zudem ist das Verkaufsangebot der Ursprungseigentümer ja schon im Mai 1937, also einen Monat vor dem Weggang der Tochter der Verkäufer, gemacht worden. Hätten die Verkäuferer mit dem jetzt vorgeschützten, eine Rückkehr der Kinder ausschließenden Dauerzustand damals tatsächlich gerechnet, so hätten sie sich erfahrungsgemäß ihren Angehörigen unmittelbar nach dem Verkauf des Anwesens angeschlossen. Dazu sahen sie sich jedoch in keiner Weise veranlaßt; sie machten sich vielmehr alsbald erneut bodenständig. Dies nimmt ihren "Beweggründen" jede Stütze. Von Interesse mag in diesem Zusammenhang noch sein, daß Frau Marx lt. ihrem Vortrag in der Rückerstattungssache Hesser bis zu ihrer im Jahre 1939 erfolgten Auswanderung Hauptmanns-Pension bezogen hat.

Im übrigen war das im Jahre 1937 von Frau Marx und Arnold erworbene Haus mit seinen 5 Zimmern nahezu genau so geräumig wie die bisherige 7-Zimmer-Wohnung. Bezeichnend ist, daß Frau Marx und Arnold im Haus Lenzhalde 43 zwei Zimmervermietet haben. Die neue Wohnung war damit ersichtlich derart geräumig, daß dort auch die Kinder der beiden Frauen gegebenenfalls jederzeit Aufnahme finden konnten.

- b) Außerdem stellte aber das abgegebene Anwesen für die Veräußerer eine unverkennbar kaum tragbare finanzielle Belastung dar. Das Haus war bei seinem Alter und seiner Bauweise nicht mit den Einrichtungen versehen, auf die Mieter solch großer Wohnungen entscheidenden Wert legen. Es fehlte vor allem eine Zentralheizung und auch jede sonstige, der technischen Entwicklung angepasste moderne Ausstattung. Neben den so notwendigen Aufwendungen erforderte das große Objekt laufende, nicht unbeträchtliche Unterhaltungs- und Instandsetzungskosten.

Die steuerliche Belastung war außergewöhnlich hoch. Sie belief sich bei einer jährlichen Gebäudeentwässerungssteuer von rd. 1 500 RM, Grundsteuer von etwa 825 RM, Hausgebühren und Wasserzins mit 400 RM auf insgesamt mindestens 2 725 RM. Hinzu kamen noch die Leistungen für entsprechenden Versicherungsschutz.

Ungefähr denselben jährlichen Aufwand erforderten die Zinsen der bestehenden Hypothekenschuld von 60 000 RM, die bei einem Zinssatz von 4 bis 5% jährlich 2 400 bis 3 000 RM ausmachten.

Diese unbestreitbaren Tatsachen dokumentieren zur Genüge, daß die Ursprungseigentümer ein höchst natürliches Interesse hatten, dieses unrentable, für sie verlustreiche und damit unhaltbare Objekt abzustoßen. Mit hinreichender Deutlichkeit wird dies durch die Ausführungen der Rechtsvorgänger der Antragstellerin in der Rückerstattungssache betr. Lenzhalde 43 bestätigt. So erklären sie dort mit Schriftsatz vom 17.3.1949, "daß die Berechtigten das Haus Lenzhalde 43 als Vermögensanlage behalten wollten und, da es lastenfrei war, es auch halten konnten, zumal die Grundsteuer gering war". Mit Schriftsatz vom 14.6.49 wird dies wiederholt mit den Worten: "Daß die Berechtigten finanziell in der Lage waren, das schuldenfreie Grundstück Lenzhalde 43 zu behalten und zu halten ... habe ich bereits in meinem Schriftsatz vom 17.3.1949 näher dargelegt. Mit keinem Wort ist hier von politischen Motiven weder direkt noch indirekt die Rede. Es ist auch zu offensichtlich, daß dieser Grundstückswechsel damit überhaupt nichts zu tun hatte.

Da jeder Gedanke an etwas Derartiges abwegig war, haben sich die Ursprungseigentümer bewußt jeder als unhaltbar erkannten Ansprüche gegenüber der Antragsgegnerin enthalten. Denn über Art und Grund ihrer diesbezüglichen Rechte waren Frau Marx und Arnold genau unterrichtet. Sie waren ja -wie sie ebenfalls in der Rückerstattungssache Hesser am 14.6.1949 vortragen- "durch ein Rundschreiben der amerikanischen Militärregierung in Deutschland -Wiesbaden- auf das Gesetz Nr. 59 ausdrücklich hingewiesen und aufgefordert worden, etwaige Ansprüche auf Grund dieses Gesetzes rechtzeitig geltend zu machen". Dies haben sie auch bezüglich des Hauses Lenzhalde 43 befolgt. In voller Erkenntnis der Dinge, nicht aber bezüglich des gegenständlichen Grundstücks.

Bei diesen unbestreitbaren, die Darstellung der Antragstellerin entkräftigenden Tatsachen wäre es aber deren Sache, falls sie weiterhin noch ihren Vortrag aufrecht erhalten will, den entsprechenden Beweis dafür zu erbringen. Ein solches Unterbringen dürfte aber vergeblich sein. Eine evtl. Anfechtbarkeit seitens der Antragstellerin ist damit gem. Art. 4 a REG aber ausgeschlossen.

3. Es soll nicht bestritten werden, daß eine formelle Verzichtserklärung der Ursprungseigentümer erst nach den in Art. 11 Abs. 3 REG vorgesehenen Fristen abgegeben wurde. Die Antragstellerin verkennt jedoch, daß diese Erklärung lediglich die offizielle Bestätigung des vorausgehenden konkludenten Verhaltens der Ursprungseigentümer darstellt, die zumindest durch die entsprechende Abständnahme von einer Anspruchsanmeldung für das strittige Grundstück -in ausdrücklichem Gegensatz zu der Geltendmachung der Rechte an Lenzhalde 43- in hinreichender Form auch nach außen zum Ausdruck kam.

Diesen materiellen Verzicht der Ursprungseigentümer muß die Antragsgegnerin aber auch gegen sich gelten lassen. Sie kann als Rechtsnachfolgerin nicht mehr Recht erwerben und besitzen als ihren Rechtsvorgängern zustand (vgl. Godin Anm. 6 und 11 zu Art. 11 REG). Die Antragstellerinnen würden sich mit einem dem widersprechenden Verhalten auch dem Vorwurf unzulässiger Rechtsausübung aussetzen.

4. Das letztere muß insbesondere auch im Hinblick auf die wirtschaftliche Gesamtbetrachtung geltend. Im Zeitpunkt der Veräußerung ruhte auf dem Grundstück die hohe, zwischenzeitlich getilgte Hypothekenlast, deren die Ursprungseigentümer und damit auch die Antragstellerin bei einer Rückgabe ledig wäre. Es ist aber nicht der Zweck des Gesetzes, einen Anspruchsteller von einer Last zu befreien, die er hätte tragen müssen, wenn ihm das entzogene Vermögen nicht entzogen worden wäre (vgl. BoR vom 27.3.1951 MDR 51 S.377). Hinzu kommt aber, daß den Ursprungseigentümern der ihnen seinerzeit zufallende aktive Vermögenswert in seiner vollen Höhe verblieben ist und auch durch die geltend gemachte Rückerstattung des Hauses Lenzhalde 43 realisiert wurde. Eine evtl. zusätzliche Rückgabe des Anwesens Keplerstr. 28 würde aber dazu führen, daß die Verkäuferer in eine weit bessere Lage versetzt würden als die, in der sie sich befinden würden, wenn die angeblich ungerechtfertigte Entziehung niemals stattgefunden hätte. In letzterem Fall ständen nämlich die Verkäuferer in einer den heutigen Wert des Grundstücks beträchtlich übersteigenden Schuld, während eine Bejahung der jetzt erhobenen Ansprüche die jedem Rechtsempfinden widersprechende Folge hätte, daß die Verkäuferer Besitzer von zwei Grundstücken wären, deren Wert ein Mehrfaches ihres einstigen Vermögens darstellen würde. Solche Auswirkungen sind im Gesetz keineswegs beabsichtigt; es würden mit ihnen Tatbestände geschaffen, die mit den allgemeinen Grundnormen des geltenden Rechts unvereinbar sind. Die auch im Rückerstattungsrecht geltende *exemptio doli* wie auch der sich aus § 242 BGB in durchgängiger Rechtsprechung herausgebildete Einwand

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der unzulässigen Rechtsausübung schließen derartige Ansprüche der Antragstellerin schon in der Person ihrer Rechtsvorgänger und damit auch für sie selbst aus.

- 5. Lediglich der Vollständigkeit halber dienen dem Verlangen des Gerichts entsprechend die nachfolgenden Angaben über den zwischenzeitlichen finanziellen Status des strittigen Anwesens.

Das fragliche Anwesen wurde nach dem Erwerb durch die Antragsgegnerin mangels anderer geeigneter Verwendungsmöglichkeit der HJ. zur Verfügung gestellt. Dadurch entfielen Nutzungserträge für das Anwesen. Andererseits wurden durch die damit verbundene Befreiung von der Gebäudeent-schuldungssteuer die evtl. insoweit, insbesondere im Hin-blick auf die notwendige Ablösung dieser Steuer entstan-denen erheblichen Aufwendungen, die einen Ertrag nahezu wettgemacht hätten, erspart.

Durch Bombenschaden wurde das Gebäude am 25.7.1944 total zerstört.

Die Hausparzelle Nr.456/17 ist seit 1.9.1947 für einen jährlichen Mietzins von 500 RM bzw. DM vermietet. An Nut-zungen sind danach zu verzeichnen:

1.9.1947 bis 30.6.1948	417.- RM	=	41.70 DM
1.7.1948 bis 31.5.1951			<u>1 458.-- DM</u>
	zusammen		1 499.70 DM.

Dem stehen an Ausgaben gegenüber:

Restliche Grundsteuer für 1937	64.- RM	
" " " " 1938/1943	5177.- RM	
" " " " 1.4. bis 31.7.44	290.- RM	
Hausgebühren jährlich 249.- RM, so-		
nach im vorgenannten Zeitraum	1 696.-- RM	
Brandschaden (jährlich 33.35 RM)		
insgesamt	234.- RM	
Wasserzins (jährlich 150.- RM)		
insgesamt	1 025.-- RM	
Versicherungsbeiträge insges.	<u>100.- RM</u>	

zus. also 8 586.- RM = 858.60 DM

Grundsteuer vom 1.7.48 bis 31.5.51 (jährlich 56.- DM)	=	163.-- DM
Verwaltungskosten (jährl. 75.- RM) bis Juli 1944 sonach 525.- RM	=	52.50 DM
ab 1.9.47 bis 31.5.51 (jährl. 50 RM bzw. DM)	=	150.-- DM
Verzinsung des Kaufpreises von 105 000 RM mit 4% für 1.10.37 bis 31.5.51 -> 57 400 RM	=	5 740.- DM
Instandsetzungskosten für das Anwesen 1940/41 8 000 RM	=	800.- DM
Unkosten im Jahre 1950		
Gehweginstandsetzung		158.- DM
Randsteineinfassung		286.- DM

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Es ergibt sich danach per Saldo, daß die Aufwendungen der Antragsgegnerin bei weitem die ihr zugeflossenen Erträge des Grundstücks übersteigen und daß außerdem für die erfolgten Aufwendungen sich Guthaben der Antragsgegnerin in Höhe von 1 244 DM ergeben.

Im Auftrag

(gez.) Dr. Bollacher

344330

Handwritten signature

May 23, 1951

Mr. Herbert Schoenfeldt
Jewish Restitution Successor Organization
Urbanstr. 4
Stuttgart, Germany

Re: 28 Keplerstr., Stuttgart - Mrs. Marx and Miss Arnold (Your File I/200)

Dear Mr. Schoenfeldt:

This will refer to your letter of May 11th in connection with the above mentioned matter. Mr. Rock is still in Europe and is not expected to return until next week. Since you indicated that the matter was of some urgency, I took the liberty of preparing the requested statements, together with Mr. Robert Pilpel, Counsel of the AJDC, and am sending them to you attached herewith.

You will note that we have prepared two different documents in this case, leaving it to your judgment which you want to use for your purposes. The two statements are identical down to and except for point 3, which explains the reasons why the ladies had never filed a claim for this property and had in fact indicated to their attorney that they wanted to drop the matter. Since this was the most doubtful point here involved, I called on the two ladies and tried to obtain from them all possible facts and motives which contributed to their "waiver". The fact of the matter is that the destroyed condition of the property was only one factor here involved and not the major factor by any means. The main reason for their non-filing was their sincere belief that they had no claim whatsoever to this property, since it was sold without immediate pressure and they had received a fair purchase price at their free disposal. Moreover, their representative in Stuttgart, Dr. Geyer, had told them at the time that they had no claim to the Keplerstr. property. I dare say Dr. Geyer based himself entirely on Art. 3 of the law, overlooking the power of avoidance spelled out in Art. 4. In our opinion, and certainly in the opinion of Mes. Marx and Arnold, this represents no contradiction at all to the fact that they had filed a claim for the house at Lenzhalde. In the case of the latter, they had been forced to sell the property at the time of their emigration, the purchase price had been much less than the value of the property and they had never seen a penny of it. Certainly a very different set of circumstances from that prevailing in the case of the Keplerstr. property.

We have therefore stated in one of the attached documents that the ladies had not claimed the property because the building was completely destroyed and they did not feel it to be worth while to institute restitution proceedings. This is in accordance with the suggestion contained in your letter of May 11th. In the second statement, we

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do list this as a reason for non-filing, but go on to explain why furthermore the ladies had some doubts as to the validity of their claim in this case and why this is not in contradiction with the fact that they had filed a claim for the Lenzhalde property. You will of course use whichever of the documents you feel is better suited for your purposes.

Mrs. Marx and Miss Arnold are very anxious not to become involved in any way in the Keplerstr. proceedings. I told them that of course they would not be directly involved and that we greatly appreciated their cooperation in this matter.

I hope that the attached documents will prove helpful to you in this case. Do let us know how it comes out.

Sincerely yours,

Antonie Neiger
Secretary to Mr. Rook

Enc.

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS:

MRS. ELIZABETH MARX and MISS PAULINE ARNOLD, residing at 607 West 137th Street, being duly sworn, depose and say:

1. On June 29, 1937, we sold a certain house and property known as Keplerstrasse 28 in Stuttgart, Germany, to the City of Stuttgart for the price of RM 105,000.

2. We were impelled to sell this property to the City of Stuttgart because of the following circumstances:

a) In 1933, when Hitler came to power, we lived in the house at Keplerstr. 28 together with Erich and Erika Marx, children of the deponent Mrs. Elizabeth Marx. In 1933, Erich was 26 years and Erika was 15 years of age. In 1936 Erika was prohibited from continuing her education in Germany because she was a Jewess. Because Erich was a Jew, it was not possible for him to pursue any career in Germany. The children therefore had to leave Germany, and Erich was able to go to the United States in January 1936. Erika was enabled to leave Germany and come to the U.S. in June 1937.

b) With the departure of the young people to the U.S., we knew that they would never return to Germany. We therefore realized that there was no future for the family in Germany and that at best only we two elderly people would remain in Germany. The house at Keplerstr. 28 was much too large for the two of us, and since there was no hope of any other descendants of the family ever being able to live in it, we sold the house soon after the departure of Erika Marx.

c) It is clear from the circumstances set forth in paragraphs a) and b) above, and it is a fact, that we sold the property at Keplerstr. 28 because the Nazi regime had broken up our family and family life, had made it necessary for the children to leave Germany and for us to hope that we might find it possible to remain unmolested in small quarters.

3. We waived our claim to this property under Military Government Law 59 for the following reason: The fact that the building on the property had been completely destroyed by bombing caused us to believe that the expense and trouble involved in pursuing a restitution claim in this case was not warranted by the expected return.

Elizabeth Marx
ELIZABETH MARX

Pauline Arnold
PAULINE ARNOLD

Subscribed and sworn to before me
this 22 day of May, 1951

Thomas Bosco

THOMAS BOSCO
Notary Public, State of New York
Qualified in Kings Co. No. 24-5397900
Cert. filed with Kings & N. Y. County Clerk
Cert. Filed with Kings & N. Y. Co. Rep.
Commission expires March 30, 1952

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

Stuttgart Regional Office

TO: Jewish Restitution
Successor Organization
270 Madison Ave.
New York, N.Y.

Stuttgart, 11 May 1951
Urbansir. 4
Bitte, bei Antwort
folgendes Zeichen angeben:
Akte I, 200 Stuttgart

RE: 28 Keplerstr., Stuttgart
Mrs. Marx and Miss Arnold
Our file I/200

Dear Mr. Rock;

Thank you very much for your letter of March 23, 1951.
Your kind assistance in this matter is highly appreciated.

In the interim a new hearing took place before the Restitution Chamber, and your letter enabled us to effectively take issue with the arguments of the restitutor.

However, the struggle is not yet over. As we have to prove our assertions I would be thankful if you kindly furnished us with sworn statements of the two ladies.

I feel they should not disclaim knowledge of Law 59, nor should they mention that they assumed they had no legal right to recover the property. This would be contrary to their claim on another property (43 Lenzhalde).

Could they not state that they refrained from claiming the property in question because it was completely bombed down and they considered it almost worthless? I guess this was the reason for their neglect.

Mr. Geyer will be interrogated by the Chamber before long. The restitutor thinks Geyer will invalidate the statements of the ladies since they are in contrast to their former letters. Hence, it would be useful to draw up the affidavits, if possible, in such a way that the contrast appears clarified.

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The main point, of course, is to set forth that the sale was caused through Nazi pressures. In this respect the details of your letter are quite convincing.

Unfortunately, the matter is pretty urgent. May I, therefore, ask you to attend to it as soon as possible?

Sorry that I have to bother you. But I hope you had so much fun during your stay in Europe that you were recompensated in advance for this annoying job.

Sincerely yours,

Hubert S. Schroepfer

Sch./Ha.

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Ref. - Keplerstr. 28
Stuttgart

March 23, 1951

Dr. Manfred Herzfeld
Jewish Restitution Successor Organization
Stuttgart Regional Office
C/O, W-B, APO 154, U.S. Army

Dear Dr. Herzfeld:

Re: Your File I. 200 Stuttgart

This will refer to your letter of March 12, 1951 in which you asked that we interview Mrs. Elisabeth Marx and her sister, Miss Pauline Arnold, regarding the sale of their family house at Keplerstr. 28 to the City of Stuttgart on June 29, 1937.

Yesterday I visited the two ladies in question and it seems quite clear that the aforementioned transfer was in fact attributable to the Nazi pressures. Very briefly, the story is as follows:

Prior to the time of the sale, this family had been in possession of the house for approximately 68 years. In 1933, at the time of the entrance of the Hitler regime, Mrs. Marx and her sister lived in the house, together with Mrs. Marx's two children, Erich and Erika, who were at that time 26 years and 15 years of age respectively. Very definitely, the family felt the effects of the Hitler regime so that approximately in 1936, for example, the daughter Erika was forced to go to Switzerland to continue her schooling, having been prohibited from going on with her schooling in Germany. As a result of the various pressures which were put on them, in terms of limitations on professions, schooling, etc., etc., the son Erich left Stuttgart for New York City on January 20, 1936 and the daughter left Stuttgart to come to New York on June 22nd, 1937.

When the children left, Mrs. Marx and her sister had thought of staying in Germany, because they did not think that old people would be bothered and also because there was no place else for them to go; the children, as new arrivals in America, would obviously not be settled for a long time and would not be able to take care of the older ladies. Also, Mrs. Marx and her sister knew that the children would never come back and that there was therefore no future for the family in Germany. Under the circumstances, there was no need for them to keep the large house at Keplerstrasse which was much too big for two people alone, and they sold the house and purchased a smaller one. In other words, the sale was made for the following reasons:

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a) Whereas the four members of the family had lived in the house prior to 1936, the forced departure of the two children meant that the house was too big for the two elderly ladies alone and there was no need to keep it.

b) Perhaps more important, there was now no future for the family in Germany. Had the children remained in Germany, it was anticipated that they would marry and would continue to live in the house with their families, thus preserving the occupancy of the house which had been in the family for so many years. However, it was now obvious that the children would never return to Germany and there would be no future descendants of the family living there. Accordingly, shortly after the daughter Erika had left for America, the house was sold.

I also learned that even in 1925, after the death of the late Dr. Marx, the ground floor of the house was rented out. Subsequently, in 1930, the 1st floor was also rented out, thus leaving the family in possession of the second or top floor. However, so large was the house that the top floor alone consisted of 10 rooms, which clearly was much too large for two elderly ladies alone, who had no prospects of accretion of family.

I trust that the above information will serve to establish conclusively that the sale in 1937 would not have taken place in the absence of National Socialism. Incidentally, when the question was put to them in this way, Mrs. Marx and Miss Arnold stated emphatically that this was the case, i.e. that the sale would not have taken place. They also informed me that they had never understood that this provision of the law existed and that their previous correspondence to Dr. Geier was based on the assumption that they had no legal right to recover the property and also that the property had very little value. Should you need it for purposes of the proceedings in Stuttgart, Mrs. Marx and Miss Arnold will be happy to sign sworn statements testifying to the above facts. Please let me know as soon as possible if you need such statements and whether you want me to prepare them here or whether you would prefer to prepare them yourself in Germany.

Incidentally, should you need them, the names and the present addresses of the two children are as follows:

Erich A. Marx
88-43 St. James Ave.
Elmhurst, L.I., N. Y.

Erika Marx Salloch
52 Cromwell Place
Sea Cliff, L.I., N.Y.

Sincerely yours,

Eli Rock

ER:AUN

344338

Keplerstr. 28

March 20th, 1951

Mrs. Elisabeth Marx
607 West 137th Street
New York 31, New York

Dear Mrs. Marx:

At the request of our Stuttgart office, I am writing to you concerning the property at Keplerstr. 28, Stuttgart, Germany, which had been sold by you and Miss Pauline Arnold to the City of Stuttgart in 1937.

As you perhaps know, The Jewish Restitution Successor Organization (JRSO) was established sometime ago for the purpose of recovering in Germany Jewish property which had been transferred under the Nazis and which is today either heirless or unclaimed. These purposes and objectives of the JRSO are entirely in keeping with the wishes of the U.S. Government in this matter, and in fact the JRSO was officially designated as a successor organization in Germany through the action of then General Clay, in charge of the American Military Government in Germany. Not only has the U.S. Government been entirely desirous of having the JRSO do this work, but it has also specified that the proceeds which are recovered by the JRSO should be used for charitable purposes on behalf of surviving Jewish victims of Nazism. I am sure you will agree that the objectives and the program of the JRSO are entirely praiseworthy and should be encouraged and assisted in every way possible.

In connection with the aforementioned property in Stuttgart, we understand that you earlier expressed a desire not to reclaim the property yourself. Under these circumstances, the JRSO, as the official successor organization for Jewish property, was enabled to file a claim to the property in its name, and the said claim is now pending. A number of questions have arisen in connection with our claim, concerning which we would like to obtain information from you. We assure you that the information we seek merely has to do with the status of our claim and our decision as to the future course which we may wish to follow in the matter; we do not seek in any way to involve you, but merely wish to obtain information and assistance regarding the past circumstances of the transfer.

If it is convenient and agreeable to you, I should like to make an appointment with you at your convenience. Should you plan to be downtown in the near future and if you happen to be in our neighborhood, perhaps we can make an appoint-

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ment at my office. On the other hand, if this is not convenient for you and if you would prefer that we meet at your home, I would be more than happy to visit you there. May I suggest that you or a representative of yours telephone me or write me as soon as possible so that we may arrange a fixed appointment.

Sincerely yours,

Eli Rock
Executive Secretary

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

Stuttgart Regional Office

OLC, W-B

APO 154

US ARMY

3/16

Mr. Eli R o o k
270 Madison Avenue
New York 16, N.Y.

Stuttgart, den 12. Maerz 1951

Unsere Akte I, 200 Stuttgart
(Bitte bei Antwort angeben)

Sehr geehrter Herr Rock,

Eitschuldigen Sie, dass wir Sie mit folgender Rueckerstattungsangelegenheit behelligen:

Am 29. Juni 1937 hat eine Frau Elisabeth M a r x geb. Arnold, Wwe. des Rechtsanwalts Dr. Adolf Marx, jetzt in New York, 607 West 137th Street, New York 31, N.Y. zusammen mit einem Fraeulein Pauline A r n o l d das Grundstueck Keplerstr. Nr. 28 nebst der dazugehoerigen Parzelle 456/17 fuer den Preis von 105 000.-- RM verkauft.

F. am die Stadt Stuttgart

Die auf dem Grundstueck stehenden Gebaeude sind inzwischen durch Bombenabwurf zerstoert und es handelt sich jetzt nur noch um die Grundflaeche zusammen mit der Ruine.

Frau Marx hat einen Rueckerstattungsanspruch bezuegliche dieses Grundbesitzes nicht angemeldet, wohl aber hat dies die JRSO getan.

Es handelt sich jetzt noch um den allerdings ziemlich erheblichen Wert der Grundflaeche und der Ruine.

Die Stadt Stuttgart beruft sich darauf, dass der Verkauf auch ohne den Nationalsozialismus zustande gekommen waere, da Frau Marx und Fraeulein Arnold das Grundstueck nur verkauft haetten, um sich mit einem Teil des Erloeses, naemlich 34 000.-- RM, das Grundstueck Lenzhalde 43 zu kaufen, hinsichtlich dessen dann auch ein Rueckerstattungsverfahren stattgefunden hat und bezueglich dessen ein Vergleich geschlossen worden ist.

Weiter macht die Stadt geltend, Frau Marx habe auf ihren Rueckerstattungsanspruch bezueglich des Grundstuecks Keplerstr. 28 verzichtet.

Ein Dr. Karl Gefer in Kuenzelsau, der anscheinend in anderen Faellen die Interessen der Frau Marx wahrgenommen hat, hat mitgeteilt, Frau Marx habe in einem Brief an ihn vom 16. Maerz 1948 unter anderem folgendes geschrieben:

"Das Haus Keplerstr. 28 ist ein Truemmerhaufen, da wollen wir alle Ansprueche fallen lassen".

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Somit wuerde es sich nur um das Haus Lenzhalde 43 handeln."

Da dieses Schreiben aber weder der Rueckgabepflichtigen gegenueber noch der zustaendigen Rueckerstattungsbehoerde noch dem Zentralanmeldeamt gegenueber erklart worden ist, sondern lediglich gegenueber dem Bevollmaechtigten, so entspricht es nicht den Bestimmungen des Art. 11 Abs. 3 REG.

Weiter hat der oben erwaehte Dr. Geier am 23. Juni 1950 dem Liegenschaftsamt der Stadt Stuttgart gegenueber folgende Erklaerung abgegeben:

"Im Namen und in Vollmacht von Frau Elisabeth Marx, Rechtsanwaltschwiter und Fraulein Pauline Arnold in New York, frueh. in Stuttgart, Lenzhalde 43 wohnhaft, verzichte ich auf die Rueckerstattung des im Jahre 1937 von meinen Vollmachtgebern an die Stadtgemeinde Stuttgart verkauften Gebaeudes Keplerstr. 28 in Stuttgart, nach dem amerikanischen Mil.Regierungsgesetz Nr. 59 fuer Deutschland."

Dieser Verzicht ist als verspaetet rechtsunwirksam und kann nur als Indiz fuer das gewertet werden, was frueher geschehen ist.

Da die Stadt Stuttgart es im Verfahren vor dem Schlichter abgelehnt hat, sich zu vergleichen, ist die Sache an die Wiedergutmachungskammer verwiesen worden. Vor dieser schwebt der Rechtsstreit jetzt.

Es liegt uns nun sehr daran, zu eruieren, ob die Verkaeufferin wirklich ganz losgeloest und unbeeinflusst von der Hitlerherrschaft das Haus Keplerstr. 28 veraeusert hat.

Alles haengt davon ab, was die wahren Gruende dafuer waren, dass die Damen Marx und Arnold das grosse Haus verkauften und ein kleineres erwarben. Wenn sie das grosse Haus lediglich deshalb verkauften, weil sie ein guenstiges Angebot erhielten, dann sind die Voraussetzungen des Art. 4 l a gegeben und unser Anspruch entfaellt, wenn sie es aber deshalb verkauften, weil sie sich mit Ruecksicht auf die Wirkungen des Naziregimes einschraenken mussten oder weil ihre Kinder auswanderten und sie kein Interesse hatten, das Haus zu behalten usw. usw., dann sind die Voraussetzungen des Art. 4 l a auch dann nicht gegeben, wenn das Angebot der Stadt Stuttgart besonders guenstig war."

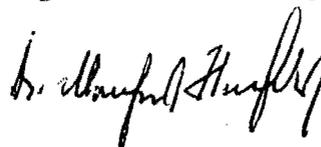
Wir wuerden Ihnen deshalb sehr dankbar sein, wenn Sie sich unmittelbar mit Frau Marx in Verbindung setzen wuerden, um in dieser Hinsicht Klarheit zu schaffen.

Wir waeren Ihnen fuer eine baldgefl. Rueckaeusserung sehr dankbar, das

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Termin vor der Wiedergutmachungskammer am 26. April ds. Js. ansteht und wir die Sache noch naeher vorbereiten moechten.

Mit vorzueglicher Hochachtung



Dr. Manfred Herzfeld
Regional Director

Dr.H./ka

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JEWISH RESTITUTION SUCCESSOR ORGANIZATION

Stuttgart Regional Office

OIC, W - B

APO 154

U.S.ARMY

Stuttgart, March 12th, 1951

Mr. Eli Rock
270 Madison Avenue
New York 16, N. Y.

Our File: I, 200 Stuttgart
(Please mention in reply)

Dear Mr. Rock:

Please forgive me for troubling you with the following restitution matter:

On June 29, 1937, a Mrs. Elisabeth M a r x, nee Arnold, the widow of the lawyer Dr. Adolf Marx, now New York, 607 West 137th Street, New York 31, N. Y., together with a Miss Pauline A r n o l d, sold to the City of Stuttgart the property Kerk Keplerstr. 28, together with lot 456/17 which belonged to it, for a price of RM 105,000.

The buildings on this lot have in the meantime been destroyed by bombs, so that now only the lot and the ruin are involved.

Mrs. Marx did not file a restitution claim regarding this property, however the JRSO did file.

The rather considerable value of the lot and the ruin are here involved.

The City of Stuttgart claims that the sale would have taken place even in the absence of National Socialism, since Mrs. Marx and Miss Arnold only sold the property in order to buy, with a part of the proceeds, i.e. RM 34,000, the property at Lenzhalde 43, regarding which a restitution proceeding did take place and a settlement was effected.

Further the City claims that Mrs. Marx had waived her claim regarding the property at Keplerstr. 28.

One Dr. Karl Geier in Kuenzelsau, who apparently takes care of Mrs. Marx's interests in other cases, has stated that Mrs. Marx, in a letter to him of March 16, 1948, had written, among other things, as follows:

"The house Keplerstr. 28 is a ruin and we want to drop all claims there. Thus only the house Lenzhalde 43 would be involved."

Since this letter had not been conveyed either to the restitutor or to the appropriate restitution authority, or to the Central Filing Agency, but solely to the attorney, it does not fulfill the conditions of Art. 11, Par. 3 RMG.

Furthermore, the above mentioned Dr. Geier stated on June 23, 1950 to the Real Estate Bureau of the City of New York, as follows:

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-2-

"In the name of and by power of attorney from Mrs. Elisabeth Marx, and Miss Pauline Arnold in New York, formerly of Stuttgart, residing at Lenzhalde 43, waive the claim for restitution of the property at Keplerstr. 28 in Stuttgart under Mil. Gov. Law 59, which property was sold to the City of Stuttgart by the above named in 1937."

This waiver is late and therefore legally ineffective. I can only be considered as an indication of what took place before.

Since the City of Stuttgart refused to reach a settlement before the arbitrator the matter was referred to the restitution chamber. There the dispute now stands.

We are very anxious to ascertain whether the seller made this transaction really completely independent and not influenced by the Hitler Regime.

It all depends on what were the true reasons that Mmes. Marx and Arnold sold the large house and bought a smaller one instead. If they sold the large house only because they got a favorable offer for it, then the conditions of Art. 4 l a exist and our claim is void; if however they sold the house because they had to reduce their household due to the effects of the Nazi regime, or because their children emigrated and they had not interest in keeping the house, etc., etc., then the conditions of Art. 4 l a are not established, not even if the offer of the City of Stuttgart was particularly favorable.

We would therefore be much obliged to you if you could get in direct touch with Mrs. Marx in order to clarify this point.

We would appreciate an early reply, since the proceedings before the restitution chamber are fixed for April 26th and we would like to prepare the case more fully in advance.

Sincerely yours,

Dr. Manfred Hersfeld
Regional Director

344345

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

MRS. ELIZABETH MARX and MISS PAULINE ARNOLD, residing at 607 West 137th Street, being duly sworn, depose and say:

1. On June 29, 1937, we sold a certain house and property known as Keplerstrasse 28 in Stuttgart, Germany, to the City of Stuttgart for the price of RM 105,000.

2. We were impelled to sell this property to the City of Stuttgart because of the following circumstances:

a) In 1933, when Hitler came to power, we lived in the house at Keplerstr. 28 together with Erich and Erika Marx, children of the deponent Mrs. Elizabeth Marx. In 1933, Erich was 26 years and Erika was 15 years of age. In 1936 Erika was prohibited from continuing her education in Germany because she was a Jewess. Because Erich was a Jew, it was not possible for him to pursue any career in Germany. The children therefore had to leave Germany, and Erich was able to go to the United States in January 1936. Erika was enabled to leave Germany and come to the U.S. in June 1937.

b) With the departure of the young people to the U.S., we knew that they would never return to Germany. We therefore realized that there was no future for the family in Germany and that at best only we two elderly people would remain in Germany. The house at Keplerstr. 28 was much too large for the two of us, and since there was no hope of any other descendants of the family ever being able to live in it, we sold the house soon after the departure of Erika Marx.

c) It is clear from the circumstances set forth in paragraphs a) and b) above, and it is a fact, that we sold the property at Keplerstr. 28 because the Nazi regime had broken up our family and family life, had made it necessary for the children to leave Germany and for us to hope that we might find it possible to remain unmolested in small quarters.

3. We waived our claim to this property under Military Government Law 59 for the following reason: The fact that the building on the property had been completely destroyed by bombing caused us to believe that the expense and trouble involved in pursuing a restitution claim in this case was not warranted by the expected return.

ELIZABETH MARX

PAULINE ARNOLD

Subscribed and sworn to before me
this 22 day of *May*, 1951

Thomas Bosco

344346

STATE OF NEW YORK)
COUNTY OF NEW YORK) 391

MRS. ELIZABETH MARX and MISS PAULINE ARNOLD, residing at 607 West 137th Street, being duly sworn, depose and say:

1. On June 29, 1937, we sold a certain house and property known as Keplerstrasse 28 in Stuttgart, Germany, to the City of Stuttgart for the price of DM 105,000.

2. We were impelled to sell this property to the City of Stuttgart because of the following circumstances:

a) In 1933, when Hitler came to power, we lived in the house at Keplerstr. 28 together with Erich and Erika Marx, children of the deponent Mrs. Elizabeth Marx. In 1933, Erich was 25 years and Erika was 15 years of age. In 1936 Erika was prohibited from continuing her education in Germany because she was a Jewess. Because Erich was a Jew, it was not possible for him to pursue any career in Germany. The children therefore had to leave Germany, and Erich was able to go to the United States in January 1936. Erika was enabled to leave Germany and come to the U.S. in June 1937.

b) With the departure of the young people to the U.S., we knew that they would never return to Germany. We therefore realized that there was no future for the family in Germany and that at best only we two elderly people would remain in Germany. The house at Keplerstr. 28 was much too large for the two of us, and since there was no hope of any other descendants of the family ever being able to live in it, we sold the house soon after the departure of Erika Marx.

c) It is clear from the circumstances set forth in paragraphs a) and b) above, and it is a fact, that we sold the property at Keplerstr. 28 because the Nazi regime had broken up our family and family life, had made it necessary for the children to leave the country and for us to hope that we might find it possible to remain unmolested in small quarters.

3. We waived our claim to this property under Military Government Law 59 in error, for the following reasons:

a) The fact that the building on the property was completely destroyed by bombing caused us to believe that the expense and trouble involved in pursuing a restitution claim, the success of which appeared doubtful to us at the time, was not warranted by the expected return.

b) We did not then understand that the facts which we have stated in paragraph 2. of this affidavit brought the matter of the Keplerstr. 28 property within the provision of Article 4, Section 1(a) of the restitution law (M.L. Gov. Law 59) and that consequently even if it were determined that we were paid a fair purchase price, we would still have a valid claim for restitution.

c) These circumstances did not apply to our former property at Lenshalde 43, sold in 1939. In the latter case we had never received any of the supposed purchase price. Consequently, it was abundantly clear to us that the Lenshalde 43 property had been confiscated and that we were entitled to restitution. Thus we filed our claim for the property at Lenshalde 43.

ELIZABETH MARX

Subscribed and sworn to before me
this 22 day of May, 1951

PAULINE ARNOLD

Thomas Besco

344347

ER 5.8507

CABLE ADDRESS: "CAREMARC"

HANS G. MARCUS
401 BROADWAY
NEW YORK 13, N. Y.

June 16, 1949

Ely Rock, Esq.,
Assistant Secretary,
Jewish Restitution Successor Organization
c/o Joint Distribution Committee
270 Madison Avenue
New York City, N.Y.

My dear Mr. Rock:

This is to inform you that I am representing Mr. Moses Mai c/o May Hosiery Mills, 436 Houston Street, Nashville, Tennessee, for whom I have claimed under Military Government Law #59 a mortgage, owned or formerly owned by him, in the amount of RM 14,035.-- on the plots located at Hoechst/Odenwald, American Zone.

The restitutors are, so far as known to me, Mr. and Mrs. Hans Thierolf who are being represented by Dr. Hans Breitbach, Frankfurt/Main, Hochstrasse 42.

The rightful claimant of the property on which my client has a mortgage, is Mr. Israel Reinheimer, 804 B.16th Avenue S., Nashville, Tennessee. It is known to me that Mr. Reinheimer has failed to put in a claim for his property, probably because he knew that Mr. Mai is claiming his mortgage.

Under the circumstances it might be warranted that JRSO checks its files as to whether a claim has been filed by them within the deadline, or, if not, to have the public prosecutor file same on your behalf on or before June 30, 1949.

I shall appreciate hearing from you.

Very sincerely yours,

Hans G. Marcus

HANS G. MARCUS

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HGM:rt

344348

GEN. & EMERG.

*Rest. Div.
M. S. Moore*

June 20th, 1949

JRSO Letter No. 102

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

Gentlemen:

I am attaching a self-explanatory letter which I have received from Mr. Hans G. Marcus, an attorney, regarding property in Eschsch/Odenwald, Germany. I would suggest that you reply directly to Mr. Marcus on the matter, with a copy to us.

Sincerely yours,

Elis Rock
Counsel, AJDC

BR:AD
Enc.

GEN. COUNCIL

Res. Dir.

M. M. Mosk

June 20th, 1949

Dr. Hans G. Marcus
401 Broadway
New York 13, N. Y.

Dear Dr. Marcus:

This will acknowledge your letter of June 16th, 1949 with reference to property located at Hochst/Odenwald, American Zone of Germany. I have this day sent a copy of your letter to the JRSC office in Nurnberg, and I am sure that they will write to you directly on this matter in due course.

Sincerely yours,

Eli Rook
General Counsel

MR:AU

344350

AMERICAN JOINT DISTRIBUTION COMMITTEE

EUROPEAN EXECUTIVE
COUNCIL

19, RUE DE Téhéran
PARIS (8^e)

GEN. & LINES, GERMANY
RESTITUTION
PERS. SERV.
NOV 7 1947
TELEPHONES
LABORDE 07-70
79-84
CABLES & TELEGRAMS
JOINTFUND-PARIS

November 1, 1947

NOV 7 1947

Paris Letter No. 7293/G

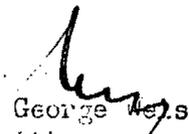
To: AJDC NEW YORK, Personal Service Dept., Mrs. E.C. Elbogen
From: AJDC PARIS, Office of General Counsel
Re: OGC/INT/1 - August Mayer

We are referring to your letter dated October 27, 1947, ref. W.I.#911 in re August Mayer. The answer sent to Mr. Mayer by Miss Levy's department was drafted on our suggestion, and there is nothing in Mr. Mayer's letter dated September 28, 1947, which justifies any change in our first reply. To judge from Mr. Mayer's letter there is little hope to convince him that he is wrong and we are right. I should like, however, to make the following further remarks:

- (1) Mr. Mayer is quite wrong when he assumes that his case is a special case. Hundreds, if not thousands, of lift vans have been sold by auction in Hamburg and Bremen and in other places. The result of such an action, if one cannot find the items sold which is of course quite improbable, is only a claim for indemnification against the German Reich. Such a claim can only be based on a future indemnification law. Drafts of such law are now discussed, but there is no chance that such laws will be promulgated in the near future. If Mr. Mayer came to Berlin today, he would be just told that nothing can be done at present to satisfy his son's claim. Mr. Mayer is right that this claim has nothing to do with the Wiedergutmachungsgesetz but that it is a claim for indemnification and that is exactly what we told him already in the first instance.
- (2) As to the restitution claims with regard to the Firma Kahn & Arnold, a restitution law will be published in the American Zone within the next few weeks or even days. When it has been published, restitution claims will have to be filed and will then be dealt with through the official channels, and there will be no need for Mr. Mayer to go to Germany to have this matter settled.
- (3) We can only repeat to Mr. Mayer that he is just one of at least 40,000 restitution and indemnification claimants, and it is quite impossible that credits could be granted to such claimants for journeys to Germany to settle their restitution affairs.

- 2 -

- (4) Entre nous, we should like to add that a gentleman of 73 years of age would have a very difficult time if he would proceed to Germany now without the privileges of a member of the Allied Forces or Relief Agencies. It would be a very dangerous undertaking for a gentleman of that age, and if Mr. Mayer knew how difficult it would be for him to find accomodation or food or even to go around in Berlin from one office to the other, he would not think of such a journey.


Dr. George Weis
Attorney

GW/hf

34435Z

GEN. & EMERG. GERMANY

Restitute
Mayer

November 20th, 1947

Mr. August Mayer
Chewam-Saltanah 118
Teheran, Iran

Dear Mr. Mayer:

This will acknowledge your letter of September 28, 1947 in which you request assistance towards regaining your property in Germany. Particularly you asked about the possibility of the Joint loaning you money to make possible a trip by you to Germany on these restitution matters.

As the Legal Counsel to the American Joint Distribution Committee in New York I find that there is very little which can be added to the letter which was sent to you on August 29, 1947 by Mrs. Esther C. Elbogen of our Personal Service Department. May I again, however, emphasize the following points.

- 1) As a matter of policy, the JDC is not advancing funds to German Jewish expatriates for the purpose of temporary return travel to Germany on restitution matters. There are perhaps at least 40,000 German Jewish restitution and indemnification claims and it is impossible from a financial point of view alone to undertake this kind of service.
- 2) Disregarding the financial obstacles, the Allied military authorities do not usually permit people who are outside of Germany to come into Germany on temporary visits. This is because of the acute housing and food shortage and the desire of the Allied authorities not to place additional burdens on these limited supplies. At the same time, even young people who would attempt to come to Germany from the outside for only a temporary visit would incur great hardships of life while there and might find themselves totally unable to obtain either food or housing for themselves.
- 3) In any event, claims can now be filed both in the American and British Zone of Germany without the necessity for coming to Germany in person. As a matter of fact, the laws in both of these zones provide for elaborate procedures to be followed by claimants who are outside of Germany. The simplest remedy for you to pursue would be to contact, perhaps through the Jewish Gemeinden, lawyers in the American and British zones and to request them to handle your case. In the event you don't know the name of any attorney for your matters, I am sure that any Gemeinde in the large cities of Germany can recommend to you the names of some attorney. If you should not wish to retain an attorney, you may even file claims directly at the following two offices:

For the American Zone - Central Filing Agency, Bad Nauheim, Hesse, U.S. Zone, Germany

For the British Zone - Zentralamt fuer Vermoogensverwaltung, Bad Nenndorf, Niedersachsen.

Dr. August Mayer

-2-

November 20, 1947

I do want to repeat, however, that the case of your lift vans which were sold in Hamburg and Bremen is not covered by any present legislation. The Restitution Law which has been passed for the American Zone and the one which is soon contemplated for the British zone only refer to real estate and to such personal property as can be traced and found in the hands of individuals to whom it was transferred from the Jewish owners. Inasmuch as it would be literally an impossible task to trace your lift vans throughout Germany, there is no possibility of this claim being covered by the present laws. It is hoped that another law, providing for the indemnification of such losses as these untraceable lift vans will be passed at a later date, but as yet we have no idea when such a law will be forthcoming.

4) Finally, let me point out to you that as regards your claims to real property (as distinguished from personal property) which might be found in the American Zone, there will be no possibility for you to transfer any of the proceeds outside of Germany, and therefore no benefit could accrue to you and your family in Teheran. Germany at present is, as you undoubtedly know, completely closed to foreign exchange transactions and will undoubtedly continue to remain so for an indefinite period in the future. There is, therefore, no way whatsoever for you to realize the benefits of recovered real property outside of Germany.

I am sorry that we cannot be of assistance to you in that matter, but I do ask you to believe me that it would be not only foolhardy but really a danger to your health for you to attempt a trip to Germany at the present time. And, as I pointed out, no real benefits could accrue to you even if you were successful in arranging for a temporary visit to Germany.

Sincerely yours,

Eli Rock
Counsel, AJDC

ER:AU

344354

N
[Handwritten signature]

Air Mail

October 27, 1947.

W.I./911

FROM: Mrs. Esther C. Elbogen
Personal Service Dept.

TO: General Council^{sel}
AJDC Paris
Attention: Dr. George Weiss

RE: MAYER, August
Chavanz-Saltanch 118,
Teheran, Iran.

Attached is translated copy of the original letter we received from Mr. Mayer dated June 6, 1947. Regarding this inquiry we had some correspondence with Dorothy Levy in Paris.

Referring to the information made available by Miss Levy's department, we received a subsequent letter from Mr. Mayer. We are also enclosing that letter dated September 28 as well as translated copies. We are sending you this material with the thought in mind that more recent information might have come through and also that your department is much more likely to give us the legal advice Mr. Mayer seems to be in need of.

Thank you very much indeed for letting us have your suggestions.

ECB:rf

344355

RECEIVED
October 27, 1947
Personal Service Department
Mayer

October 27, 1947.

Mr. August Mayer,
Ghavam-Saltaneh 118,
Teheran, Iran.

My dear Mr. Mayer:

We are in receipt of your letter dated September 28 and want you to know that we are once more looking into the situation to see whether any other information can be made available to you.

As soon as we are in receipt of further advice we will be glad to let you know.

Sincerely yours,

Personal Service Department
Reta L. Stein, Director

ECE:rf

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August Mayer
Ghawam-Saltaneh 118
Teheran, Iran

September 28, 1947.

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

I wish to answer your letter of August 29, 1947, and I completely fail to understand your present decision. I am forced to assume that you are not so well informed about the restitution claims, which are different in each case, as I and many of my friends presumed you would be. Your emphasis of the fact that thousands of people still depend on you for aid and have been assisted by you is well known to me; Teheran had also a branch of your Committee and your representatives here were not unknown to us, some of them we even knew well.

I do not think that I should tell you more about myself (I am not a doctor) and my son's family, since in my letter of June 6, 1947, I said all that is essential. There may be some refugees on your Committee who know us and who will also fail to understand your negative decision. We do not belong to the category of those Jews who try to take advantage of your Committee in an improper way and we, therefore, expect you to treat us accordingly. If I mention again that our proposal constitutes an unequivocal request which should be granted without any risk for you, I assume that the whole matter will be correctly judged at your end. I, therefore, take again the liberty to ask for a loan in the amount of 1,000 dollars for the purpose of a trip to Germany and the settlement there of our restitution claims, and I hope that you will grant me the same, and that at the moment when I intend to make effective my intention of which I shall inform you in due time. My son cannot take such active part in this matter for the reason that four years ago he was infected by a Jewish patient in Kermanshah and still suffers from the consequences. I myself, at the age of 73, have the responsibility to do everything which is possible and necessary for my children and grandchildren.

I only want to point out briefly that your overseas office is not well informed about this Jewish matter. Our case regarding the lifts cannot be generalized since the official documents by which the contents of the lifts had been evaluated in 1941 are in our hands. If a financial department like the Moabit had officially informed us accordingly through our transportation agent, it is clear that this robbery on the part of the German people is liable to immediate restitution. Consequently, this has nothing to do with the restitution law, and since the Nazi laws have been abolished, this case should be handled according to the old laws. This is also confirmed by the fact that my son's former private clinic has been sequestered at our request. It is useless to go into further discussions of the arguments put forth by your overseas office since, as mentioned before, ~~it is impossible~~ the latter seems to lack the necessary information.

I would like to mention that in addition to my and my son's claims,

344357

Assigned To	No Answer Required	Answered	TICKLE
P.S. Dept			DATE Nov. 12/47

Referred To	Date Noted	Action Required
Eli Ruck		
attached material for		
your personal handling		
please let me know whether		
you will file this material		
on the staff.		

Remarks:

E.C. Lehman
Personal Service

File No.

No.

344359

Handwritten notes:
Paris letter
8/29

Handwritten signature:
Festinger
Mayer

August 29, 1947

Dr. August Mayer
Ghavam-Saltaneh 118
Teheran, Iran

Dear Dr. Mayer:

Referring to our letter of July 1, we would like you to know that our Paris headquarters office wrote to us that they are unable to meet your request for a loan for the purpose of returning to Germany to settle your property claims. We are certain that you will understand this decision inasmuch as so many thousands of people have to be helped and in the case of property claims you do not have to be in the country yourself.

Our overseas office writes as follows:—"The only specific claim made by Dr. Mayer is that of 600,000 Marks, which is the value of personal belongings, including furniture, sold by the Nazis while in bond in Bremen and Hamburg. These belongings cannot be a claim for restitution as long as they have not been found or identified. It is instead a claim for indemnification. As yet no steps have been taken to solve the problem of indemnification claims, and there is very little chance that this problem will be taken up in the near future.

"Regarding furniture belonging to Jews, attempts are being made to trace such furniture which was sold in Bremen and Hamburg. This is, however, a very delicate matter, as almost all the documents have been destroyed, and it will take much time before these files can be reconstructed. Mr. Mayer's presence in Germany would not facilitate this work; also, it would not be possible to claim any of the furniture before the files have been re-established, and unfortunately it is very doubtful whether the furniture would be found even after this is done.

"The suggestion is that the only thing Dr. Mayer can do at the present time is to register his claims with the Zentralamt fuer Vermoogensverwaltung, Stadthagen, Seilestr. 28, Westphalia, British Zone of Germany. He should file a separate claim in duplicate for each property. These claims should be written in German as well as in English. The following information should be given:— his name, birth date, his last residence, his present residence, the "Kreis" in which the property was or is still situated, and a brief description of the property and its approximate value. The latter should not be exaggerated. As the situation now stands, Dr. Mayer will be at no disadvantage by not going to Germany himself to claim his property, as he can accomplish whatever can be done at this time by correspondence."

We are giving you this very detailed information in the hope that it will enable you to make your claim properly as suggested.

Sincerely yours,

PERSONAL SERVICE DEPARTMENT
Mrs. Retta L. Stein, Director

EOE:rk

AMERICAN JOINT DISTRIBUTION COMMITTEE

EUROPEAN EXECUTIVE
COUNCIL

19, RUE DE TÉHÉRAN
PARIS (8^e)

TÉLÉPHONES
LABORDE 07-70
79-84
CABLES & TELEGRAMS
JOINT FUND-PARIS

AUG 11 1947

August 5, 1947

Mrs. Esther C. Elbogen,
A.J.D.C.,
270 Madison Avenue,
New York 16, N.Y., U.S.A.

In reply please refer
to: #PSI.709

re: MAYER, Dr. August

Dear Mrs. Elbogen,

As promised in our letter of July 16, 1947, we are sending you herewith the information received from our Legal Adviser regarding the request of the above named:-

We are unable to give Dr. Mayer a loan of \$1000 for the purpose of returning to Germany to settle his property claims. Certainly Dr. Mayer will appreciate the fact that there are many thousands of people in the same position, and we are not able to grant individual requests of this kind.

The only specific claim made by Dr. Mayer is that of 600,000 Marks, which is the value of personal belongings, including furniture, sold by the Nazis while in bond in Bremen and Hamburg. These belongings cannot be a claim for restitution as long as they have not been found or identified. It is instead a claim for indemnification. As yet no steps have been taken to solve the problem of indemnification claims, and there is very little chance that this problem will be taken up in the near future.

Regarding furniture belonging to Jews, attempts are being made to trace such furniture which was sold in Bremen and Hamburg. This is, however, a very delicate matter, as almost all the documents have been destroyed, and it will take much time before these files can be reconstructed. (Mr. Mayer's presence in Germany would not facilitate this work; also, it would not be possible to claim any of the furniture before the files have been re-established, and unfortunately it is very doubtful whether the furniture would be found even after this is done.

Dr. Mayer does not specify the other claims of members of his family, but even if they are claims for restitution of immovable property, there is nothing he can do at present to advance same, since no restitution law has yet been promulgated. When such

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-2-

a law is promulgated, there will be the machinery to deal with Dr. Mayer's claim even if he is not in Germany.

It is also doubtful that Dr. Mayer could obtain a permit for Germany for the reason given--that of property settlement--as the Military Government would most probably refuse to grant it. ~~The suggestion is that the only thing Dr. Mayer can do at the present time is to register his claims with the Zentralamt fuer Vermoogensverwaltung, Stadthagen, Seilestr. 28, Westphalia, British Zone of Germany. He should file a separate claim in duplicate for each property. These claims should be written in German as well as in English. The following information should be given:- his name, birth date, his last residence, his present residence, the "Kreis" in which the property was or is still situated, and a brief description of the property and its approximate value. The latter should not be exaggerated.~~

As the situation now stands, Dr. Mayer will be at no disadvantage by not going to Germany himself to claim his property, as he can accomplish whatever can be done at this time by correspondence.

Would you please communicate this information to Dr. Mayer, which we hope he will find helpful.

Sincerely,

Dorothy Levy
Dorothy Levy,
Personal Service Department.

DL/Y

344361

AMERICAN JOINT DISTRIBUTION COMMITTEE

EUROPEAN EXECUTIVE
COUNCIL

19, RUE DE TÉHÉRAN
PARIS (8^e)

TELEPHONES
LABORDE 07-70
79-84
CABLES & TELEGRAMS
JOINTFUND-PARIS

Restituted

July 16, 1947

REGS. SER.

Mrs. Esther C. Elbogen,
A.J.D.C.,
270 Madison Avenue, New York 16,
N.Y., U.S.A.

JUL 22 1947

File

re: MAYER, Dr. August

Dear Mrs. Elbogen,

Your letter of July 1, 1947, addressed to the Emigration Department, re the above named, was referred to this department. This transfer was made because the Emigration Department does not consider this either an emigration or a repatriation case. They regard it rather as coming under the heading of "Travel Accommodation Service", which requires preliminary investigation by other departments.

You will be interested in knowing that we have referred this matter to our Legal Adviser, and as soon as we receive his comments we shall take the matter up further and write you accordingly.

Sincerely,

Dorothy Levy
Dorothy Levy,
Personal Service Department.

DL/Y
Our Ref. #PSI.709

344362