

file
R&stitution

HUNGARIAN GOVERNMENT LIQUIDATES OFFICE FOR TRACING HEIRLESS JEWISH PROPERTY

BUDAPEST, March 22. (JTA) -- The liquidation of the office established by the Hungarian Government for the tracing of heirless Jewish property was announced here today. Laszlo Nogoradi, Under-Secretary of State in the Prime Minister's office, was put in charge of the liquidation program.

The office, which has been in existence for about three years, accomplished very little and was under constant criticism. The Budapest Jewish Community is now making preparations to continue the work of tracing abandoned Jewish property for the purpose of securing its transfer to the Jewish Fund for helping rehabilitate Jewish survivors.

Moses Bisselichos, a Jewish industrialist and one of the oldest Zionists in the country, was elected yesterday as president of the Hungarian Zionist Federation. He succeeds Mihaly Salamon, who resigned.

JTA 3.23.48

344528

file
Restitution

GERMAN GOVERNMENT IN BAVARIA CHARGED WITH "DISSIPATING" JEWISH PROPERTY

MUNICH, March 22. (JTA) -- The charge that property belonging to Jews and others who were persecuted in Germany during the Nazi regime is now being "dissipated" by the Bavarian Government was made today by Dr. Philip Auerbach, Commissioner for Racial and Political Persecutees in Bavaria.

In a protest submitted to the Bavarian Minister-President Hans Ehard, Dr. Auerbach pointed out that the Kugelfischer firm in Schweinfurt will receive 120 machines from the Bavarian Ministry of Economics, which, he said, came from the Dachau concentration camp and belong to former camp inmates.

The Leipzig Radio, a German station in the Soviet zone, today reported that the German zonal Ministry of Justice is preparing a uniform restitution law for the entire zone. The broadcast added that the new law would replace the various measures now in effect in the zone and that it would probably be modeled on the American restitution law.

JTA 3.23.48

344529

Letter No. 311

-3-

March 19th, 1946

3) Revised Assets in the U.S. As I indicated to you over the phone, it was decided not to press ahead with State legislation this year, primarily because of our conviction that the prospects of Federal legislation were much brighter and that in the event such Federal legislation could be passed there would be very little that would have to be covered by State legislation. There was also the further consideration that since the State would again insist on a 15 year waiting period before deposits could be treated as abandoned there was no hurry on the legislation and we still had several years in which to act for it, assuming we should ultimately find it desirable to do so.

As to Federal legislation, we are continuing to work on a draft of an amendment to the Trading with the Enemy Act which would incorporate the so-called Robinson Plan. I call your attention to the attached draft which is an early one prepared by some of the governmental people in Washington. This draft contains a number of weaknesses from our point of view, and as a matter of fact is now being changed by the very individuals who drafted it, but I think you may find it interesting by way of getting a general line on our plans in this case. We should, of course, be very interested in your comments, particularly as regards the last portion of the draft which requires proof of death, Jewishness and heirlessness. As you might gather, this clause is of particular concern to us, even assuming that the Washington people are correct in stating that it can be worded in such a way as to minimize completely its restrictive effect. Our answer to the latter is to say that even assuming this to be the case, such a draft would be a dangerous precedent for other countries, particularly Switzerland, where this kind of clause would be administered in such a way as to hamstring completely the return of Jewish property.

I might say that I have been in touch with Abba Schwartz on this question, particularly the last mentioned point, and he told me that negotiations had proceeded quite favorably in Switzerland on the question of heirless assets. As a matter of fact, also, he was going to send a copy of the attached draft to his representative in Switzerland to inquire whether such a clause in the United States would in fact do great damage in connection with the Swiss legislation.

In any event, we are continuing to work on this legislation, and with the help of one or two of the bright ex-government Jewish lawyers in Washington, we hope to be submitting appropriate legislation very soon.

Mr. Rock
Council, AYD

ENCLAU
ENC.

344530

AMERICAN JOINT DISTRIBUTION COMMITTEE

EUROPEAN EXECUTIVE
COUNCIL

10, RUE DE TÉHÉRAN
PARIS (8^e)

TÉLÉPHONES
LABORDE 07-70
79-84

CARLES & TELEGRAMS
JOINTEUND-PARIS

March 9, 1948

Paris Letter No. 330

MAR 15 1948

To: AJDC NEW YORK, Committee on Claims Attention Mr. Eli Rock
From: AJDC PARIS, Office of General Counsel
Re: OCC/CON/20

The European edition of the "New York Herald Tribune" of March 2, 1948, brings the following comment:-

"EUROPEANS GET UNTIL JUNE TO CLAIM ASSETS IN U.S."

Washington, March 1 (U.P.) - Europeans possessing secret dollar assets in the United States were given until June 1 to claim them or be exposed to their governments.

Secretary of the Treasury John Snyder said that after June 1, jurisdiction over blocked funds which total \$1,000,000,000 will be transferred to the office of alien property of the Department of Justice. Until that date, foreigners will be able to get their money by certifying that it is not tainted. After June 1, licenses authorizing withdrawals will expire.

The Department of Justice will start listing all assets still blocked after the time limit and will turn the names and amounts over to the countries concerned." 54256 Cr

Some of the dollar assets in question are certainly heirless property. Other assets, however, belonged most probably to persons who died and left beneficiaries who do not know of these assets. These beneficiaries may be living outside the country to which the assets are going to be released. Some of the beneficiaries may even be living in the U.S. It would, of course, be most unfortunate if these assets would be returned to the countries concerned and the beneficiaries would be deprived of them.

We do not know what machinery exists in the U.S. to inform possible beneficiaries of deposits to which they may be entitled. It will certainly not be possible to publish lists of the assets in question, but what is needed is some machinery with the help of which people, especially from the Eastern European countries can make sure whether some assets exist in the name of relatives.

There are two possible ways to bring such assets and the beneficiaries together:

344531

Eli Rock

Miss Ann Petluek, USNA

March 9th,

Brown Rock
U.S. Delegation
D.F.I.D.
Judea & Galilee

Your memorandum of March 1, 1948

Thank you for the notice from the Foreign Funds Control of the Treasury Department regarding the unblocking of deposits under \$ 5,000. This item has already been the subject of considerable discussion among those of the Jewish organizations which are dealing with the question of heirless assets. As for the previous Treasury Department material you sent us, I believe it was the feeling of the people here concerned with that type of problem that no action was called for.

Yesterday I held a telephone conversation with Joel Fisher in Paris, and was informed that the promised material regarding restitution and declaration of death procedures in European countries will be sent out to us within a week or ten days. (Perhaps you will see, from Reta Stein, a copy of the letter which I have this day sent on to Joel as a follow-up.) On the basis of this information, I feel that it is advisable to hold up for an additional week or two my preparation of the restitution statement previously promised.

ER:AU

cc. RLS

GEN. C.M.R.C. Restricted

Eli Roth

March 2nd, 1948

Mr. Maurice M. Holtzman
Dr. Benjamin Robinson
Dr. Eugene Reveal

Copies being turned over to the State Comptroller under the Abandoned Property Statute

In the last several days I have had telephone conversations with Mr. Walsh in Mr. Breitels office and also with Mr. Charles Potter, who is Assistant Counsel in the Department of Audit and Control, State Comptroller's Office. These conversations were designed towards obtaining information regarding the character of bank deposits now being turned over under the Abandoned Property Statute, in order that we may possibly be able to determine whether any Jewish assets are now beginning to be turned over. The information which I received was as follows:

Beginning with 1945, the figures for funds turned over to the State Comptroller under the Abandoned Property Statute were as follows:

	From Bank Deposits	From All Sources
1945	\$ 3,100,000	\$ 3,800,000
1946	2,700,000	3,400,000
1947	1,200,000	1,800,000

By way of explanation of the above figures, I was told that the large amounts in 1945 were due to the fact that the operation of the Abandoned Property Statute only began to get really under way in that year. The figure for 1946 is also large because there were a number of discredited items which were decided during that year. It is the opinion of the people in Albany that the figure for 1947 is approximately an average figure for the future, and on the basis of all the information available thus far it also appears that this will be roughly the figure for the year 1948.

I was also told by the people in Albany, and this information comes directly from Mr. Bentley who is in charge of receiving funds under the Abandoned Property Statute, that funds being turned in from foreign deposits are a comparatively small percentage of the above amounts, although there is no breakdown to indicate the precise percentage. Mr. Bentley also stated that most of the funds which have been coming in with the names of foreign depositors have come from the Seaman's Bank of Savings of New York, which would appear to indicate that they are the depositors of foreign seamen and not of persons in whom he is interested. It is also the opinion of the people in Albany who are in a position to know something about this problem, and I want to emphasize that they appear to be extremely anxious to cooperate with us on this matter, that there will probably be no appreciable amounts of foreign deposits being paid over until about two years from now.

Despite the unavailability of any break-down from Albany which will indicate what percentage of the payments thus far have involved foreign deposits, I do think that the above information is extremely valuable. In the first place, it shows that the New York Times report was incorrect in stating that there was an increased amount of payments under the statute this year. And in the second place, it would seem to justify the assumption, from all the evidence thus far available and from the general knowledge which we ourselves have, that no serious damage would result in delaying the proposal for state legislation until next year, thus enabling us to ascertain what federal legislation may be forthcoming this session of Congress and all possible effects of such legislation on the state picture.

Incidentally, I also gathered from the Albany boys that it is possible for claimants, even after money has been paid over to the Comptroller under the Abandoned Property Law, to come in and make their demands to the Comptroller, so that we may possibly be able to get at any small sum of money that will already have been turned over.

BB:AU

cc. HJ

USNRA 23-5-47-10M

Petluck 34
UNITED SERVICE FOR NEW AMERICANS, INC.
INTEROFFICE MEMORANDUM

TO: Mr. Eli Rock, JDC

DATE March 1, 1948

FROM: Ann S. Petluck

SUBJECT Treasury Department Foreign Funds Control

I am again sending you some literature from Foreign Funds Control in line with our plan. What did you determine about the previous material we sent to you?

When do you think you may have the interpretation on the German and Austrian restitution laws?

ASP:VG
cc Mrs. Stein
encls.

NSP

344535

Treasury Department
FOREIGN FUNDS CONTROL
February 27, 1948

GENERAL LICENSE NO. 97
UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED,
EXECUTIVE ORDER NO. 9193, AS AMENDED, SECTION
5(b) OF THE TRADING WITH THE ENEMY ACT, AS
AMENDED BY THE FIRST WAR POWERS ACT, 1941,
RELATING TO FOREIGN FUNDS CONTROL.

MIGRATION DEPT.
FEB 27 A.M.

DIRECTOR

General License No. 97 - (1). Property licensed. A general license is hereby granted licensing, subject to the exceptions of paragraph (2) below, the following property to be regarded as property in which no blocked country or national thereof has or has had any interest: Property in any account on February 1, 1948, and any income subsequently accruing from such property, where the total value of the property in the account on such date was not more than \$5,000.

(2) Exceptions. This license shall not apply to any property of any person resident or organized in Germany, Japan, Hungary, Rumania, or Bulgaria, regardless of the citizenship of such person.

(3) Restrictions of General Ruling No. 11A. Attention is directed to the special restrictions contained in General Ruling No. 11A pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

(Signed) John W. Snyder

Secretary of the Treasury

AUTHORITY: Section 131.97, issued under sec. 5(b), 40 Stat. 416, 986, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 66 Stat. 839; 12 U.S.C. 95a, 50 U.S.C. App. Sup., 5(b); E.O. 8389, April 10, 1940, as amended by E.O. 8786, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941, E.O. 9103, July 6, 1942, as amended by E.O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F.R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, February 19, 1946, June 28, 1946, and January 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F.R. 1769, 7184, 12 F.R. 6.

344536

48-3

TREASURY DEPARTMENT

Washington.

MIGRATION DEPT.
FEB 27 1948
DIRECTOR

FOR RELEASE, MORNING NEWSPAPERS,
Friday, February 27, 1948

Press Service
No. S-645

Secretary of the Treasury Snyder announced today that the freezing controls have been removed from blocked accounts where the value of the property in the accounts on February 1, 1948 was not more than \$5,000, and the accounts are held for persons residing in any country except Germany, Japan, Bulgaria, Hungary and Rumania.

Treasury Department officials pointed out that the automatic release of the smaller accounts, the total value of which is relatively small, through today's issuance of General License No. 97 will enable the European countries to speed up action on the certification of the larger accounts. Concentration on these larger accounts will afford the greatest assistance to countries likely to receive financial aid under the European Recovery Program. This action is in line with Secretary Snyder's letter of February 2, 1948 to Senator Vandenberg.

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JRSO, NY, 635

JRSO, NY, 636 "a"

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(140)

Holde Weissman
Cafe Valdor
Metzger

October 31st, 1951

To: Dr. Siegmund Loebenstein, JRSO Schweinfurt

From: JRSO New York

Re: Kahn vs. Rickert, Lohr

Dear Dr. Loebenstein:

This will refer to your letter of September 28th in connection with the above late waver case. After we had sent various letters to Mrs. Recha Schiff, asking her to call us, she finally got in touch with us and I was able to talk to her about the various questions you raise. I must say generally that Mrs. Schiff did not make a completely satisfactory impression on me. While there was no doubt that she would stick very stubbornly to her position, she was very hostile and rather unclear and even contradictory in her statements. I shall try to summarize our discussion as follows:

a) Mrs. Schiff stated that the reason why she and the other heirs sold the house only in 1936, rather than in 1931 when the inheritance took place, was due entirely to personal reasons unconnected with the Nazi regime. She refused to tell me what they were, but emphasized that they were in no way connected with emigration or other circumstances arising out of the political situation. She points out that she herself did not emigrate until 1939 and that her brothers and sisters did not emigrate at all but perished in Europe. Mrs. Schiff emphasized repeatedly that her parents had always stated as their wish that the house be sold to the Rickerts, that the latter had been good friends and good neighbors, and that the transaction had nothing to do with National Socialism.

b) As I confronted Mrs. Schiff with her earlier statement that she had not filed a claim for reasons of health. She at first denied any knowledge of having made such a statement, and later on stuck to that denial. (I guess you could send me copy of that letter if you want me to follow it up.) She also said, however, and here she was very confused and contradictory, that she had thought that if JRSO would assign the claim to her, she "might do something with the Rickerts" about it. When I pressed her to elaborate she refused to say anything more about it, and

/over/

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-2-

only reiterated her denial of ever having mentioned the "health reasons".

Unfortunately I was only able to talk to Mrs. Schiff over the telephone, since she did not want to come to the office. I am of course in no position to say that there is indeed anything fishy about her position in this matter and that there might be collusion between her and the restitutor. It is quite possible indeed that the factors of this sale had nothing to do with National Socialism. I can only report that, whenever I tried to pin Mrs. Schiff down on any details, she was evasive, contradictory and rather aggressive.

I shall of course be happy to obtain for you any further information you may require.

Sincerely yours,

Antonie Neiger

344539

Gafe

Waivers

October 17th, 1951

Mrs. Recha Schiff
550 West 164th Street
New York 32, N. Y.

Re: Property at Konditorgasse 94, Lohr a/Main

Dear Mrs. Schiff:

We have not heard from you in response to our letter of October 8th in the above matter. We would very much appreciate if you would contact either the undersigned or Mr. Robert Piloff of our organization at your earliest convenience.

Sincerely yours,

Antonie U. Neiger

344540

October 8th, 1951

Mrs. Recha Schiff
558 West 164th Street
New York 32, N. Y.

Re: Property at Konditorgasse 95, Lohr a/Main

Dear Mrs. Schiff:

In connection with the above piece of property, which is currently being claimed by our organization in Germany, we would very much appreciate it if you could come in to our office, at your convenience, to discuss the problems here involved with a member of our organization. Could you be good enough to call Mr. Robert Pilpel, at the above telephone number, for an appointment at your earliest opportunity.

Sincerely yours,

Antonie U. Neiger

344541

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

Schweinfurt Regional Office

10/8

Mr. Eli Rocker, General Counsel, Rüfferstraße 10, Postfach 111
Jewish Restitution Successor Organization, Telefon 6314, New York
270 Madison Ave.
New York 16 N.Y., USA.

Ref. : Ku/Bo,-K/33
Betr.: RE-Verfahren Kahn ./ . Rickert, Lohr

Sehr geehrter Mr. Rock!

In einem Rückerstattungsverfahren hat die Erbin der Verfolgten eine Erklärung abgegeben, welche wir abschriftlich beifügen.

Da der Ausgang des Verfahrens davon abhängt, ob diese Erklärung den Tatsachen entspricht, würden wir Sie bitten, Frau Recha Schiff einmal vorzuladen und ihr ihre Erklärung vorzuhalten und eine eidesstattliche Versicherung zu verlangen, ob sie bei dieser Erklärung verbleibt.

Was uns dazu veranlasst, die Erklärung der Frau Recha Schiff als nicht den wahren Tatsachen entsprechend anzusehen, ist folgendes:

Es handelt sich um den Verkauf des Wohnhauses Nr. 94 (Pl.Nr. 139) in Lohr durch die Erbgemeinschaft Benjamin Kahn an Herrn Josef Rickert in Lohr.

Der Kaufvertrag wurde abgeschlossen am 17.11.1936.
Der Kaufpreis betrug 5.975.- RM
Der Einheitswert 4.190.- RM.

Der Erbfall, nach welchem die Verkäufer Erben wurden, ist bereits im Jahre 1931 eingetreten. Das Anwesen stand also bis zum Verkauf am 17.11.36, also über 5 Jahre im Eigentum der Erbgemeinschaft Kahn. Wenn wirklich eine echte Erbauseinandersetzung hätte erfolgen sollen, so hätte dies ja bereits kurz nach Eintritt des Erbfalles erfolgen können. Die Tatsache, dass die Auseinandersetzung erst 1936 erfolgte, legt den Schluss nahe, dass der Verkauf des Anwesens durch die durch den Nationalsozialismus herbeigeführten Verhältnisse bedingt war. Da der Verkauf dann mit einer Erbauseinandersetzung verbunden wurde, ist an und für sich selbstverständlich, da bei einer Beteiligung mehrerer Eigentümer ja letzten Endes eine finanzielle Verteilung und Auseinandersetzung

b.w.

344542

LEWISH RESTITUTION SUCCESSOR ORGANIZATION

Sehr geehrte Damen und Herren,

bezüglich des Erlöses erfolgen musste.

Eine weitere Unklarheit ergibt sich daraus, dass Frau Schiff seinerzeit sich an uns gewandt hat und erklärt hat, dass sie aus gesundheitlichen Gründen, ihren Anspruch nicht rechtzeitig angemeldet hat. Dieses Schreiben steht also im Widerspruch zu der Erklärung der Frau Recha Schiff, welches wir Ihnen abschriftlich übersenden.

Wir bitten, auch dieses Frau Schiff vorzuhalten.

Wir danken verbindlichst für Ihre Mühe und

zeichnen ergebenst
Schweinfurt Regional Office

Loebenstein



Anlage

Dr. Loebenstein, am 20.10.1948, bestätigt, dass die oben dargestellten Angaben in dem von Ihnen übermittelten Schriftstück für den Fall eines späteren Nachweises der Ansprüche des jüdischen Volkes bestätigt werden.

Dr. Loebenstein, am 20.10.1948, bestätigt, dass die oben dargestellten Angaben in dem von Ihnen übermittelten Schriftstück für den Fall eines späteren Nachweises der Ansprüche des jüdischen Volkes bestätigt werden.

DR. L.

344543

5. November 1950

E R K L A E R U N G.

Der Verkauf meines Elternhauses, (Konditorgasse 94 in Lehr a/Main) an Josef Rickert, ist nach meiner Auffassung als legal zu bezeichnen. Und zwar aus folgenden Gründen:

Meine Eltern haben in den letzten Jahren ihres Lebens wiederholt zu uns Kindern geäußert, dass sie mit Familie Rickert in gutnachbartlichem Verhältnis leben, und dass wir Kinder, wenn wir nach ihrem (der Eltern) Ableben das Haus einmal verkaufen wollen, der Familie Rickert das Vorkaufsrecht einräumen sollen.

Meine älteren Geschwister waren zu damaliger Zeit schon lange nach Amerika ausgewandert, und meine in Deutschland lebenden Geschwister sind leider von den Nazis ermordet worden. So bin ich jetzt leider der einzige davon wissende Zeuge, und bin bereit obige Angaben, wenn nötig, an Eidesstatt zu machen.

Dass der Verkauf in der Hitlerzeit erfolgt ist, ist als "zeitlich zufällig" und als "nicht wesentlich" zu betrachten, zumal von Josef Rickert keinerlei erpresserische Mittel zur Anwendung gebracht wurden.

Der Verkauf meines Elternhauses an Herrn Josef Rickert ist von uns vollkommen freiwillig zum Zwecke der Erbteilung geschehen.

Die Kaufsumme von Mk. 5975.- wurde frei vereinbart, wie auch aus dem privaten Kaufvertrag zu ersehen ist und das Geld wurde von Herrn Josef Rickert uns zum Teil in bar ausbezahlt und der Rest auf Spankonten in Frankfurt a/M. wunschgemäß überwiesen, nachdem auf Veranlassung des Herrn Rickert die Genehmigung der Devisenstelle da war.

In der Nichtanmeldung ist mein Verzicht auf Geltendmachung der Rueckerstattungsansprüche bezgl. meines elterlichen Anwesens zu erblicken, da ich keine Berechtigung auf Rueckerstattung erkenne.

Aus den oben angeführten Gründen ist also das Ansinnen der Erben des Josef Rickert, nach Entsperrung des Hauses, als berechtigt anzusehen, und bitte ich meinerseits demselben so bald wie möglich stattzugeben.

Recha Schiff (geb. Kahn)
z. Zt. New York City 38
558 West 164 Street.

344544

SU
Late Waiver Kohlmeier

July 2nd, 1952

JRSO Letter No. 997

Dr. Ernst Katzenstein - JRSO Nuernberg

Re: Late Waiver Kohlmeier/Doering - Property Nuernberg-Moegeldorf Plan Nr. 3891/33

Dear Dr. Katzenstein:

A few days ago Mr. Justin Kohlmeier called on us in connection with the above matter. Apparently the situation is as follows:

In 1938 Mr. Kohlmeier's father/sold the above property, a meadow, to Mr. Michael Doering of Lauf/Pegnitz, Germany. Mr. Kohlmeier stressed that the sale took place without any duress on the part of the buyer, under friendly terms, and that his father received a fair price, i.e. RM 1,400, in cash at his free disposal. This is the reason why his family did not file a restitution claim for this property. They were aware of the existence of the restitution, and had in fact filed a claim for another piece of property, which was transferred under duress, but had not felt that the sale of this property fell under the law. Early in 1949 they received a letter from the Doerings, asking for a waiver, which they gave, although he now understands that the waiver (which is dated May 18, 1949) was issued too late to be legally valid.

As regards the circumstances of the sale, Mr. Kohlmeier admits that the property was sold in order to facilitate his emigration, and since it had become apparent that there was no purpose for Jews to retain real estate in Germany. It is therefore clearly a transaction which would not have taken place in the absence of National Socialism, which I explained to Mr. Kohlmeier. He understood that point, but he reiterated that the Doerings had been on friendly terms with his family and the sale had been an altogether proper one.

Mr. Kohlmeier was reasonable and courteous throughout our discussion. He appreciated the legal questions involved and pointed out that he was only concerned in doing whatever lay in his power to help the Doering family, who are good decent people. I told Mr. Kohlmeier that I would convey his position to Nuernberg and that I assumed that in your dealings with the Doering family you would take his statement into consideration. I wish to state that Mr. Kohlmeier impressed me as a perfectly honest, simple man, who I feel has no ulterior interests in this matter.

Toni Neiger

344545

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

File 615
June 15, 1951
File 1750 -

Mr. Eli Rock - JRSO NY

Dear Eli:

JRSO Hq. Letter #920
Minutes of the Executive Committee
Hambuechen - Lebsche

I am replying to the Executive Committee Minutes in connection with the Hambuechen affair.

We were glad to notice the assurance of support from New York on this delicate matter. I agree with your view that the third alternative suggested in our letter #850 was rather strong and we are therefore proceeding on the basis of alternative B.

The Lebsche case should be up for hearing within the next several weeks and in the meanwhile we are still looking forward to some offer from the restitutor.

Cordially yours,

B
BENJAMIN B. FERENCZ

BBF. b
cc: JJJ
Dr. Weis
KK

344546

Cohen

April 25th, 1951

JRSO Letter No. 573

Mr. Saul Kagan
Jewish Restitution Successor Organization
APO 6964, c/o Postmaster, New York, N.Y.

Dear Saul:

Re: Mr. Hambuechen

This will reply to your letter No. 850 of April 21st, on recent developments in connection with the above named. This is certainly an incredible situation, but I don't know that it will be possible for us to do anything about it from this end within the near future. As you know, everything is in a frenzy because of the off-again, on-again, off-again conferences in Washington and in Paris. If I manage to survive the next two days, I hope to be en route towards Europe by the weekend. Also Boukstein will be leaving at about the same time. Under the circumstances, the JRSO activities at this end will undoubtedly be at a standstill for a month or so.

I don't know what effect this will have on Mr. Hambuechen's temper, but I am afraid that there is simply no choice. Anyway, in view of his past role in the entire affair, he would not seem to be in a position to complain about anything.

Sincerely yours,

Eli Rock

ER:AUN

344547

Tie - May 21
answer

Lebsche

4/24

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

21 April 1951

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

Hq.JRSO N.Y. Letter # 850

SUBJECT: "The Rape of the Innocent Professor" or
"We Can't Always Be Wrong"

Dear Eli,

I refer to your letter No. 402 of October 11, 1950, our letter No. 595 of 18 October 1950, and to Ben's memorandum of October 26, 1950, which he dictated in New York, all relating to a claim against Professor Lebsche for the restitution of the property Munich, Bavariaring 46.

Mr. Hambuechen who was so incensed by our action and succeeded in mobilizing the support of various influential friends in New York, was in Munich on April 13 to negotiate with the JRSO concerning the Lebsche case and another property in Munich (Maria-Josefa-Str. 8), for which Mr. Hambuechen appears as a Board of Equity claimant. ("The indigent Vice President of the first Boston corporation")

You may wish to advise all individuals who accused us of being cruel, heartless, promoting antisemitism, antagonizing Mr. McCloy, etc., ad infinitum, because we considered that Professor Lebsche should make restitution, that Dr. Hambuechen declared that we are fully justified in asking the payment from Dr. Lebsche. He has already informed Mr. Warburg and the other gentlemen in New York that he thinks that the JRSO has acted properly and that he will assist the JRSO in reaching a monetary settlement with Professor Lebsche.

After Mr. Hambuechen saw the light on the Lebsche case he proceeded to ask for 75 % of the proceeds from our future settlement with Lebsche! As you know, Hambuechen did not file a timely Board of Equity claim for the property, for which Dr. Lebsche is the restitutor.

344548

Mr. Rock

- 2 -

21 April 51

Today we received a belated Board of Equity application from Mr. Hambuechen for that property as well. It was explained to Mr. Hambuechen that his intervention in New York will result in considerable loss to the JRSO. He was informed that we normally would have negotiated the case on the basis of 100,000.- marks, but due to all the interference we reduced our demands considerably, but still feel that Lebsche should pay 60,000.- marks. Hambuechen agreed that we should try to get 60,000.- marks, but he thought that we should accept 50,000.- or even 40,000.- if Lebsche does not agree to pay more. Mr. Hambuechen's lawyer will try to influence Dr. Lebsche to settle on our terms, but we doubt very much whether more than 40,000.- marks will be obtained in this settlement. We definitely feel that Hambuechen is not entitled to one Pfennig of any money which we may get from Lebsche in view of the statement which he gave Professor Lebsche on 31 March 1950 (copy of which I attach), stating that he

"consciously and on purpose did not contest the sale of the property to Professor Lebsche and did not make a restitution claim."

Even if today he admits that he did not know the facts when he signed the statement, the damage was done.

His proper Board of Equity claim refers to the property in Munich, Maria-Josefa-Str. 8, which he evaluates at about DM 300,000.-. He suggested that we should receive 25 % of the value of the property. Mr. Hambuechen was advised that the equity rules are presently under consideration in New York and that under the proposed rules a claimant in the most favored category would be charged 30 % for a case of this value. He finally stated that he will be prepared to pay 30 % for both cases. Dr. Weis, who negotiated with Hambuechen, informed him that he did not think this offer adequate. Hambuechen then indicated that his "influence in New York will secure the acceptance of the offer" (any five percenters? ...)

I would appreciate it, if you would discuss this case with Messrs. Leavitt and Boukstein and obtain a clear position of the operating agents. Weis told Hambuechen that in his personal view Hambuechen should pay 30 % in the case where he filed a proper Board of Equity claim (Maria-Josefa-Str. 8), further, that the full proceeds of the settlement with Lebsche should go to the JRSO and, in addition, Hambuechen should pay to us the difference between what we will get from Lebsche and DM 60,000.- which we consider the minimum that Lebsche would have paid without Hambuechen's interference. If the operating agents feel kindly to Mr. Hambuechen, they may wish to forego the last demand. We definitely feel that Hambuechen should not receive any part of the Lebsche settlement. In terms of marks and pfennigs the picture would look as follows:

344549

Mr. Rock

- 3 -

21 April 51

a) If we accept Hambuechen's suggestion of 30 % for both cases, we would get about 13,000.- from the Lebsche settlement plus about 100,000.- for the second case - a total of 113,000.- marks.

b) If we insist that the full amount paid by Lebsche should accrue to us, we may expect about 140,000.-.

c) If we accept Weis' proposal, we would get the amount under b) plus 20,000.-, which we believe we lost as a result of Hambuechen's interference, thus a total of 160,000.- marks.

Before we enter into any protracted negotiations with Mr. Hambuechen, which may not always be pleasant, we need a definite indication from New York, which basis of settlement with Hambuechen will be acceptable to New York. I am sure that you will enjoy returning the needles which have been given you in connection with l'affair Lebsche.

Cordially,

Saul

SAUL KAGAN

Incl.: a/s.

344550

C o p y

J. W. H A M B U E C H E N

S t a t e m e n t

Mr. James Loeb was formerly owner of the property 46 Bavariaring Munich. The inheritance administration sold the property to Professor Dr. Max Lebsche, Munich, on October 3, 1940.

Mr. Loeb died on 29 May 1933 at Murnau. The undersigned, J.W. Hambuechen, stepson of Mr. James Loeb and administrator of the will, is co-heir and legal successor. He is therefore claimant in the meaning of Art. 7 of Restitution Law for the American Zone of Germany (Law 59 American Military Government of Germany).

In favor of the deceased Mr. Loeb and in favor of myself as heir and legal successor the said law establishes the legally contestable presumption that the sale of the property constitutes acts of "confiscation" in the meaning of the law which demands restitution.

I know the conditions concerning the property's sale exactly. Having knowledge of all the circumstances I declare:

- 1.) The sale of the property occurred on the basis of a free decision, fully voluntary, and at an adequate purchase price. The transaction would have been concluded under no other terms even without the rule of National Socialism. At the purchase Professor Lebsche has in no way acted contrary to my property interests.
- 2.) I have therefore consciously and on purpose not contested the sale of the property to Professor Lebsche and have not made a restitution claim.
- 3.) As the person entitled I herewith expressly renounce any restitution and thereby also comply with the intention of the deceased Mr. Loeb.

At present: Murnau, 31 March 1950

.....
(Signature)

Certified by Notary Public:

344551

Rock

Jeheschi

January 5, 1951

Mr. Eric M. Warburg
52 William Street
New York 5, N. Y.

Dear Mr. Warburg:

Thank you for your letter of December 20, enclosing Mr. Ackerman's letter of the 13th.

We will give the letter due consideration in our handling of the case but you may be interested in knowing that some of Mr. Ackerman's impressions are not correct. He states that as far as he knows, the purchase price had been paid and the money was spent for the benefit of the heirs. I am attaching a translation of the official German document which is in our files, showing that the transfer of this property in 1939 was made pursuant to the Nazi regulation on the "Disposition of Jewish Property", that the purchase price was reduced on the basis of a decree of the Reichminister of Economics and that all payments had to be made to a special account which was blocked by the Oberfinanzpraesident in Munich.

This news may be of interest to Mr. Ackerman as well as to Dr. Hambuschen.

With all best wishes for the coming year,

Cordially yours,

BENJAMIN B. FERENCZ
Director General

BBF.b

PS — Your office secretary sends all mail to 62 Thumenbergerweg which is my home address (and requires 15¢ postage). Official airmail can be sent to me to - JRSO Headquarters, APO 696-A PM, N. Y. for only 6¢. This information is passed on as evidence that the JRSO is always interested in saving Jewish money.

BBF

344552

File
10/23

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

18 October 1950
SK/uk

Confidential

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

Hq. JRSO New York Letter # 595

Dear Mr. Rock:

I refer to your letter # 402 of 11 October 1950 pertaining to our claim against Dr. Lebsche in Munich for the property Bavariaring 46 in Munich. We will investigate ^{the} allegations and will pass on to you the findings. A preliminary examination of the case reveals two facts:

1. that the property was sold in 1939 pursuant to the decrees for the liquidation of Jewish property in Germany, with all the proceeds having been deposited to a blocked account without any benefit to the estate of the late Mr. James Loeb.

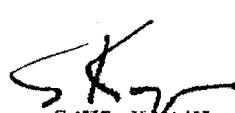
2. that neither the heirs of Mr. Loeb nor Mr. Hambuechen the executor of Mr. Loeb's estate in Germany submitted to Dr. Lebsche a valid waiver before 31 December 1948.

The date of the transaction and the confiscation of the proceeds from the sale by the Reich were considered sufficient cause for placing the property under property control upon the instructions of HICOG less than two months ago.

I shall keep you informed of further developments and would suggest for the time being to advise Eric Warburg that Nuernberg is investigating the case.

*without
any details

Sincerely yours,


SAUL KAGAN
Director
Plans and Operations Board

344553

Lelischi

October 11, 1950

JRSO Letter No. 402

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

Dear Ben:

I am sending you attached self-explanatory correspondence from Eric Warburg regarding a piece of property held by a Dr. Lebeche of Munich, which we are claiming. In addition, Eric has telephoned me in this matter and has expressed his extreme concern over our handling of this and other cases contending with similar problems. He stated also that at his last meeting with McCloy, Mr. McCloy had indicated to him that he was very much bothered by this type of matter and by the fact that the JRSO was in fact attempting to recover property where there had been no duress and where even the former owner argued that a fair consideration had been paid.

My reply to Eric has been that, where the facts are thus, it is my impression that the JRSO does relinquish the property. At the same time, I pointed out to him the possibility of fraud which does exist in this type of situation, late settlements with tardy claimants who then testify that there was no duress, etc., so that the real difficulty would appear to be the question of fact and proof in each case. Eric nevertheless continued to insist that he felt we were committing many injustices in this type of situation and that, from the point of view of our relations with McCloy alone, we should take extra precautions to avoid such injustices wherever possible.

I would appreciate your comments on all of this so that I can pass them on to Eric, as well as to the other people who appear to be interested. Perhaps you can give me two letters, one dealing with this specific case, and one dealing with the general problem.

Sincerely yours,

Eli Rock

ER:AUN
Enc.

344554

WHITEHALL 3-6437

10/9

ERIC M. WARBURG
52 WILLIAM STREET.
NEW YORK 5, N.Y.

Lebsche

October 3, 1950

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

Dear Mr. Rock:

Mrs. Felix M. Warburg has received a letter from a Dr. Alfred Haas of this city, containing an enclosure by a Dr. Lebsche of Munich. Both Dr. Haas' letter and the enclosure you will find attached hereto.

As you will see from these two communications, the JRSO is involved. I have spoken to Dr. J. W. Hambuechen of the First Boston Corp., 100 Broadway, New York City, the step-son of the late Dr. James Loeb, who confirmed to me that Dr. Lebsche was a good friend of his stepfather and a thoroughly decent man, and that the sale was not made under any pressure whatever, and that he, as the executor and heir was not interested in any restitution from Dr. Lebsche. He furthermore stated that he is most anxious, as is the rest of the family, that JRSO do not take any action on restitution grounds against Dr. Lebsche.

I would be grateful if you would take this matter up with JRSO and inform me of the results.

With kind regards,

Yours very sincerely,

Eric M. Warburg
ERIC M. WARBURG

emw.je
enclosures

344555

ALFRED HAAS, M. D.

143 EAST 88TH STREET

NEW YORK, N. Y.

ATWATER 9-7474

September 28th, 1950.

Dear Mrs. Schiff-Warburg:

Disrespect for the individual, and collective injustice are the curse of our time.

I am writing to ask your help in stopping the course of at least one such sorry case. You have it in your power to do so because you are one of the beneficiaries under the will of the late Dr. h.c. James LOEB.

Part of his estate is the house he built for Dr. Kraepelin in Munich, which is now owned and operated as a private hospital by Dr. Max Lebsche. - Dr. Lebsche bought it in 1939 from the James Loeb-estate which was represented by Dr. Hambuechen of Zuerich. Dr. Hambuechen has certified under oath in 1950 that this transaction was at a fair price, and that there was no question of duresse.

Nevertheless, Dr. Lebsche is now facing expropriation, because he is in posession of Jewish property, which he acquired during the critical period, and which is not being claimed by individuals, but by JEWISH RESTITUTION SUCCESSOR ORGANIZATION, INC. -

Such a proceeding would certainly constitute a gross travesty of justice. Dr. Lebsche was one of the few Germans who had enough strength of character and personal courage to openly show their disapproval of the Nazi regime's persecution of the Jews. The Nazis removed him from his professorship at Munich University in 1936, because of his uncompromising hostility towards them.

I had a private hospital in Munich, which was confiscated in 1933, when I had to flee to England. Doctor Lebsche took on the care of my Jewish patients along with the gentiles, and continued to accept Jews in his hospital right to the bitter end. You may know that he risked his own neck in doing so.

344556

I knew Dr.h.c.James Loeb personally.His physician,Felix Plaut,
was one of my intimates.I am positive that Dr.Lebsche is putting
the house to the use to which its builder would like to see it put.

It is in your hands to prevent a pointless tragedy of the
type so common in this age of mass procedures.Knowing your whole
family is outstanding benefactors of humanity,I would most earnestly
prevail upon you to write to
JEWISH RESTITUTION SUCCESSOR ORGANIZATION,INC.,New York, and cause
the dropping of the case against Doctor Lebsche,who is a most
upright and honorable gentleman,with a record of proven courage
and impartial humanity.

I am enclosing Dr.Lebsche's own letter,in which he pleads
his case.My above remarks are a summary of the facts,to which
I have added my opinion on the man in question.This opinion is
based on many years of close acquaintance under truly searching
circumstances.

Yours very truly,



Mrs.Frieda Schiff-Warburg
c/o Mr.John Schiff
Kuhn Loeb Co.,
52 William Street
New York - NY.

344557

Maria-Theresia-Klinik

München, den 19. 9. 50

Ew. Hochwphlgeboren

erlaube ich mir zur Prüfung folgende Angelegenheit zu unterbreiten, mit der Bitte, wenn es in Ihrer Macht steht, Hilfe zu gewähren.

Ich habe festgestellt, daß Sie nach dem Erbschein des Amtsgerichts Weilheim Miterben des Nachlasses des Herrn Dr. James Loeb sind. Herr Dr. James Loeb von Murnau, der am 27. 5. 1933 verstarb, war in Bayern wegen seiner philanthropischen Bestrebungen eine sehr bekannte Persönlichkeit; er genoß starke Verehrung.

Herr Dr. James Loeb war u.a. auch Eigentümer des Hauses Bavariaring 46 in München. Der Unterzeichnete hat im Jahr 1930 dieses Haus von Herrn Dr. James Loeb gemietet, um darin eine kleine chirurgische Heilanstalt einzurichten. Herr Dr. James Loeb war bei seiner Aufgeschlossenheit und Hilfsbereitschaft gern bereit, dem Unterzeichneten, der damals noch ein junger Chirurg war, durch mietweise Überlassung des Hauses die Möglichkeit zur Arbeit und zur Entwicklung zu geben. Der Unterzeichnete erkennt heute noch mit voller Dankbarkeit an, daß dadurch vom Verstorbenen zur Sicherung seiner Existenz beigetragen worden ist.

Der Unterzeichnete wurde persönlich im Jahr 1936 aus politischen Gründen wegen Widerstands gegen die nationalsozialistische Partei aus seinem Amt als Direktor der chirurgischen Universitäts-Poliklinik entfernt und seiner Arbeitsmöglichkeit in der Poliklinik beraubt. So war es für ihn ein besonderes Glück, daß er wenigstens seine kleine Privatklinik in dem Haus Bavariaring 46 weiterführen konnte.

Es ist wohl allgemein bekannt, daß die Führung einer nur kleinen Privatklinik ein äußerst unwirtschaftliches Unternehmen ist, weil bei einer nur geringen Bettenzahl, die an und für sich hohen allgemeinen Unkosten einer Privatklinik nicht herausgewirtschaftet werden können. Besonders lästig wirkt sich aber die Unterbringung einer Privatklinik aus in einem nur gemieteten Anwesen dadurch aus, daß natürlich dem Hauseigentümer die Anschaffung der für eine Privatklinik notwendigen Einrichtungen nicht zugemutet werden kann, daß aber andererseits der Mieter nicht in der Lage ist, diese sehr teuren Einrichtungen und Installationen in einem ihm nicht gehörigen Haus auf eigene Kosten zu machen.

Die Privatklinik des Unterzeichneten im Anwesen Bavariaring 46 war all die Jahre her ein reiner Zuschußbetrieb, weswegen der Unterzeichnete bestrebt sein mußte das Haus zu Eigentum zu erwerben. Es war ja auf die Dauer unmöglich, daß aus dem Pensionspreis von 22 Betten in 10 Jahren allein für Miete ein Betrag von Mk. 121.180.— herausgewirtschaftet werden kann. Dabei mußten noch innerhalb dieser Mietzeit notwendige Betriebsverbesserungen und Änderungen am Haus aus den obengenannten Gründen unterbleiben.

- 2 -

Ein erster Versuch die Klinik zu kaufen scheiterte, weil der Unterzeichnete selbst zu den politisch Verfolgten gehörte und aus diesem Grund die zum Ankauf der Klinik notwendige Genehmigung nicht erhielt. Erst ein zweiter Versuch glückte, da sich dankbare Patienten ins Mittel legten. So hat der Unterzeichnete dann schließlich zu Urkunde vom 15.6.1939 von den Testamentsvollstreckern des Nachlasses des Herrn Dr. James Loeb das Anwesen Bavariaring 46 gekauft. Die Testamentsvollstreckter waren Herr Albert Graf v. Bernsdorff, Herr Dr. Josef Hambüchen in Zürich und Herr Walter von der Porten in Zürich bezügl. des europäischen Nachlasses. Der Unterzeichnete hat als Käufer in damals vollgültiger Währung für die Zeit ab 1930 an Miete unter Zurechnung des späteren Kaufpreises den Betrag von Mk. 230.680.-- aus seinem Einkommen und Vermögen aufgewendet oder anders ausgedrückt, die gesamte Lebensarbeit des Unterzeichneten hat nicht genügt die enormen Summen für Miete und Kauf der kleinen Privatklinik aufzubringen, er mußte darüber hinaus noch ein Darlehen von Mk. 40.000.-- von seiner Schwester aufnehmen.

Es ist gewiß, daß der verewigte Herr Dr. James Loeb die ärztl. chirurgische Verwendung des Hauses selbst gewollt und freiwillig gefordert hat. Ebenso gewiß dürfte sein, daß Herr Dr. James Loeb niemals von der ihm durch das Militärregierungsgesetz Nr. 59 gegebenen Möglichkeit, die Rückerstattung des Anwesens zu verlangen, Gebrauch gemacht hätte. Diese Gewißheit ergibt sich für den Unterzeichneten daraus, daß der als Verkäufer auftretende Testamentsvollstreckter Herr Dr. Hambüchen in einer eidesstattlichen Erklärung ausdrücklich versichert hat, daß der Verkauf des Grundstücks an den Unterzeichneten völlig freiwillig gegen einen angemessenen Kaufpreis getätigten ist und daß das Rechtsgeschäft auch ohne die Herrschaft des Nationalsozialismus zu keinen anderen Bedingungen abgeschlossen worden wäre. Darüberhinaus bestätigt der genannte Testamentsvollstreckter, daß der Unterzeichnete den Vermögensinteressen des Verkäufers nicht entgegengehandelt hat und daß aus diesem Grund bewußt der Verkauf des Grundstücks nicht angefochten worden ist. Der genannte Testamentsvollstreckter hat darüberhinaus noch in seiner eidesstattlichen Versicherung vom 31.3.1950 auf Rückerstattungsansprüche verzichtet, mit der Begründung, daß dies dem ihm bekannten Willen des Verstorbenen entspreche.

Der Unterzeichnete kennt in Dankbarkeit an, daß auch keiner der Erben des Verstorbenen Rückerstattungsansprüche auf Grund des Militärregierungsgesetzes Nr 59 gestellt hat, woraus er zu schließen berechtigt ist, daß auch sämtliche Erben den gleichen Standpunkt wie der verstorbene Herr Dr. James Loeb und sein oben genannter Testamentsvollstreckter haben. Und das ist auch der Grund warum sich der Unterzeichnete heute mit dieser Eingabe hilfesuchend an die Erben wendet.

Nachdem nämlich von den Erben versäumt worden ist formell und ausdrücklich auf ihre Rückerstattungsansprüche zu verzichten, hat nach dem MilReg.Ges. Nr. 59 die JEWISH RESTITUTION SUCCESSOR ORGANIZATION INC., New York, die Rechtsstellung der Erben erhalten und verlangt nun ihrerseits die Rückgabe der Klinik Bavariaring 46, wodurch die Lebensarbeit des Unterzeichneten vollkommen zunichte gemacht würde, weil ihm ein nochmaliger Erwerb des Anwesens in seinem Alter kaum durchführbar erscheint. Der Unterfertigte hält das Verlangen der IRSO trotz des Mil.Reg.Ges.Nr. 59

- 3 -

für mindestens moralisch ungerechtfertigt, weil ja der Unterfertigte selbst zu den politisch Verfolgten gehörte und seinerseits nichts getan hat, was gegen irgendwelche Moral oder Menschlichkeit verstieße, besonders ungerechtfertigt aber deshalb, weil gerade der Unterfertigte während der Zeit des Nationalsozialismus in seiner Klinik stets ohne Rücksicht auf die Person seine ärztlichen Dienste auch den jüdischen Verfolgten zukommen ließ und in großzügigster Weise dabei auf Honorar und sonstige Ansprüche für seine Behandlung verzichtete. Es ist selbstverständlich, daß viel Arbeit für Kranke und Verfolgte um Gotteslohn geschehen muß, aber soll auch das selbstverständlich sein und werden, daß desungeachtet Vergeltungsgesetze um ihrer selbst willen vollzogen und wie in diesem ganz besonderen Fall widersinnig angewendet werden?

Das ist der Grund weswegen ich Ew. Hochwohlgeboren bitte, die IRSO (JEWISH RESTITUTION SUCCESSOR ORGANIZATION - MUNICH REGIONAL OFFICE, München, Mühlbaurstr. 8/IV) darüber aufzuklären, daß eine Rückerstattung im vorliegenden Fall sowohl dem Willen des verstorbenen Herrn Dr. James Loeb, wie Ihrer eigenen Auffassung widerspricht und daß deshalb die IRSO neuerdings die Veranlassung nehmen wolle zu überprüfen, ob der Verkauf der Maria Theresia Klinik wirklich einen Gegenstand für Wiedergutmachungspläne darstellt. Es erscheint dem Unterzeichneten mehr wie zweifelhaft, ob eine solche geplante Maßnahme mit der heutigen Situation und mit amerikanischen Interessen vereinbar ist. Sie wirkt in diesem besonderen Fall überaus peinlich.

Mit vorzüglicher Hochachtung

Prof. Leibnitz

344560

8/17

Waiver

HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A

U. S. ARMY

Nawiasky

August 13, 1951

Mr. Eli Rock - JRSO NY

Dear Eli:

JRSO Hq. Letter # 1011

Dr. Nawiasky's Waiver

In one of our cases (Dr. Paul Nawiasky, former owner of property located in Heidelberg, Schloß-Wolfsbrunnen Weg 70-72) there appears a waiver in behalf of the German purchaser. The waiver is dated June 12, 1947 and is notarized by a Notary in New Jersey. The commission of the Notary expired January 5, 1951 and it would appear therefore that the June 1947 date may be falsified.

I would like to know for how long the commissions of New Jersey Notaries are valid and whether a statement could have been notarized in June 1947 by a Notary whose stamp certified that his commission expired January 5, 1951.

Your early reply will be appreciated since the case is being held up pending clarification.

Cordially yours,

BENJAMIN B. FERENCZ

BBF.b
cc:JJJ

344561 .

Like Waiver Oppenheim

JRSO Letter No. 976

June 9th, 1952

Dr. George Weis, JRSO Nuernberg

Dear Dr. Weis:

A Mr. Henry M. Oppenheim visited me last Friday, seeking justice for a restitutor against whom we are prosecuting a claim. The case involves a small business, which was owned by a Bernhard Oppenheim in Nuernberg. The case appears in the files of the Nuernberg office simply as Oppenheim vs. Andreas Friedel. Mr. Oppenheim is the son of Bernhard Oppenheim and claims that the restitutor was an old employee of his firm, an accountant to whom his father turned over the name of the business, a typewriter and a few other items of inventory. It appears that prior to this transaction, Bernhard Oppenheim sold the entire inventory of the store, so that there was no substantial value involved in whatever was turned over to Friedel. Mr. Oppenheim says that ~~he~~ ^{had} letters from Friedel, going back to 1938, in which Friedel ~~told him~~ that he could not make a go of the business, as he was being discriminated against as an old employee of a Jewish firm.

I also refer you to Eli Rock's previous correspondence in this case, i.e. JRSO Letter No. 748 of September 20, 1951.

I explained to Oppenheim the whole problem of waivers, etc., but his answer to it simply was that he never intended to file against Friedel, and Friedel apparently did not expect any claims against him and therefore did not request him to send in a waiver. He reiterated several times that Friedel was a decent man and that his father, i.e. Mr. Bernhard Oppenheim, really made a gift of this business (whatever was left of it) to Friedel. Friedel is now very troubled because he had to submit his rebuttal to our case by the 20th of July and ^{Oppenheim} does not know in what way he could assist Friedel. He also points out that the amount involved is very small and asks us once more to "do justice".

I promised that I will write to you about it and I am sure that you will give due consideration to the information submitted by Henry Oppenheim.

Best regards to Mrs. Weis. I hope that you are feeling well.

Sincerely yours,

SK:AUN

Saul Kagan

344562

Waiver
Oppenheim Case

September 20th, 1951

JRSO Letter No. 748

Benjamin B. Ferencz, JRSO Nuernberg

Re: Late Waiver Case - Henry Oppenheim/Andreas Friedel

Dear Ben:

I am sending you attached a self-explanatory letter which I have received from a Mr. Henry M. Oppenheim in connection with the above matter. I also spoke to him about the matter at great length over the telephone, and since his letter does not begin to set forth the facts in the way he presented them on the telephone, I will supplement the letter as follows:

What is involved here is a former lard import business owned by the late father of Mr. Oppenheim. By 1938, as a result of difficulties in getting licenses and as a result of boycott by non-Jewish customers, the business had faded away to practically nothing. At that time the late Mr. Oppenheim called in his non-Jewish bookkeeper, Andreas Friedel, and requested him to take over the business for the sum of RM 300.00. Mr. Friedel, who apparently was a very obscure figure, consented to do so, but was unable to revive the business, which was then really in its death throes. Accordingly, Mr. Friedel a few months later liquidated the business and disposed of the small amount of furniture and fixtures which were on hand (presumably the 300 mark amount which Mr. Friedel had paid Mr. Oppenheim was pretty much the value of the fixtures, since by that time the business had lost all of its "good will").

Subsequent to the liquidation of the business, Mr. Friedel served in the Wehrmacht and is now back in Germany, working in some minor governmental post. The JRSO has filed a claim against him personally, and I assume is demanding some kind of monetary compensation from him. Apart from the fact that Mr. Friedel may not be able to pay such a claim, Mr. Oppenheim's son in this country feels strongly that Mr. Friedel should not be held to account, that he had been a loyal employee who was merely helping out his employer and that in any event he did not in any way benefit from the transaction.

I do not mean at this time to suggest a decision one way or another on the case, and I certainly recognize that I may not have all of the facts. On the other hand, if the facts are as described above, it does seem to me that we are carrying our position on the late waiver problem to quite an extreme. Perhaps I am simply being "soft" again, and if so, I shall accept weekly the expected blast from tough guy Ferencz.

ER:AUN
Enc.

Eli Rock

344563

Henry M. Oppenheim
815 West 180th Street
New York 33, N.Y.

September 17, 1951.

Waiver

Oppenheim Friedel 9/9

Mr. Ely Rock
Jewish Restitution Successor Organization
270 Madison Avenue
New York 17, N.Y.

Re: Claim of JRSO in Nuremberg
ag. Mr. Andreas Friedel, now
residing in Ebermannstadt (Ofr.)
formerly in Nuremberg as temporary
owner of firm "J. Schwarz & Co., Nuremberg"

Dear Mr. Rock:

Kindly referring to our telephone conversation in the course of which I explained that the JRSO in Nuremberg (Germany) is presently making an apparently unjustified claim against Mr. Andreas Friedel, my father's former employee to whom my father tendered and sold his business before his emigration to the U.S.A., I wish to further illustrate the facts, as follows:

There is no question that Mr. Friedel exerted no pressure whatsoever on my father to sell him the business. On the contrary, my father urged him at the time to take over the business and Mr. Friedel paid the sum of RM 300.00 in May 1938 for a typewriter and some other utensils necessary for the lard business, which was the actual value of the mentioned equipment and of the business, since all merchandise stock had prior been sold and no goodwill was left due to the fact that almost all former customers discontinued buying from my father's firm, because he was Jewish.

The writer understands further that, according to the law of restitution, the main question is whether the sale of business would have taken place, even if the Nazis had not ruled Germany at the time. Although the answer to this question is of course "no", since my father most probably under normal circumstances would not have thought of emigration, a closer perspective of the circumstances at the time and subsequent thereto will prove that this case does not come under the general rule. Mr. Friedel quotes to us in his letter dated May 18, 1951, in which he first communicated with us about the matter, as follows: "As I informed your late husband (the letter is addressed to my mother) in my detailed letter of fall 1938, the then Nazi leaders prohibited that I continue the business under the name of "J. Schwarz & Co." Even under the name of Andreas Friedel, formerly J. Schwarz & Co., I was denied carrying on the business and the reason given was that the "owner Schwarz had also been a Jew". The name Friedel was absolutely unknown to the bakers, however, so that I could not do anything with it. Just as recklessly as in the matter of the firm's name one proceeded against me personally, when I applied for an allocation of lard. Since I was not a member of the Nazi Party, I was excluded from everything, whereas the competitor firms who could point at their various Nazi insignia found ready assistance from the officials. You will still recall my letter at the time addressed to your late

JRSO claim

- 2 -

continued :

husband in which I really gave expression of my feelings in the matter. I, therefore, was not able to continue the business which I had taken over first with high hopes. I again had to apply for a position as commercial employee which I finally obtained in October 1938 with the firm of Dr. Soldan, Nuremberg. Subsequently, I declared the liquidation of the business in March 1939 without any tax declaration, etc., as during the whole six months I did not earn any taxable income."

I believe that the above literally quoted statement of Mr. Friedel speaks for itself and it is my considered opinion that it would be greatly unjust for the JRSO to make any demands whatsoever on the above, since this whole transaction was sort of in the nature of a gift which, due to circumstances, did not even give any benefit to the donee, but rather headaches.

I shall greatly thank you for speeding contents of this letter to the JRSO office in Nuremberg, so as to prevent an injustice. If you will further keep me posted about the final settlement of this matter, I shall also appreciate it.

Yours very truly,
Henry M. Oppenheim
Henry M. Oppenheim

344565

COPY

HERMANN SCHUELEIN
1136 FIFTH AVE.
NEW YORK 28, N.Y.

March 13, 1951

Mr. Benjamin B. Ferencz
Director General
Headquarters
Jewish Restitution Successor Organization
APO 696A U. S. Army
Nurnberg, Germany

Dear Mr. Ferencz:

This is to thank you for your letter of March 5th.

I read this letter with a great deal of interest and I am grateful that your organization decided to withdraw your claim in re Mr. Kuerzeder.

Of course, I realize the difficulties you have to cope with and I know that the intention of doing the right thing is very often hampered by certain facts which you have to consider, also.

I only wish that similar cases, as the case in which I have an interest, would get the same consideration, as I am sure that otherwise the damage done would be out of proportion.

Thanking you again, I am

Sincerely yours,

Hermann Schuelein

344566

March 20, 1951
File 7010

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

Dear Eli:

JRSO Hq. Letter #791
Re: Schulein

I have received a letter, copy of which is attached,
which I hope will end our problems with Mr. Schulein.

Cordially yours,

BENJAMIN B. FERENCZ

BBF,b
enc.
cc:JJJ

344567

Toni - Hold for next Exec. Comm. meeting
7/2

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

March 6, 1951
File 7010

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

Dear Eli:

JRSO Hq. Letter #763
Re: Schulein Case

The attached letter to Mr. Schulein, in reply to earlier correspondence from him will answer most of the questions in your letter #516.

I brought up this particular case at our recent staff conference and it was the unanimous agreement of all 20 lawyers present that we would have to withdraw our case. In this particular instance Mr. Schulein had given a verbal release to the restitutor before the filing deadline and he promised to confirm it in writing. The writing did not arrive until three weeks after the filing deadline. It was felt that the moral arguments would carry weight sufficient to produce an unfavorable decision, if we were to press the case to the German courts or CORA. This legal problem was in dispute but the moral and political considerations brought about the unanimous decision in favor of our withdrawal. When you see Mr. Schulein, you may want to impress upon him the fact that we are not desirous of encouraging similar demands by publicising our generosity.

The explanation to Mr. Schulein is designed to appease him and yet protect us from being swamped with fraudulent assertions that the belated waiver in writing merely confirms an earlier oral agreement. I very well recall our discussion of this matter with the Executive Committee and their determination that no concession be given to those waivers which arrived just a little late. However, the Schulein case is a rather typical one, where we are accused of being unjust and it might be worth while for you to have the general matter again considered by the Executive Committee. I am sure you know all of the arguments, pro and con so there is no need to repeat them here.

Cordially yours,

Bern

BENJAMIN B. FERENZZ

BBF.b
cc:JJJ
enc.

344568

M. Rock

March 5, 1951
File 7010

Dr. Hermann Schuellein
1136 Fifth Avenue
New York 23, N. Y.

Dear Dr. Schuellein:

Receipt is acknowledged of your letter of February 12, dealing with the JRGU claim against Mr. Kurzeder.

As I had indicated in my letter of January 19, we suspended action on this case so that there would be no immediate burden on Mr. Kurzeder and so that we might have time to formulate a policy regarding similar cases.

The sentiments expressed in your letters against fostering new anti-Semitism in Germany are fully shared. In view of Germany's recent history however, the JRGU has accepted a very heavy responsibility and it is obligated, by law as well as conscience, to use the heirless and unclaimed Jewish properties subject to restitution, for the general benefit of Jewish survivors. The law is very clear that unless the former owner has delivered a waiver of his claim, in writing and in expressed terms, to either the restitutor, the appropriate restitution authority or the Central Filing Agency, before 31 December 1948, this claim belongs to the JRGU as trustee for the remaining Jews. A timely post card by you would have eliminated the Kurzeder problem.

We do not point to the law for the purpose of creating any new wrongs but because, as trustees, we are bound by that law. I recognize, as you do, that certain equities may have to be taken into account if the law is to fulfill its real purpose and we have been taking such equities into account. First, we have had certain equitable considerations regarding Jewish claimants who did not file their own claims on time. Again the law fixed a deadline after which date all claims were lost. If we had not filed such a claim, we would not even have the power to give equitable consideration to such claimants, for it is clear that the Aryanizer could keep his ill acquired property without being molested. The solution of these equitable problems has not been an easy one for they are intertwined with legal technicalities involving licenses, taxation, assignments, etc. We have felt that the equitable demands of Jewish claimants should be given prior consideration to the equitable demands of German claimants although we have recognized the need for speedy action in both cases.

Mr. Hermann Schuellein

-2-

March 5, 1951

Unfortunately, we have received a number of delayed waivers where it is clearly indicated that there has been collusion between the former owner and the Aryanizer in order to defeat the charitable claim of the JDC. This comes about as a consequence of the fact that most persons do not realize that they have the power to void a contract made under duress, even though the duress was not exercised by the purchaser but by a third party. That power of avoidance is granted under the restitution law, as it is under ordinary American law and injustices are removed since the seller must give back to the buyer whatever he received. The matter appears inequitable in Germany since there has been a currency reform and the one exercising the power of avoidance need only to give back one DM for ten DM received. This burden of the currency reform is one which has been borne by all German citizens and it would certainly be unjust to allow the Aryanzers as a group to receive an advantage as a result of their having bought Jewish property. Any other rule would place upon the Jews instead of the Germans the burden of their own war created inflation. These rather complex considerations are not generally understood by the average Jewish seller who only realizes that the German buyer helped him and now he would either like to return the favor gratuitously or for a price. The fact that we know there is such collusion has made it all the more imperative for us to handle these cases with care.

We are also faced with the danger that the German courts will seize upon our desire to be equitable and use it as a precedent in all cases even where no equity is called for.

I have mentioned just a few of the considerations in such problems so that you may not consider our action as completely unfounded or unreasonable.

In the particular case in question, the facts are clear and you will be pleased to note that we have decided to withdraw our claim. We have done so for the equitable reasons which are obvious to both of us and as I indicated in my letter of January, you may feel confident that the actions of this organization will continue to be both legally and morally justifiable.

Sincerely yours,

BENJAMIN B. FERENCZ
Director General

cc: Mr. Rock

Bl. E. Warburg, Dr. Katzenstein, Dr. Galewski, Dr. Metzger

JJJ

344570

C O P Y

January 19, 1951
File 7010

Mr. Hermann Schuelein
1136 Fifth Avenue
New York 28, N. Y.

Dear Mr. Schuelein:

I am writing in reply to your letter of January 16 addressed to Dr. Katzenstein in the matter of the JRSO claim against George Kurzeder.

I have noted and accept your statement that Mr. Kurzeder's conduct in the acquisition of your property was exemplary and it is not our intention to impose any burdens which are not legally and morally justifiable.

We have suspended action on this case so that there is no immediate burden on Mr. Kurzeder. The matter will be finally disposed of as quickly as it is possible for us to do so, taking due consideration of other similar cases and internal organizational problems of which you can have no knowledge. May I assure you however, that whatever final steps are taken will be in conformity with the general policies laid down by the world's leading Jewish organizations which form part of the JRSO Board of Directors. I trust you will have confidence in the wisdom of their decision.

Sincerely yours,

BENJAMIN B. FERENCZ
Director General

BBF.b

344571

Schuelein
JRSO Letter No. 516

February 21st, 1951

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

Re: Waiver case- Schuelein

Dear Ben:

Recently we have had some rumpus in the above matter from a Dr. Hermann Schuelein, who is chairman of the board of Kheingold Beer, and who I understand comes from one of Germany's greatest brewing families. I am sending you attached as much of the correspondence in this matter as we can photostat and I would suggest that as soon as possible you send me a complete report giving the JRSO side of the story.

As you will note, Eric Warburg has again entered the lists on the side of the "waiverers" and in addition Mr. Schuelein is threatening drastic action. While I did not speak to Eric directly, I understand that he did discuss it at length with Saul Kagan and had obtained a promise from Saul to see Schuelein while he was here. This, it seems to me, is an unfair burden to put on Saul and I have accordingly telephoned Schuelein myself to arrange an appointment. However, he has agreed that we hold off the appointment for a couple of weeks until I have received your report.

Quite apart from the over-all problem of the waiverers, Saul and I at least in this case felt that the JRSO ought to concede the matter, provided that you felt such a concession would not set a harmful precedent. We are principally motivated by the fact that only DM 5,000 are involved and by the fact that the waiver was submitted only 29 days after the deadline date of December 31, 1948. We have made previous exceptions in Board of Equity cases, e.g. the Lichtenau case, and if exceptional treatment in those cases did not bother us, it would seem that the same thing might be indicated here. Of course, we have no assurance that the Executive Committee would go along with the proposal, but before we submit it to them, I would like to have your reactions.

In my telephone conversation with him, Schuelein indicated that he had a number of other complaints against the JRSO which he wanted to air, that he felt we were stirring up anti-semitism in Germany, he spoke generally about being prepared to go all out on this whole question (I believe he even said something about paying for ads in newspapers attacking the JRSO) etc., etc. I certainly do not want to give in to threats and, as a matter of fact, was half inclined in this case not to talk to him about the matter. However, as Saul points out, letters to McCloy in cases like

/over/

344572

-2-

these (c.f. our friend Mr. Weigert) cause much more trouble in Germany than they are worth, take up a lot of your time, give support to some of our less friendly friends in HICOG so that from the overall viewpoint it is much better to try to stamp these things out while they are still in the U.S. and to attempt to work out compromises if necessary. Incidentally, I am planning to meet with Weigert in a few days, although I suppose that in his case the damage is already past and we are not likely to have any new repercussions from him in the near future.

Incidentally, I was interested to notice in Schuelein's letter of January 3, 1951 to Auerbach (copy attached) some reference to the fact that Mrs. McCloy was related to the Liebman family. I am under the impression that the Liebman family is Jewish and it comes to me as quite a surprise that Mrs. McCloy is related.

Sincerely yours,

Eli Rock

ER:AUM
Enc.

344573

Lte Adol'f
Schulz

April 2, 1953

1291

Mr. Benjamin B. Ferencz
Nuernberg

Dear Ben:

Attached is a statement by Mr. Gutkind concerning our restitution claim against Mr. Schulz, the owner of the firm Knauber & Maas in Mannheim.

Apparently Mr. Gutkind feels that a grave injustice is being done to Herrn Schulz. He insists upon making a statement. I obviously have no way of evaluating the correctness of the allegations made by Mr. Gutkind. Should our Mannheim office have any information which they feel should be brought to the attention of Mr. Gutkind, I will be pleased to discuss the matter with Mr. Gutkind.

Cordially yours,

ENC.

SK:ar

Saul Kagan

344574

to file

MAR 24 1953

ALBERT GUTKIND
28, WINNETOU ROAD
WHITE PLAINS, N.Y.
Tel: WH 9 - 1974

WHITE PLAINS, March 23, 1953

To the

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
270 Madison Ave.
NEW YORK, City

Unter höflicher Bezugnahme auf meine persönliche
Vorsprache am 18.d.M. in Ihrer Office, gestatte ich mir Ihnen Folgen-
des zu unterbreiten :

Firmen Ich war bis Ende Juni 1933 alleiniger Inhaber der
Chemische Fabrik ALBERT GUTKIND , 52/56 Schwetzingeistr.
" KNAUBER & MAAS , 52/56 Schwetzingeistr.
 in MANNHEIM , (BÄDEN) GERMANY

Ab 1.Juli 1933 trat Herr Emil Katz in Mannheim als Teilhaber in diese
Firmen ein und übernahm beide Betriebe käuflich zwei Monate später
Ende August 1933, da ich Ende August nach Brüssel (Belgien) auswander-
te.

Die Naziverordnungen erschwerten unserem jüdischen
Betrieb den gewohnten freien Verkehr mit unserer Kundschaft und lies-
sen wir die Firma Knauber & Maas auf unseren ersten Angestellten, den
christlichen Herrn Friedrich Schulz überschreiben, wodurch der Ge-
schäftsbetrieb keine Störungen mehr erlitt.

Ende 1937 oder Anfang 1938 wanderte Herr E.Katz nach
Amerika aus und verkaufte die Firma Albert Gutkind an Herrn Schulz,
der somit Inhaber beider Firmen wurde.

Herr Schulz teilt mir mit, dass er für eine Rückerstat-
tung seitens der JRSO aufgefordert wurde und bittet mich eine Für-
sprache für ihn zu unternehmen, die er in einem Brief an mich, wo-
von ich in der Anlage eine Abschrift gebe, begründet.

Ich möchte bemerken, dass Herr Schulz seit der Grün-
dung meiner Betriebe im Jahre 1924 als mein erster Angestellter tätig
war und mein ihm gegebenes Vertrauen in all diesen Jahren stets zu
würdigen wusste. Nach meinem Weggang von Mannheim Ende August 1933
hatte es meiner Ansicht nach Herr Katz dem vorwurfsfreien und tapferen
Verhalten des Herrn Schulz gegenüber den Nazibehörden zu verdanken
den Betrieb weiter zu führen.

Herr Schulz hat die Interessen unseres jüdischen
Personals bis zuletzt verteidigt, ist nie der National-
sozialistischen Partei beigetreten, war Kriegsgefangener in Russland,
kam als kranker Mann in 1948 aus der Gefangenschaft zurück, fand die
Betriebe als Trümmerhaufen infolge Bombardierung wieder vor und hat
nunmehr unter der Firma Knauber & Maas in Mannheim - Friedrichsfeld,
den Versuch unternommen, sich eine neue Existenz zu schaffen. Schultz
ist verheiratet und hat 3 Kinder.

Herr Katz, sowie seine Frau sind, wie ich hier erfahren
habe verstorben.

344575

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Ich habe das Gefühl, dass Herr Schulz in seinem Briefe an mich, den ich in der Anlage in Abschrift gebe begründende Ausführungen macht und bin davon unterrichtet, dass es seinem Verhalten und seiner tatkräftigen Unterstützung zu verdanken ist, dass unser Vertreter, Herr Albert Lehmann noch im letzten Moment nach Argentinien auswandern konnte, wo er heute eine sehr gute Existenz hat. Das Gleiche kommt für das weitere jüdische Personal in Frage.

In Anbetracht dieser Tatsachen erlaube ich mir, Sie zu bitten diese Angelegenheit wohlwollend prüfen zu wollen und das uneigennützige Verhalten des Herrn Schulz als Grundlage in dem zu fällenden Entscheid zu würdigen.

Ich stehe für weitere Rückfragen Ihnen jederzeit zur Verfügung und danke Ihnen für die von Ihnen zu unternehmenden Schritte.

Mit aller Hochachtung


Albert Gutkind

344576

ABSCHRIFT:

FRIEDRICH SCHULTZ , MANNHEIM FRIEDRICHSFELD, 10.Januar 1953

Lieber Herr Gutkind,

Ich teile Ihnen in der Sache IRSO mit, dass ich nach dem Standpunkt der IRSO für die Uebernahme der Firma Albert Gutkind rückerstattungspflichtig bin. IRSO verlangt die Herstellung einer Beteiligung im Verhältnis des Wertes der beiden Firmen: Knauber & Maas und Albert Gutkind zur Zeit der Uebernahme.

Hiergegen konnte ich geltend machen, dass ich die Vermögensinteressen des Berechtigten oder seines Rechtsvorgängers in besonderer Weise und mit wesentlichen Erfolg wahrgenommen habe (Art. 4. Abs. 1. b. Rückerstattungsgesetz).

Es ist Ihnen ja bekannt, dass ich das Geschäft im Grunde nur übernommen habe, um Lehmann und Mann und den anderen jüdischen Angestellten ihre Existenz zu sichern und ihnen eine Möglichkeit zu bieten, einen günstigen Moment für die Auswanderung abzuwarten. Der junge Feibelmann war noch Lehrling und ich habe es durchgesetzt, dass er seine Lehre bei mir beenden konnte, was ich ihm mit Zeugniss bestätigte. Es war mir zweifelslos bekannt, dass ich wegen der jüdischen Angestellten mit Schwierigkeiten rechnen musste. Trotz allem habe ich Alfred Ullmann während des ganzen Krieges durchgeholt. Ich musste wohl oft darüber bitten. Alfred lebt heute noch, er war Friedhofswärter im jüdischen Friedhof, ist leider entlassen worden, da er nicht nach Israel wollte. Ich werde jetzt erneut für ihn sorgen.

Bei der Uebernahme der Fa. Albert Gutkind habe ich die Waren zum Einkaufspreis übernommen und löschte die Firma. Lehmann's Wagen habe ich noch an Katz bezahlt, damit Lehmann ausreisen konnte. Die Außenstände die Katz fast nicht mehr herein bekam habe ich übernommen und mit einem 15% Abzug auch bezahlt.

Die gesammten Beträge habe ich an Katz auf Heller und Pfennig bezahlt. Wenn ich Katz nach Ihrer Auswanderung nicht gedeckt hätte, wäre er schon früher den Bach hinuntergegangen. Ich betrachte es als ein moralisches Unrecht, dass ich für mein Einstehen für Lehmann und die Anderen noch bestraft werden soll. Ende 1937 war der Zeitpunkt, wo Katz nicht mehr existieren konnte und war es mehr ein Entgegenkommen unter grossen Opfern und Anstrengungen die Waren zu übernehmen und zu bezahlen.

Sie dürfen mir glauben, dass ich dies nur tat um Lehmann, Mann, Feibelmann, u.s.w. den Weg zu ebnen, was Katz niemals getan hätte. Katz transferierte und verschwand ohne Abschied. Katz bestätigte mir, dass er alles pünktlich bezahlt erhielt.

Ich habe keine Unterlagen mehr, aber im Augenblick der Uebernahme hat das Geschäft Katz doch wirklich keinen realen Wert gehabt, weil die Kundenschaft abgesprungen war und zum anderen Teil nur sehr schlecht bezahlte, weil der Inhaber Jude war. Der Umsatz 1937 dürfte nach meiner Schätzung nur noch 60 - 70,000 Mk. betragen haben.

Über Alles habe ich mich hinweggesetzt. Ich sehe aber nicht ein, dass ich nun bestraft werden soll, als wenn ich den jüdischen Rechtsvorgängern etwas unter Ausnutzung ihrer Notlage weggenommen hätte. Ich bin nicht der Mensch, der Unrecht will und ich ginge daran zu Grunde, dass ich für langjährige Deckung eines nicht arischen Betriebes, wofür ich im Nazireich nicht ernstlich bestraft wurde, im heutigen Staat bestraft werden soll.

Mit herzlichsten Grüßen ,etc.etc.

344577

9/13

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

NUERNBERG, FUERTHERSTRASSE 112

Weber-Stern

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

Aug. 29, 1951

JRSO Letter # 1041

Ref.: Dr.W/i - V/2 - R/15
Subj: Late Waiver Case Sally Stern ./ Michael Fella
Property at Thuenges, Ufr., Bahnhofstrasse

Dear Mr. Rock:-

Many thanks for your letter of Aug. 21, 1951
and all the troubles you have taken over this matter.

I very much hope that Stern will now advise
Fella to settle.

Yours sincerely

G. Weis

DR. GEORGE WEIS

Tel.: 61041
Ext.2

Director
Plans and Operations Board

344578

Stern Weiss

August 10th, 1951

Mr. Sally Stern
255 Ft. Washington Avenue
New York, New York

Re: Michael Fella - Property at Thuenen

Dear Mr. Stern:

I would appreciate it very much if you could come in to see me again sometime soon in connection with the above matter. I would suggest that you call me at your convenience and we can arrange an appointment at that time which fits in with both of our schedules.

Sincerely yours,

Eli Bock
Executive Secretary

ER:AUH

344579

JRSO Letter #1013 1700

August 21, 1951

To: Dr. George Weis

Re: Late waiver case Saly Stern—Michael Fella

I read with much interest your letter #985 of July 21st on the above subject, and this afternoon Mr. Stern finally came in to see me again.

One thing which seems quite clear, as a result of the "revelation" which you produced, is that friend Stern is probably not entirely an "aydeler mensch". Nevertheless, while it is possible that he and Mr. Fella may be cooking something up between them, I believe it is also possible that Mr. Stern is, by and large, telling a straight story.

When I confronted Mr. Stern with the facts regarding his attempt to get 5000DM from Mr. Fella, he simply stated that he had in fact corresponded with Mr. Fella along such lines. He is not sure whether he or Mr. Fella first suggested the possibility of a 5000DM payment to Stern, but he figured in any case that if there was a chance for him to get a little extra money, he certainly would not be opposed to it. The important fact, according to Stern, is that Fella did not see fit to make any payment to him and that neither 5000 DM nor anything else was paid to Stern by Fella.

Stern also says that at the time the 5000DM was discussed with Fella, he (Stern) did not know of the possible JRSO role in the case, being completely uninformed about such technicalities under restitution.

When I asked Stern why his letter of May 31, 1950, made no mention of the 5000 DM, he said that letter had simply, according to his recollection, been written in response to a JRSO letter and had only answered the questions set forth in the JRSO letter.

As to the Bethlehem and Pennsylvania Railroad shares, Stern stated that Fella had been mistaken in his own mind when he referred to Pennsylvania Railroad shares (which he had also done in correspondence with Stern). The fact of the matter is, according to Stern, that Fella had turned over to him a little bit more than 100 shares of Bethlehem Steel, in addition to some cash and other consideration.

344580

-2-

If Fella today thinks that it was Pennsylvania Railroad, Stern thinks that Fella may have possessed these other shares at the time; that he perhaps gave them to someone else and that this accounts for his present confusion. By way of proving that the Bethlehem shares were turned over to him, Stern will attempt to dig through his own papers to show that he did sell slightly more than 100 shares of Bethlehem in this country in 1938 or 1939. As better evidence, however, he will also consider writing to a relative of his in Switzerland with the request that the relative get some kind of evidentiary documents from the bank in Switzerland which handled the original transfer of the shares from Fella to Stern. As soon as he can dig up such evidence, Stern will get in touch with me again.

Incidentally, during the current discussion, Stern mentioned that we might want to try to get a settlement of as much as 8000 or 10,000DM from Fella (the earlier figure suggested by Stern was 5000DM, but in all fairness to Stern it should be emphasized that both of these suggestions were made only in passing and did not represent any serious part of our conversations).

With warmest personal regards.

Sincerely yours,

Eli Rock

ER:P

344581

8/3

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

Stern Warber

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

July 21, 1951

JRSOHQ Letter # 985

Ref.: Dr.W/i - V/2 - R/15
Subj: Late Waiver Case Sally Stern v. Michael Fella
Property at Thuenen, Ufr. Bahnhofstrasse

Dear Mr. Rock:

Referring to your letter # 631 and Mr. Ferencz's answer, dtd. July 13, 1951, # 969, I am sending you copies of documents out of our file.

As you can see from these copies

- a) Mr. Stern did not mention in his letter of May 31st, 1950 that he had asked Mr. Fella for DM 5000.-- (see copy of Mr. Stern's letter to Fella in our memo dtd. May 17, 1950).
- b) Mr. Fella speaks of Pennsylvania Railroads, Mr. Stern of Bethlehem Steel.

I think it would be very important if you could see Mr. Stern again and ask him why he did not tell us the full story in his letter of May 31st, 1950, and whether he is prepared to produce evidence that he acquired shares (Pennsylvania or Bethlehem) from Fella. If he cannot produce evidence I would be inclined to believe that the whole story has been made up.

Yours sincerely

DR. GEORGE WEIS

Director

Plans and Operations Board

Encls:

6 copies

344582

Abschrift.

Aktennotiz S/489:

Schweinfurt, den 11.7.1950.
Dr. S./Hu.

Es erscheint in Gegenwart von mir und Herrn RA. Kunst nach vorheriger telef. Anmeldung Herr Michael Fella und erklaert folgendes:

Ich bin bereit, zur Abgeltung aller Ihrer Ansprueche eine einmalige Nachzahlung von DM 5 000.-- zu leisten. Mehr kann ich nicht zahlen. Ich habe es mit Sally Stern gut gemeint, habe ihm den richtigen Preis bezahlt und alles in meiner Macht getan, damit er den Gegenwert in Form von amerikanischen Wertpapieren in sicherer Anlage erhalte.

Herrn Fella wurde eroeffnet, dass nach Ansicht des Unterzeichneten das Angebot nicht in einem angemessenen Verhaeltnis zu dem Werte des Grundstueckes sei, dass man dem Wert demnaechst nachgehen werde und er dann weiteren Bescheid erhalten soll.

Dr. O. Simon

Herrn Monden
mit der Bitte, den Akt Herrn Froehlich zur alsbaldigen Schaetzung
zuzuleiten.

Dr. O. Simon

344583

Abschrift.

Gegenwaertig: Dr. Simon
und RA.Kunst
als Vertreter der JRSO

Schweinfurt, 16.6.1950.

Aktennotiz (S/489 - Stern ./ Fella Michael)

Es erscheint Herr Michael F e l l a und erklaert folgendes:

Bereits im Jahre 1931 hatte ich mir fuer RM 10.000.-- durch Vermittlung von Frau Fanny Wehner in Muedesheim durch deren Nichte in Amerika amerikanische Wertpapiere beschafft und zwar 55 Shares Pennsylvania Railroad.

Die Verkueferin des Grundstuecks war Frau Sara Stern, geb. Rothschild, die noch jetzt in Amerika lebt. Ihre Geschaefte liess die Dame besorgen durch ihren Sohn Sally Stern, mit dem ich befreundet war und mit dem ich auch die Verhandlungen betreffend des Kaufvertrages fuehrte.

Ich erlegte den Kaufpreis von RM 18 000.-- in der Weise, dass ich dem Sally Stern RM 8 000.-- in bar gab. Ausserdem war es vereinbart, dass ich ihm fuer seine Mutter die weiteren nach dem Kaufvertrag zu zahlenden RM 10 000.-- durch Uebereignung der vorerwaehnten 55 Shares Pennsylvania Railroad bezahlen sollte. Um dieses Geschaeft durchfuehren zu koennen, fuhr ich mit den in meinem Besitz befindlichen Belegen ueber diese amerikanischen Papiere mit Herrn Stern zusammen nach Zuerich. In Zuerich wohnten wir 1 Nacht bei Verwandten des Herrn Stern. Wir gingen dann auf eine Bank, ich weiss nicht mehr welche, wo ich die formelle Uebereignung der Shares an Stern vornahm. Ich fuhr nach Deutschland zurueck, waehrend Stern von Zuerich aus nach Amerika ging. Wenn siese Handlung zur Kenntnis der Nazis gekommen waere, waere ich ohne Zweifel schwer bestraft worden. Ich tat dies aus Freundschaft Stern zum Gefallen. Mehr als RM 18 000.-- war meiner Ansicht nach das Grundstueck nicht wert.

Ich habe nun Stern angeboten in einem Brief vom 4.5.1950, von dem ich keine Abschrift besitze, ihm noch DM 5 000.-- nachzuzahlen. Ich dachte, ein solches Geschaeft ginge voellig in Ordnung und wusste nicht, dass Stern ueberhaupt keine Ansprueche mehr an mich stellen kann, sondern, da er nicht rechtzeitig angemeldet hat, nur die JRSO zu solchen Anspruechen berechtigt ist.

Dem Herrn Fella wurde der Inhalt des Briefes des Herrn Sally Stern vom 31.5.1950 an uns bekanntgegeben und er wurde gefragt

- a) warum er noch DM 5 000.-- angeboten habe, obwohl das Grundstueck doch hoechstens DM 20 000.-- wert sei und er den vollen Kaufpreis ja bereits bezahlt habe;
- b) warum wohl Sally Stern in diesem Brief gar nichts davon erwaeahnt, dass Herr Fella ihm noch DM 5 000.-- angeboten habe.

Zu a: Ich wollte noch etwas aufwerten, weil ich von der JRSO gehoert hatte, dass sie mit einem Preis von DM 18 000.-- nicht einverstanden sei.

Zu b: Ich finde es auch nicht richtig, dass Herr Stern der JRSO gegenueber von den DM 5 000.--, die ich ihm noch zahlen wollte, nichts erwaeahnt hat.

Der Herr in Aschaffenburg, der in Fella's Brief vom 17.5.1950 erwaeahnt ist, ist mir unbekannt. Ich dachte, Fella wuerde mir spaeter noch den genauen Namen und die Adresse des Herrn mitteilen.

344584

-2-

Herrn Fella wurde klargemacht, dass er Verhandlungen ueber eine guetliche Regelung der Sache nur mit der JRSO zu fuehren habe und er wurde davor gewarnt, ohne unser Wissen, unsere Genehmigung und unser Einverstaendnis irgend eine Zahlung an Herrn Stern noch zu leisten.

Herrn Fella wurde anheimgegeben, uns bis zum 1.7.1950 einen Vergleichsvorschlag zu machen. Er wurde darauf hingewiesen, dass, soweit wir bisher ermitteln konnten, das Haus etwa DM 30 000.-- wert sein soll und dass ein Vergleichsvorschlag auch diesen Wert in Betracht ziehen muesse.

Original des Briefes des Herrn Sally Stern vom 17.5.1950 sowie der Bestaetigung der Frau Wehner ohne Datum ueber den Ankauf der Wertpapiere im Jahre 1931 lagen vor und wurden wieder zurueckgegeben.

Schweinfurt, den 16.6.1950
Dr.S./Hu.

Dr.O.Simon

344585

Abschrift.

Mr. & Mrs. Sally Stern . . . 255 Fort Washington Ave . . . New York 32, N.Y.

New York, den 31. May 1950

Ref.: Ku/B. - S/489

JRSO

Schweinfurt
Ruefferstrasse 1

Sehr geehrter Herren !

In Beantwortung Ihrer beiden Briefe v. 17.5.1950 und 24. May 1950 habe ich Ihnen die folgenden Darstellungen zu machen.

Die Angaben des Herrn Fella sind der Wahrheit entsprechend. Herr Fella hat mir den verlangten Kaufpreis ohne Abzug wie angegeben bezahlt.

Herr Fella ist damals unter Gefahr mit mir nach Zuerich gefahren und hat mir auf der dortigen Bank amerikanische Aktien im Betrage von RM 10.000.-- ueberschreiben lassen. Durch Sein Mitfahren mit mir nach Zuerich war es mir moeglich, den Rest des Kaufpreises in Dollars dort anzulegen, sodass der gesamte Kaufpreis als in wertbestaendigem Gelde bezahlt zu betrachten ist.

Wie oben erwaeahnt hat Herr Fella den verlangten Preis bezahlt, den ich auch noch heute als angemessen betrachte. Judenabgaben hatte ich damals nicht zu bezahlen und wie vorstehend erwaeahnt hat also der gesamte Betrag zu meiner Verfuegung gestanden.

Ausserdem hat mir Herr Fella bis zu meiner Auswanderung hilfreich zur Seite gestanden und dabei viele Gefallen erwiesen. Ein Umstand , der gerade in der damaligen Zeit sehr ins Gewicht fiel.

Nach meiner festen Ueberzeugung kann an Herrn Fella keinerlei Anspruch gestellt werden. Wenn ich jemals anderer Meinung gewesen waere, wuerde ich persoenlich meine Ansprueche zur gegebenen Zeit geltend gemacht haben.

So gerne ich auch der JRSO in ihren Bestrebungen behilflich sein will, in diesem Falle muss ich sagen, dass ich eine Forderung gegen Herrn Fella als nicht am Platze bezeichnen muss. Er war mir, als Jude, ein Freund zu allen Zeiten und zeigte dies besonders in meinen Tagen der Not.

Hochachtungsvoll!

gez. Salli Stern

344586

Abschrift.

Ku/B.

Schweinfurt, den 17. Mai 1950

Es erscheint Herr Fella und legt einen Brief des Herrn Stern vom 10.5.1950 folgenden Inhalts vor:

Lieber Freund Michael, vielen Dank fuer deinen Brief vom 4.5.1950. Ich konnte daraus entnehmen, dass Du gewillt bist, mir 5000.-- Mk nachzuzahlen. Wenn Du eine Bescheinigung von mir in Haenden hast, dass ich keine Ansprueche stelle und ich wertbestaendig bezahlt wurde, kann die JRSO nichts verlangen. Damit Du sicher bist wuerde ich Dir raten, frage bei der JRSO an. Ich weiss bestimmt, dass es so ist. Gebe mir Bescheid darueber. Ich wuerde eine notarielle Bescheinigung schicken und zwar an einen Herrn in Aschaffenburg und er wird Dir die Bescheinigung aushaendigen gegen die 5000.-- Mk Nachzahlung. Das ist sehr einfach, ich kenne viele Personen, die dies taten und ich erkundigte mich auch hier bei der Organisation. Das ist legal.

Beste Gruesse Sally Stern.

344587

Abschrift.

Herrn
Sally Stern
255 Fort
Washington Ave
New York 22 N.J.

17.4.50.
(Briefanschrift)

Ref.: Ku/H. - S/489

Bezug: ohne

Betr.: Rueckerstattungsverfahren Stern ./ Fella (S/489) wegen
Wohnhaus Nr. 165 mit Zubehoer in Thuengen, Pl.Nr.2505 1/5 b,
und 2505 1/5 a.

Sehr geehrter Herr Stern!

Von Frau Sara Stern, geb. Rothschild wurde am 25.10.37 das Grundstueck Wohnhaus Nr. 165 mit Nebengebaeuden und Garten in Thuengen, bezeichnet im Grundbuch fuer Thuengen, Bd.16 Bl.1555 S.400, Pl.Nr.2505 1/5 a und 2505 1/5 b, an Herrn Michael und Frau Luzia Fella verkauft.

Als Nachfolgeorganisation im Sinne des Art. 10 des Rueckerstattungsgesetzes, welche auch fuer diejenigen Vermoegensobjekte von juedischen Personen zustaendig ist, welche nicht fristgemaess mit einem Privatanspruch geltend gemacht worden sind, sind wir an Herrn Fella herangetreten und haben ihn zur Stellungnahme veranlasst.

Herr Fella hat erklaert, dass er seinerzeit von dem vereinbarten Kaufpreis von 18.000.-- RM, 8.000.-- RM in bar an Sie gezahlt habe und dass er Ihnen fuer den Rest von 10.000.-- RM Aktien und zwar 55 Shares der Pennsylvania Railroad gegeben habe. Er sei zur Durchfuehrung dieser Transaktion eigens mit Ihnen nach Zuerich gefahren.

Wir bitten nunmehr um Ihre Nachricht, ob diese Angaben des Herrn Fella zutreffen oder wie es sich sonst mit der Zahlung des Kaufpreises verhalten hat.

Wir bitten weiterhin um Nachricht, wie die einzelnen Umstaende des Verkaufes gewesen sind, ob der Kaufpreis in dieser Hoehe angemessen war und ob er tatsaechlich zu Ihrer freien Verfuegung gestanden hat.

Wir bitten weiterhin um Auskunft, ob Sie bei Abschluss des Rechts-geschaefts unter irgendwelchem Einfluss der Verhaeltnisse gehandelt haben oder ob Sie auch unter normalen Umstaenden, d.h. wenn die Verfolgungsmassnahmen des Nationalsozialismus nicht gewesen waeren, das Anwesen verkauft haettet und zwar zu den gleichen Bedingungen

Sollten noch irgendwelche Dinge erwahnenswert sein, welche mit dem damaligen Kaufvertrag etwas zu tun haben, waeren wir Ihnen ebenfalls fuer Mitteilung dankbar.

Fuer baldige Nachricht in dieser Angelegenheit waeren wir Ihnen ausserordentlich verbunden.

Hochachtungsvoll
Schweinfurt Regional Office
I.A.:

344538

Abschrift.

Schweinfurt, den 13.4.1950.

Gegenwaertig RA Kunst
Vertreter der JRSO

Es erscheint Herr Fella aus Thuengen Nr. 72 $\frac{1}{2}$ und legt eine Be-
staetigung folgenden Inhalts vor:

Im Jahre 1931 uebergab mir Herr Michael Fella 10.000.-- DM (in
Worten zehntausend) und bat mich dieses Geld in Amerikan anzulegen. Durch
meine Nichte liess ich in der Farmers Nationalbank in Reading Pa U.S.A.
fuer das Geld ungefaehr 55 Shares Pennsylvania Railroad (ist je Share
ungefaehr 42 Dollar) fuer Herrn Michael Fella kaufen und weiss, dass diese
Papiere im Besitze des Herrn Fall waren.

gez. Fanny Wehner.

Nach Besprechung der Sach- und Rechtslage erklaert Herr Fella
folgendes:

- 1) Ich habe davon Kenntnis genommen, dass der Kaufvertrag gem.
Art. 4 REG angefochten und nichtig ist.
- 2) Der Kaufpreis von 18.000.-- RM wurde in foldender Weise be-
zahlt: 8.000.-- Mark erhielt Herr Stern in bar. Quittung darueber habe ich
nicht erhalten. Fuer den Rest von 10.000.-- RM erhielt Herr Stern Aktien
und zwar 55 Shares Pennsylvania Railroad von mir. Ich fuhr zu diesem Zweck
mit Herrn Stern nach Zuerich und wir taetigten dort auf einer Bank das
Rechtsgeschaeft. Ob Herrn Stern die Aktien mitgenommen hat oder ob er von
der Bank Geld bekommen hat, weiss ich nicht.
- 3) Ich werde der JRSO die Anschrift des Herrn Stern mitteilen,
damit die Richtigkeit meiner Darstellung ueberprueft werden kann.
- 4) Ich nehme zur Kenntnis davon, dass der Anspruch der JRSO in 1.
Linie auf Rueckerstattung des Grundstueckes geht und dass ich in diesem
Falle den Kaufpreis nur dann zurueckerhalte, wenn ich nachweisen kann,
dass er tatsaechlich zur freien Verfuegung des juedischen Verkaufers ge-
zahlt worden ist.
- 5) Das Grun dstueck ist und war nicht belastet.
- 6) Der Mietertrag des Grundstueckes ist z.Zt. monatlich 120.-- DM

Unterschrift.

344539

C O P Y

Schweinfurt, M - 17, 1950

Mr. Fella came in and submitted a letter of Mr. Stern dated 5.10.1950 as follows:

Dear Friend Michael, many thanks for your letter of 5.4.1950. I gathered from it that you are willing to make me a supplementary payment of 5,000.-- mark. When you have a certification from me in hand that I have no claims and have received full payment, the JRSO can then make no demands. To be on the safe side I would advise you to inquire with the JRSO. I definitely know that this is the case. Let me know about this. I would send you a notarized statement, namely to a gentleman in Aschaffenburg, and he will give you the statement against the payment of 5,000.-- mark. This is very simple, I know many people who did it and I shall also inquire with the organization here. This is legal.

Best regards,
Sally Stern

344590

Stern Waiver

July 17th, 1951

JRSO Letter No. 651

To - Benjamin B. Ferencz, JRSO Nuremberg

Re: Waiver case - Stern-Fella

Dear Ben:

Your letter No. 969, indicating the course of action which you intend to follow in this matter, is entirely satisfactory. I do not think that Mr. Stern expected more than that we take into account the background facts which he furnished us when it comes to settling this matter with Mr. Fella.

Sincerely yours,

H. I. Rock

ER:AUN

344591

Answer *Sturm - Weisley*
HEADQUARTERS
JEWISH RESTITUTION SUCCESSOR ORGANIZATION
APO 696 A U. S. ARMY

July 13, 1951
File 7010

Mr. Eli Rock - JRSO NY

Dear Eli:

JRSO HQ Letter #969
Re: Late Waiver Case
Michael Fella and Sally Stern

I am writing in reply to your letter #631 dealing with the late waivers case of Michael Fella and Sally Stern.

Under the facts as stated the JRSO restitution claim will be defeated under the terms of Art. 4, par. 1B of Law #59 and therefore I do not quite understand their fears about being exploited by the JRSO nor the restitutor's willingness to pay about 4000 DM.

We will put a copy of your letter in the file and take Mr. Stern's comments into account in dealing with the restitutor further. Another element which has to be considered from our point of view is the possibility of a bulk settlement whereby we might acquire more from the Land than from the restitutor if we settled with him now at a very low price. This may therefore cause us to examine the case very carefully. You may however advise Mr. Stern that we appreciate his giving us the information, that we will certainly take it into account and that we never exploit anybody.

Cordially yours,

[Signature]
BENJAMIN B. FERENCZ

BBF.b
cc:JJJ

344592

Stanislaw Weisz

July 5th, 1951

JRSO Letter No. 631

To - Benjamin B. Ferencz, JRSO Nuernberg

Re: Late Waiver Case - Michael Fella and Sally Stern

Dear Ben:

Tuesday afternoon Mr. Sally Stern of 255 Ft. Washington Avenue, New York, N.Y. came in to see me concerning property at Thuenen, Unterfranken (near Wuerzburg), Bahnhofstrasse. The property in question was sold by Mr. Stern in 1937 to Mr. Michael Fella at a price, for the records, of RM 20,000. About a year and a half ago, Mr. Stern gave Mr. Fella a letter of waiver, but of course it was not notarized and it was too late. Mr. Fella has now written to Mr. Stern, asking him again to assist him and suggesting specifically that Mr. Stern come in to talk to us about the matter. The impression I obtained from my conversation with Mr. Stern was that he was straightforward and honest, anxious to help the JRSO, but at the same time concerned lest an injustice be done to Mr. Fella. As an indication of his interest in the work of the JRSO, Mr. Stern mentioned that he had earlier corresponded with the JRSO for the purpose of giving us information regarding the community property in Thuenen, which we have now presumably recovered. Mr. Stern is now the operator of a wire factory and stated that he was comfortably fixed. The facts concerning Mr. Fella, as given by Mr. Stern, are as follows:

Mr. Fella is a friend of many years standing of Mr. Stern. He is a religious Catholic and, according to Mr. Stern, never at any time had any sympathy for the Nazis. Individuals who remained on in Thuenen until 1940 and who returned after the war told Mr. Stern that Mr. Fella never deviated from his anti-Nazism. According to Mr. Stern's best information, no members of Mr. Fella's family became Nazis.

In connection with the sale of the property in 1937, there is no question that Mr. Stern sold because he was forced to emigrate from Germany, so that clearly the transaction would not have taken place in the absence of National Socialism. On the other hand, Mr. Stern states that there was no Nazi pressure whatsoever in his own small town, at least until the time of his departure. In connection with the actual sale, the 20,000 RM figure was merely one for the records. Actually, Mr. Fella paid Mr. Stern in dollars and in share of Bethlehem Steel which he, Fella, owned at that time. Because of the danger involved, Mr. Fella did not sign over the shares of stock, and Mr. Stern arranged to have them smuggled into Switzerland while still on Mr. Fella's signature. Thereafter, Mr. Fella obtained a visa to travel to France (presumably to visit a World War I cemetery) but arranged for permission to go through

/over/

344593

-2-

Switzerland. At great personal risk to himself, Mr. Fella then went to Switzerland with Mr. Stern and in Switzerland signed the shares over to Mr. Stern. Mr. Stern was thus able to take most of the sales money out of Germany and to bring it to the U.S. He states that Mr. Fella helped him in various other ways, and he emphasized that the assistance given to him by Mr. Fella was truly at a considerable risk to Mr. Fella. As a result of the assistance thus given to him, Mr. Stern was able to set himself up in business in the U.S., which in turn assisted him in reaching his present comfortable financial position.

As stated above, Mr. Stern is fully sympathetic with the work of the JRSO, and has no sympathy at all for Germans. On the other hand, he feels a great sense of gratitude for Mr. Fella and states that Mr. Fella is truly a decent person and feels that a real injustice would be done if the JRSO were to treat Mr. Fella just as any other restitutor. On the other hand, he also volunteered the information that Mr. Fella was very well-to-do and would undoubtedly be able to pay something to the JRSO if it came to that. Mr. Stern does, however, feel that we should seek if possible to avoid doing Mr. Fella an injustice.

I pointed out to Mr. Stern all of the arguments, theories, etc., which underlie our position in connection with the late waiver. I also urged him to send no new letters of waiver to Mr. Fella, and he agreed. The letter which he will now send to Mr. Fella will be quite non-committal. Nevertheless, Mr. Stern would urge that the JRSO, in negotiating a settlement with Mr. Fella, take into account the above background and history. He felt that this background certainly entitled Mr. Fella to some kind of a break from us in fixing the terms of the settlement. As an example, he suggested that we might want to settle with Mr. Fella for DM 4,000 - 5,000 rather than the DM 18,000 or so which we might be technically entitled. After repeating our arguments on the whole late waiver problem, I indicated to Mr. Stern that I would pass all of this information on to you and that the decision would be in your hands.

Sincerely yours,

Eli Rock

ER:AUN

344594

Cette Weiger
Wolf

October 18th, 1951

To: Dr. Siegmund Loebenstein, JRSO Schweinfurt

From: JRSO New York

Re: Restitution case Wolf vs. Jesberger, Sommerau

This will acknowledge your letter of September 28th in connection with the above matter, which was received during Mr. Rock's extended absence from the city. After several unsuccessful attempts, we were finally successful in contacting Miss Wolf in this city, and are setting forth below the results of our conversation:

- 1) Miss Wolf's father had not planned to sell the house prior to 1933 and had not offered it to Mr. Jesberger before that date.
- 2) Miss Wolf's father sold the property at the time of his leaving Sommerau for Wuerzburg. A prominent reason for this move was the fact that the Wolfs were at that time virtually the last Jews remaining in that very small town, that their position was therefore becoming rather difficult, and that they felt they would be better off in a larger community such as Wuerzburg. At that time they were already contemplating their emigration from Germany to the U.S., which took place in March 1939. Miss Wolf points out, however, that even under different circumstances, without the conditions brought about by National Socialism, they would probably have left Sommerau at some time, since her father was getting to be a very old man and life in a larger town would have been more comfortable for the family. There can be no question, however, that the conditions created by National Socialism figured very prominently among the reasons for this sale.
- 3) The purchase price paid by Mr. Jesberger was, according to Miss Wolf, an eminently fair one for this very small property. She points out that at the time her father had received another purchase offer from someone else, at a much lower figure, and that Mr. Jesberger's offer was very generous and at least as much as the property was worth. The sum of RM 6,000 which was paid by Mr. Jesberger was received in full by the Wolfs at their entirely free disposal, without any kind of restriction. However, Miss Wolf denies that the property was in a run-down condition and greatly overpaid. She feels that the price was fair and generous, but not excessive.

I hope that the above is of help to you. Miss Wolf stated at several points that she felt it would be an injustice to demand restitution from Mr. Jesberger, and that she was anxious that such an injustice should not be committed.

/over/

344595

-2-

Concerning the case of Kahn vs. Rickert, about which you wrote us at the same date of September 28th, we have written to Mrs. Recha Schiff several times, but have not heard anything from her as yet. We shall let you know immediately as soon as we have succeeded in contacting Mrs. Schiff.

Antonie Neiger

344596

October 17th, 1991

Miss Selma Wolf
46 Pt. Washington Avenue
New York, New York

Dear Miss Wolf:

Re: Wohnhaus Nr. 24, Pl. Nr. 140 in Sommerau

We have not heard from you in response to our letter of October 8th in the above matter. We would very much appreciate it if you would contact either the undersigned or Mr. Robert Pilpel of our organization at your earliest convenience.

Sincerely yours,

Antonie U. Neiger

344597

October 8th, 1951

Miss Selma Wolf
46 Yorkt Washington Avenue
New York, New York

Dear Miss Wolf:

Re: Wohnhaus Nr. 24, Pl. Nr. 140 in Sommerau

In connection with the above piece of property, which is currently being claimed by our organization in Germany, we would very much appreciate it if you could come in to our office, at your convenience, to discuss the problems here involved with a member of our organizations. Could you be good enough to call Mr. Robert Pilpel, at the above telephone number, for an appointment at your earliest opportunity.

Sincerely yours,

Antonie U. Neiger

344598

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
Schweinfurt Regional Office

10/
18

Mr. Eli Rock
Jewish Restitution Successor
Organization

Schweinfurt, den 28.9.1951
Rüfferstr. 1
Telefon 6314

270 Madison Ave.
New York 16, N.Y. USA.

Ref.: Ku/Bo - W/78

Betr.: Rückerstattungsverfahren Wolf ./ Jesberger, Sommerau
Kreis Obernburg.

Sehr geehrter Mr. Rock!

Wir erlauben uns, mit folgender Bitte an Sie heranzutreten.

In einer Rückerstattungssache Wolf ./ Jesberger hat die Erbin des Verfolgten Isaak Löb Wolf, Fräul. Selma Wolf, eine Erklärung abgegeben, dass der Verkauf des Hausgrundstücks ihres Vaters in Sommerau bei Obernburg im Jahre 1938 freiwillig und nicht unter Nazizwang erfolgt sei.

Auf unsere Anfrage bei Fräul. Wolf, welche wir abschriftlich beifügen, hat sie uns nur ein allgemein gehaltenes Schreiben zu kommen lassen, in welchem auf unsere einzelnen Fragen überhaupt nicht eingegangen wurde.

Unsere Bitte geht dahin, dass Sie Fräulein Wolf einmal vorladen, und von ihr präzise Antworten auf die von uns benötigten Fragen erzielen.

Die einzelnen Daten des Vorgangs sind folgende.

Objekt: Wohnhaus Nr. 24, Pl.Nr. 140 in Sommerau

Besitzer: W o l f Isaak Löb.

Jetziger eingetragener Eigentümer: Jesberger Leo,

Kaufvertrag: 19.5.38

Kaufpreis: 6.000.- RM

Einheitswert: 2.870.- RM.

Die Anschrift des Fräulein Wolf ist folgende:

Selma W o l f , 46 Fort. Washt. Ave., New York City.

b.w.

344599

Wir hoffen, Ihnen mit unserer Bitte keine allzu grosse
Mühe zu machen und

zeichnen ergebenst

Schweinfurt Regional Office

Dr. Loebenstein



Anlage

344600

A b s c h r i f t.

23.8.1951

Miss Selma Wolf

46 Fort Washington Ave.

New York 34 N.Y. USA.

Ref. : Ku/Bck - W/78 -

Betr.: RE-Verfahren Wolf ./.. Jesberger.

Sehr geehrtes Fräulein Wolf!

In einer Rückerstattungsangelegenheit, welche wegen Ihres früheren Wohnhauses in Sommernau von uns gegen Herrn Leo Jesberger betrieben wird, wären wir Ihnen für folgende Auskünfte ausserordentlich zu Dank verpflichtet.

- 1.) Hat Ihr Vater den Besitz schon vor 1933 veräußern wollen und hat er ihn schon in dieser Zeit Herrn Jesberger angeboten.
- 2.) Oder hat Ihr Vater das Grundstück veräußert, weil er in Folge der durch den Nationalsozialismus herbei geführten Verhältnisse Deutschland verlassen und demgemäß sein Vermögen abstossen wollte.
- 3.) Wann sind Sie bzw. Ihr Vater ausgewandert.
- 4.) Stand der Kaufpreis in einem angemessenen Verhältnis zu dem tatsächlichen Wert und konnten Sie frei über ihn verfügen.
- 5.) Wäre Ihr Fortgang von Sommernau auch ohne den Nationalsozialismus erfolgt?
- 6.) War das Anwesen, wie Herr Jesberger jetzt vortragen lässt, stark vernachlässigt und demgemäß mit dem Kaufpreis von 6.000.- RM weit überzahlt?

Wie Sie wissen verfolgt die JRSO die Rückerstattungsansprüche, welche von den ursprünglichen Eigentümern nicht mehr verfolgt werden bzw. nicht mehr verfolgt werden können. Mit dem evtl. Erlös bestreitet die JRSO caritative Zwecke, d.h. sie unterstützt jüdische Wohlfahrtsorganisationen und bedürftige jüdische Einzelpersonen.

Für baldige Nachricht wären wir Ihnen sehr verbunden.

Hochachtungsvoll
Schweinfurt Regional Office

344601

S. Kagan
Letter #1419

September 15, 1953

Mr. Benjamin B. Ferencz
JRSSO - Nuernberg

Dear Beni

You will be interested in the attached clipping from the Aufbau of September 4.

Sincerely yours,

Saul Kagan

SK:mc
enc.

344602

Aufbau Restitutionsprozess
wider Willen

In Jahre 1937 hatten die Kaufleute Ruben und Leopold Strauss in Würzburg der befreundeten Familie Tremmel ihr Haus zu regulärem Preis verkauft, ohne jene Verluste zu erleiden, die sonst infolge der Nazi-Raubgesetzgebung kaum vermeidlich gewesen wären. Daher hatte Leopold Strauss als Erbe seines inzwischen verstorbenen Vaters Ruben auch keine Rückerstattungs-Ansprüche gestellt, es aber auch unterlassen ausdrücklich auf Ansprüche zu verzichten. Der Court of Restitution Appeals (CORA) hatte auch ein Urteil gefällt, dass Ruben und Leopold Strauss kein Schaden entstanden wäre, aber nun erhob die IRSO ihre Ansprüche auf Rückerstattung und

verklagte den jetzigen Besitzer des Hauses, den Werkstudenten Günther Tremmel.

Leopold Strauss schrieb darauf der IRSO: "Ich habe nach dem Verkauf des Hauses niemals irgendwelche Ansprüche gemacht und würde mich schämen, dies zu tun, da Herr Tremmel ein wirklich guter, alter Jugendfreund war". Die Wiedergutmachungskammern in Würzburg und München wiesen denn auch die Ansprüche der IRSO zurück, aber die CORA hob die Gerichtsentscheidungen wieder auf, weil eben keine ausdrückliche Verzichtserklärung von Leopold Strauss zur rechten Zeit abgegeben wäre.

Inzwischen ist der Anspruch der IRSO auf den Freistaat Bayern übergegangen, und nun versucht der Staat Bayern gerichtlich die Rückgabe des Hauses herbeizuführen, auf die Leopold Strauss verzichtet hatte, weil er, wie er erklärt hatte, sich schämen würde — der Staat Bayern aber scheint dies Schamgefühl nicht zu besitzen.

Underlying its entire program has been the theory that where a German had acquired property under the Nazis, which according to the present day restitution law is regarded as an improper & rescindable acquisition, he should ^{3/12/1951} not be permitted to retain that property solely because of the accident that former owners did not survive. MEMORANDUM

The work of the Jewish Restitution Successor Organization (JRSO) is by this time well known among most members of the Jewish Community, both here and abroad.

Since the date of its official designation by Military Government in Germany, the JRSO has filed and has processed large numbers of claims for former Jewish property which had been transferred under the Nazis and which is today either heirless or unclaimed. In passing, it should be mentioned that the restitution law in Germany (Law 59) very clearly permits the JRSO to recover "unclaimed" property as well as that which is actually heirless; this approach is presumably based on the theory that a German restitutor who had, according to the provisions of Law 59, ~~assistance to the needy survivors of the Nazi holocaust, and deserved no longer~~ improperly acquired property under the Nazis, should not be permitted to retain that property solely because of the accident that the former owners were not able or for other reasons have not claimed. At the same time, the law did permit a former owner to execute a written waiver in favor of the German restitutor, and such waivers were given full recognition provided that they were executed and filed before December 31, 1948.

Since the date of December 31, 1948, a number of situations have arisen in which former Jewish owners or the family have sought retroactively to waive the property in favor of the present German holder. Although it is quite clear that in a number of instances the parties have fraudulently attempted to circumvent the aforementioned provisions of the law, it is also clear that in a number of instances

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the former Jewish owners or their heirs acted quite sincerely. These latter categories, however, frequently are proceeding under a mistaken assumption regarding the meaning and the application of the pertinent legal provisions in these circumstances. Inasmuch as these belated attempts, were they to be successful, could only result in preventing the JRSO from recovering the property in question and using it for general Jewish charitable purposes, the JRSO is taking the present opportunity to ~~walk~~ point up and to call attention to the mistaken understanding of the law which has motivated these attempted waivers. While the tardiness of these belated attempts has prevented them from being effective, such attempts have usually resulted in considerable inconvenience both to the JRSO and to the former owners, and sometimes have delayed the ultimate recovery of the property by the JRSO.

In the usual instance where a non-fraudulent waiver is sincerely attempted, the former owner is of the impression that the property may not legally be recovered in any event. He may have the erroneous belief, for example, that the transfer would have taken place even "in the absence of National Socialism" and that the claim is therefore barred. In other instances, he may simply feel that since the purchase of the property under the Nazis behaved properly in the sale, ~~xxx~~ it would not be fair or just to permit the sale to be set aside by the JRSO.

By way of clarifying the latter misunderstandings, it should be pointed out first that in order for a transfer to qualify as one which would have taken place "in the absence of National Socialism" there must be a complete absence of any Nazi influence, however remote or indirect, which ~~xxx~~ may have played a role in causing the transfer to be made. In other words, if the Jewish owner sold the

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property simply because members of his family had left Germany (owing to the Nazis), thereby meaning that the dwelling was too large for the members of the family remaining in Germany, sufficient causal relationship exists for the transfer to be set aside, legally. Quite apart from whether the particular purchaser exercises the slightest duress against the Jewish owner, the transfer may be set aside if any evidence at all can be found which will show that the Nazi regime had caused changed circumstances in the life and situation of the Jewish owner, and that these changes in turn led him to seek a sale.

There still remains, however, the question of "fair dealing" for the German purchase of the property in question. A number of former owners, who have themselves suffered much at the hands of the Germans, have argued that so long as the individual purchase did not himself use undue influences against the seller, it would not be just now to penalize that purchase by forcing him to return the property. By way of reply to this argument, it should be pointed out that under the laws of almost all countries, any sale may be set aside where the buyer knew or should have known that the sale was entered into as a result of duress from a third party. Thus, the purchaser in Germany must be legally charged with knowledge that he was entering into a transaction which could be legally set aside once law and order was restored to Europe. Furthermore, it must be emphasized that in all of these cancelled transactions, the JRSO must always return to the German purchase of the property that which the Jewish seller received at his free disposal. While it is true that this repayment is made at the rate of 10:1 under the present currency conversion law, the same conversion applies to all prewar debts which were incurred in Germany and thousands of Germans who have held such debts have been

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-4-

required to accept repayment at this ratio. Should a German purchaser be permitted to retain the property because of this ~~basis~~ ^{factor} alone, he will in fact be receiving full value for his prewar holdings and ~~now~~ thereby will be given a great advantage over all other Germans.

Finally, where the German purchaser may suffer losses under Law 59 which are not completely answered by the above considerations, he should turn to the German government for compensation for his damages. Certainly, it is more just that the ~~German government should bear this responsibility,~~ ^{latter arrangement should be used,} rather than that ~~the German holders should receive protection at the expense of the needy Jews of the world, ~~and for whose benefit the property would otherwise be used.~~ who will otherwise benefit from the JRSO proceeds, so should be deprived of them.~~

344607

DRAFT PRESS RELEASE (FOR AUFBAU)

The Jewish Restitution Successor Organization (JRSO) today announced steps to combat fraudulent practices which have recently arisen in a number of restitution cases in Germany, where present German holders of unclaimed property have combined with the former owners or their heirs in an illegal attempt to prevent the property from being recovered by the JRSO and used for Jewish purposes.

Specifically, a number of former Jewish holders of the property, who previously had no interest in seeking to recover the property, have now collaborated with the present holders for the purpose of preparing and filing fraudulent waivers of interest in the property. The sole purpose of such waivers has been to circumvent the restitution law in Germany which provides that heirless property and property which has not been claimed by December 31, 1948 may be recovered by the JRSO. The result of such illegal efforts, were they to prove successful, would be to prevent the properties from being used for general Jewish charitable purposes instead leaving them in the hands of the German holders who, under German law, had illegally acquired the property.

Fortunately, the above described fraudulent attempts have been unavailing since the deadline for the filing of waivers is long past, and the Jewish property in question continues to be recovered for general Jewish charitable purposes. Of further interest is the fact that a number of these fraudulent attempts have been brought to the attention of the authorities in Germany, and vigorous efforts have been commenced to prosecute the responsible individuals in those cases, the Jew and the German alike. Any further attempts at such fraud in the future will continue to be prosecuted.

VERZICHT AUF RUECKERSTATTUNGSANSPRUECHE ?

Wie allgemein bekannt, haben Rueckerstattungsberechtigte, die es unterlassen oder versaeumt haben, ihre Ansprueche rechtzeitig bis zum 31. Dezember 1948 in Bad Nauheim anzumelden, diese Ansprueche endgueltig verwirkt. Kraft Gesetzes sind solche Ansprueche auf die Jewish Restitution Successor Organization (JRSO) uebergegangen; sie ist allein berechtigt, diese Ansprueche in eigenem Namen zu verfolgen.

Wir haben nun in zunehmendem Masse die Erfahrung gemacht, dass Rueckerstattungspflichtige versuchen, sich von den frueheren Eigentuemern, obwohl diese - wie obenerwahnt - mit ihren Anspruechen ausgeschlossen sind, Bescheinigungen geben zu lassen, in denen diese auf ihren Anspruch verzichten sollen, weil der damalige Verkauf des von der JRSO beanspruchten Objekts nicht unter Druck erfolgt sei, der Kaeufer sich "anstaendig" verhalten und einen angemessenen Kaufpreis bezahlt habe, und dergl. mehr. Mit diesen Bescheinigungen bezwecken die Rueckerstattungspflichtigen, den Anspruechen der JRSO entgegenzutreten und diese zu bekaempfen.

Gegenueber diesen Versuchen machen wir darauf aufmerksam, dass die Ausstellung solcher Bescheinigungen ungesetzlich ist. Nach den Bestimmungen des Rueckerstattungsgesetzes konnte der fruehere Eigentuemer einen wirksamen Verzicht auf seine Ansprueche nur innerhalb der Anmeldefrist, d.h. nur bis zum 31. Dezember 1948 erklaeren.

Abgesehen davon, bedeutet ein solches Zusammenarbeiten des frueheren Eigentuemers mit dem Rueckerstattungspflichtigen eine Schaedigung der Interessen der juedischen Allgemeinheit, zu deren Wahrnehmung die Juedische Nachfolgeorganisation geschaffen worden ist. Es waere unverantwortlich, wenn fruehere Eigentuemer dadurch, dass sie den Wuenschen der Rueckerstattungspflichtigen entsprechen, der JRSO in den Ruecken fallen und ihr die Durchsetzung der ihr durch Gesetz zugefallenen Ansprueche erschweren. Aus rechtlichen wie aus moralischen Gruenden werden deshalb die frueheren Eigentuemer vor der Ausstellung solcher Verzichts- oder Loyalitaetserklaerungen gewarnt.

WAIVER OF RESTITUTION CLAIMS ?

As is generally known, all those entitled to restitution, who have failed or omitted to file their claims in time prior to December 31, 1948 in Bad Nauheim, have permanently forfeited such claims. By law these claims passed on to the Jewish Restitution Successor Organization (JRSO); it alone is entitled to process those claims in its own behalf.

We have now increasingly experienced that restitutors are attempting to obtain certifications from the former owners, although these--as mentioned above--are excluded from claims, by which the latter should waive their claims because the original transfer of the property claimed by JRSO had not taken place under duress, & the purchase had been "decent", a fair price had been paid, etc. With these certifications the restitutors intend to oppose the claims of the JRSO and to fight against them.

With regard to these attempts we wish to point out that the issuance of such waivers is unlawful. According to the provisions of the restitution law, the former owner could execute an effective waiver of his claim only within the registration time limit, i.e. prior to December 31, 1948.

Besides that, such collaboration between the former owner and the restitutor signify a damaging of the general Jewish interests, for whose protection the Jewish Restitution Successor Organization has been created. It would be irresponsible if former owners, by complying with the wishes of the restitutors, would undercut the position of the JRSO and make the prosecution of its legally rightful claims more difficult. On legal as well as moral grounds, the former owners are therefore warned against the execution of such waivers or loyalty certificates.

~~Translators attachment~~ Tic - Mar. 6

Tic steps 5
7/3)

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

28 July 1950 BEEF/uk

Mr. Wailey
Hq. JRSO New York Letter # 504

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

Dear Eli,

I am attaching a copy of a waiver given by Mr. Martin Weinstein of 99 Featherbed Lane, The Bronx, N. Y. to Mr. Karl Schmitz of Unterwellen, Hesse, concerning a piece of restitutable property. The waiver is dated 15 December 1948, so that under the Restitution Law it would effectively serve to defeat the claim of the JRSO. Strangely, however, the waiver is notarized on 17 March 1950.

Our claim was serviced upon Schmitz in March of 1950. After 1 April 1950 Schmitz refused to pay any rents although he had been making such payments to the Military Government appointed custodian since the property was taken under control.

In short, there is good reason to suspect that Mr. Weinstein and Mr. Schmitz have conspired to issue a fraudulent waiver in order to defeat the JRSO's claim.

Several such cases have already come to our attention and if we are to avoid an epidemic, we must take immediate and drastic steps to put a stop to it. I think what we can do as a practical matter is:

- 1) have an article placed in the "Aufbau" to the effect that such practices are taking place and that the JRSO intends to expose them to publish the names of the Jews whose waivers have only recently become known, and to prosecute the offenders wherever possible.
- 2) I think you might drop in and see Mr. Weinstein in order to obtain copies of his correspondence with Mr. Schmitz, if possible, and an explanation of how come a waiver of 15 December 1948 to be notarized in March 1950.

It is still possible that our claim may be defeated on the grounds that the transaction as such would have taken place even in the

344611

-2-

absence of National Socialism (the transfer took place in 1937). You should, therefore, also try to obtain any information or statements which would prevent this argument from being effectively used against us. This is the type of case we had in mind when we wrote that our equity claimants would be ignored if they did not have clean hands.

Cordially yours,



Incl.: a/s

BENJAMIN B. FERENCZ

cc: JJJ

344612

Abschrift

V e r z i c h t s e r k l a e r u n g

Ich, Martin WEINSTEIN, wohnhaft 99 Featherbed Lane, The Bronx, N. Y.
erklaere, keinerlei Ansprueche zu erheben aus dem im Jahre 1937 erfolgten
Verkauf des Anwesens Haus Nr. 23 HESSELROEDEN, Reg. Bez. Kassel an Karl
Schultz und Ehefrau nach dem Wiedergutmachungsgesetz fuer die durch die
Nazis an Juden begangenen Schaedigungen.

Meine Mutter Hedwig Weinstein, damalige Miteigentuemerin ist im Jahre
1940 in Wuerzburg verstorben. Ich handelte seinerzeit als Bevollmaechtig-
ter meiner Schwestern Grete Rosenheimer und Berthilde Katz. Verzichtser-
klaerungen meiner Schwestern werden folgen.

New York 52, N.Y. (The Bronx), 15. Dezember 1948

gez. Martin Weinstein
(Martin Weinstein)

Die vorstehende Erklaerung ist zum Zwecke der Notarisierung, heute
am 17. Maerz 1950 vor dem unterzeichneten Notar rechtsverbindlich
wiederholt.

Subscribed and sworn to this 17th day of March 1950.

gez. Mary Mervish
(Amtssiegel)

Mary Mervish
Notary Public, State of New York No. 24-2671000
Qualified in Kings County
Cert. filed in Kings Co. Reg.
in New York Co. Cek. and Reg.
Term Expires March 30, 1951

gez. Martin Weinstein

Fuer die Richtigkeit der Abschrift
Nesselroeden, den 12.4.1950

gez. Ernst
(Louis Ernst
Investigator)

344613

C O P Y

WAIVER OF CLAIM

I, Martin WIN WEINSTEIN, residing at 99 Featherbed Lane, the Bronx, N. Y. hereby state that I have no claims whatsoever in connection with the sale in 1937 of the house No. 23, NESSELROEDEN, Bez. Kassel to Mr. and Mrs. Karl Schmitz, pursuant to the restitution law to cover damages inflicted by the Nazis on Jews.

My mother, Hedwig Weinstein, then coowner of the property, died in Wuerzburg in 1940. I acted then as attorney for my sisters Grete Rosenheimer and Berthilde Gatz. Waivers of claim by my sisters will follow.

New York 52, N. Y. (The Bronx), 15. December 1948

/s/ Martin Weinstein

The above statement is being repeated today, March 17, 1950, before the undersigned notary.

Subscribed and sworn to this 17th day of March 1950.

/s/ Mary Mervish

Seal

Mary Mervish
Notary Public, State of New York No. 24-2671000
Qualified in Kings County
Cert. filed in Kings Co. Reg.
and New York Co. Clk. and Reg.
Term Expires March 30, 1951

/s/ Martin Weinstein

For the correctness of the copy

Nesselroeden, 12.4.1950

/s/ Ernst
(Louis Ernst
Investigator)

344614

Tue May 6 ~~Forwarded~~ 11/10

American Federation of Jews from Central Europe, Inc.

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

November 9, 1950

Herman Muller

RUDOLF CALLMANN
Chairman of the Board

NATHAN STEIN
President

HERMAN MULLER
Exec. Vice President

EXECUTIVE COMMITTEE

LUDWIG ARON
RABBI LEO BARRELD

FREDERICK H. BRUNNER

HUGO EMMERICH

KURT M. FLISCHACKER

MARFERD GEORGE

RABBI MAX GRUNEWALD

KURT H. GRUNBAUM

RABBI HUGO HAHN

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RABBI JACOB HOFFMAN

Fritz KAUFMANN

LEOPOLD LANDENBERGER

SOL LEVY
Treasurer

HANS J. MEYER
Chairman of Finance Committee

ALFRED PRAGER
Secretary

DR. FRIEDRICH SCHLESINGER

HERMANN E. SIMON

FRED S. WEISSMAN

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

Dear Mr. Rock:

Re: Fraudulent Waivers

Referring to my letter of November 6th and to our subsequent telephone conversation I herewith return to you your press release draft.

At the same time I am enclosing my own draft. I made it in German in view of the fact that it shall appear in the "Aufbau".

Very sincerely yours,

Herman Muller
Herman Muller
Exec. Vice President

HM:ni

2 enclosures

344615

Revt. Brody

April 27, 1950

JRSO Letter No. 277

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

Gentlemen:

We are sending you attached a self-explanatory letter which we have received from a Mr. J. Adler in Munich. We have written Mr. Adler that we are referring the matter to the JRSO headquarters in Nurnberg.

Sincerely yours,

Eli Rock

ER:AU
Enc.

344616

Dear Mr. Adler

April 27th, 1950

Mr. J. Adler
Georgenstr. 15/I
Munich, Germany

Dear Mr. Adler:

This will acknowledge your letter of April 20, 1950 concerning the problem of restitution of property in Germany.

It appears to us that the subject matter of your letter is more properly one for the attention of the Jewish Restitution Successor Organization. Accordingly, we are referring your letter to the headquarters office of that organization, located in Nurnberg, Germany. Should you wish to contact that office, their address is Fuertherstrasse 301, Nurnberg.

Sincerely yours,

Eli Rock
Counsel, AJDC

ER:AU

344617

J. ADLER-BELMER · MÜNCHEN

EXPORT-AGENTUR

Interessengebiet: Ägypten · Irak · Israel · Libanon · Syrien · Transjordanien · Türkei

American Joint
Distribution Committee
270, Madison Avenue
New York, N.Y.
U.S.A.

Telefon: 20204

Telegramm: Erlehrer München

Air-Mail

MÜNCHEN 13
Schwanthalerstr. 100
Georgenstr. 15/I

Ihr Zeichen:

Ihre Nachricht vom:

Unser Zeichen:

Tag:

20.4.50.

Gentlemen,

About 2 1/2 years ago I decided to look after my family's and my lost fortune in Germany and to institute reparation, at a time, when those questions were still unsolved. I found out that a former syndic - it concerns iron- and metal-firms of big style - after our flight had pressed our families' different enterprises into bankruptcy. I therefore reopened the above firm to centralize the different claims and to create absolute clearness, as the values in question are considerable.

Mr. Eric M. Warburg as well as the Munich Israel Consul informed me, that the Jewish Organisations are said to have come to terms to accomplish the problem of restitution in a salutary way.

My firm in Israel: J. Noshry (Adler), P.C. 1.715, Tel Aviv, worked with Germany on a large scale years ago - as I was commissioned already in 1926 by the German Ministry for Economics to visit Minor Asia and to penetrate the industrial possibilities, especially in Turkey, in order to complete them -. This induced me to fathom conditions here in Germany. On this occasion I was offered between 150 and 200 representations of most important works and big commercial houses. I ventilated these offices, supposed that the Israeli Government starts a transfer between Germany and Israel, only at which time a representation comes into question. Most of these firms proposed to help to compensate the injustice inflicted upon our people - independent from the existing Government - by advantages for our brothers.

As soon as there is a definitive unification between the Jewish Organisations I beg to offer you my services as collaborator to obtain a favourable result for our interests. Perhaps

344618

you wish the above firm to be placed to the disposal of the whole under the control of the Jewish interests in which case the provisions, which automatically fall to us, will sum up considerably, as I do not intend to enrich at the cost of our brothers' destroyed fortunes.

I hope you will consider my explanations and beg to remain

Yours faithfully

For and on behalf of

Levin

344619

File

J. ADLER · MÜNCHEN
EXPORT-KONTOR

Interessengebiet: Ägypten · Irak · Israel · Libanon · Syrien · Transjordanien · Türkei

Headquarters

Jewish Restitution

Successor Organisation

Attn: Mr. Ferencz, Director

Nürnberg

MÜNCHEN 23, Tel Aviv 716
Kaiserstraße 29/o, Tel Aviv
Lehrstrasse 10, Tel Aviv
Lichtensteinstrasse 10, Tel Aviv
Ihr Zeichen
Ihre Nachricht vom **Unser Zeichen**
Tag

11.7.51.

We beg to inform you, that Mr. J. Adler, Tel Aviv/Israel,
P.O.B. 716, has been in Germany for several times within the
last three years to claim the considerable fortune of the
families Adler and the former firm J. Adler - München
and its branches, the proprietors of which were forced to leave
Germany already in 1933.

The senior of the family, Mr. Josef Adler, who is now living
in Haifa/Israel, 7, Geulastreet, authorized the undersigned to
act as his deputy, as well as the deputy of these members of the
family, who were liquidated, concerning the restitution of his
and their fortunes and his efforts partly were successful.

About a year ago the undersigned personally contacted your office,
but had no opportunity to discuss the matter of a possible future
transfer of goods, basing on restitution (Wiedergutmachung and Rück-
erstattung), with the director of your office, Mr. Ferencz,
but repeatedly talked to Mr. Katzenstein, who is informed
of our activities.

Owing to the undersigned's excellent connections until 1933 most
important industrial enterprises in Germany offered us their agencies
for Israel, respectively Asia Minor - in case of a future transfer -,
part of their owners are indebted to the firm J. Adler or its
members. Therefore we are interested in future purchases in Germany
or in the use of blocked credit to be able to compensate our claims.
These actions, on the other side, would be facilitated by considerable
concessions promised by these firms.

As we are not only interested materially to support the matter of
restitution in general - especially to put our cooperation at your
disposal in every aspect -, we considered very strongly the incitation
of former German Jewish contractors to establish together with them
a society, basing on their blocked credit, to scoop with all possi-
bilities of a future transfer. The society members agree, that - with
regard to your eventual participation and that of other Jewish organ-
isations, especially in connection with the State of Israel - all
necessary suppositions must be at hand for your further dispositions.
This possibility already was considered on the occasion of a consti-
tution of the above mentioned society, especially concerning the board
of directors.

J. ADLER · MÜNCHEN

ПОДАЧА ТОВАРІВ

Indirect costs include overhead expenses such as salaries, equipment, and supplies used by the department.

Finally we want to remark that our activities exclusively is limited on highly qualified goods, always aiming at the furtherance of the industries in Israel, agriculture, building-business, traffic etc. within the general development. Our programm contains: tool-machines in general, urgently needed tools, measurement-instruments, geodetic-instruments, drilling-equipment for water,oil and metal-mining, chemicals for the corresponding industries and plants of every size for industries, which do not yet exist in Israel, the products of which would be a favourable enlargement of the country's export.

We would appreciate your early opinion and beg to remain

with Schalon.

John Parker

344621

July 30, 1953

Mr. E. Engel
Sociedad Israelita de Guatemala
Cra Av. S. No. 7
Guatemala City, Guatemala, C.A.

RE: Mrs. Rosalie Angress

Dear Mr. Engel:

This will refer to your letter of June 19, which was referred to us by the American Joint Distribution Committee. I regret that I was unable to reply to it sooner since it arrived while I was out of the country.

It would seem to me that it might be best for Mrs. Angress, who is of advanced age and apparently without funds, to request the United Restitution Office in Munich, Schuetzenstrasse 8, to take over her case. The URO is an organization whose function it is to assist Jewish victims of Nazi persecution who cannot afford lawyers for the processing of their restitution and indemnification claims. In her letter Mrs. Angress should state that she has been advised by our office to contact the United Restitution Office and should explain her circumstances. I am returning your enclosures attached.

Sincerely yours,

SK:mc
Dictated but not read

Saul Kagan

344622

SOCIEDAD ISRAELITA DE GUATEMALA

Guatemala City, June 19, 1953

JUN 23 1953

The American Jewish Joint
Distribution Committee
270 Madison Avenue
NEW YORK 16, N.Y.
U.S.A.

Dear Sirs:

Mrs. Rosalie Angress nee Neumann, a woman of over 79 years of age has approached us in the following matter:

She has filed, in 1951, a claim for restitution, but so far has had no definite resolution. A friend of hers, Mr. Arnold Heller, Wuerzburg, Valentin Beckerstr.11, has offered her his help and she is sending to him a power of attorney.

Since she thinks, and so do we, that the Jonit in Munich may be of assistance in her case, we request you to please do whatever you can.

We are enclosing:

- 1) Her letter to our organization explaining her case
- 2) Copy of acknowledgment of receipt, Feb. 17, 1951
- 3) Copy of letter dealing with this case.

Thank you for your expected attention to the case.

Sincerely yours

Emmanuel Langner

344623

GEN. & EMERG
Perry

Berry E

January 12, 1950

Mr. Herman Muller
United Restitution Office
1674 Broadway
New York, New York

Dear Mr. Muller:

Pursuant to our telephone conversation, I am sending you attached copies of a self-explanatory exchange of correspondence between our office and the Federation for Jewish Service in Omaha, Nebraska.

Sincerely yours,

Eli Rock

ER:AU
Enc.

344824

GER. & FEDERAL
Court
C. Baer
E

January 12th, 1950

Mr. Paul Veret, Executive Director
Federation for Jewish Service
101 North 20th Street
Omaha 2, Nebraska

Re: Property Claim by Mr. Ernest Baer

Dear Mr. Veret:

Mr. Leavitt has referred to me your letter to him of December 23, 1949 regarding the property claim in Germany of the above named. I have discussed this matter with Mr. Herman Muller, Executive Vice-President of the United Restitution Office, 1674 Broadway, New York. The latter office, I might point out, has been set up to assist needy private claimants in connection with restitution matters in Germany.

According to my information, the handling of Mr. Baer's request depends on what zone of Germany the property in question is located, rather than on where the members of Mr. Baer's family died. Thus, if the property should be located in what is now the British or the American Zone of Germany, there is no need to obtain a "death certificate" at all, but rather Mr. Baer will only need to obtain a "certificate of inheritance", which can easily be obtained from the District Courts in Germany. If, however, the property is located in what is now the French Zone of Germany, and this is apparently the case, it will be necessary to obtain a certificate of death, but here too the proper procedure is to obtain the certificate from the courts in Germany rather than from Cures, France. Mr. Muller informs me that his organization is prepared to assist in obtain the necessary certificate of death and I would therefore suggest that you or Mr. Baer write directly to him, both for the purpose of informing him in what zone the property is located and for the purpose of requesting his assistance.

I am sending a copy of this correspondence directly to Mr. Muller.

Sincerely yours,

Eli Rock
General Counsel

ER:AU

344625

Federation for Jewish Service

101 North 20th Street - Omaha 2, Nebr.

Jackson 1366

DIVISIONS

Camp Jay-C-C
Community Relations Council
Dr. Philip Sher Home for Aged
Jewish Community Center
Jewish Education Bureau
Jewish Free Loan Fund
Jewish Philanthropies
Jewish Welfare Bureau

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Omaha Community Chest

Mr. M.A. Levitt, Executive Vice-Chairman
Joint Distribution Committee
270 Madison Avenue.
New York 16, N.Y.

Dear Mr. Levitt:

I will appreciate it very much if you will be kind enough to assign the problem described below to your appropriate department.

Mr. Ernest Baer, a member of our Jewish Community, is endeavoring to restore real estate property of his parents, located in Germany, to his and his sister's ownership. The parents of Mr. Baer were deported by the Nazis to France, and these are the facts in the case.

Members of Mr. Baer's family were deported to Gurs, France, with the Jews of Baden and Palatinate, in October 1940, as follows:

Father: Salomon Baer, born 1/15/1866 in Struempfellbrunn, and lived there until his deportation to Gurs. He died in Gurs soon, after his arrival there, probably in December 1940.

Mother: Fulchen Baer, nee Mane, born January 13, 1874, (or 1873) in Geinsheim. Since her marriage in July 1901, she lived in Struempfellbrunn, until her deportation to Gurs.

Brother: Moses Baer, born July 9, 1902, in Struempfellbrunn, was deported to Gurs from Geinsheim.

Brother: Ferdinand Baer, born March 28, 1912, in Struempflebrum whence he was deported to Gurs.

Ferdinand Baer was transferred in the spring of 1941 to the 514 Groupe Travailleurs Etrangeres in Vallery, in Hte. Savoy.

In 1942, he was deported to an unknown destination.

Mrs. Baer and Moses Baer were deported in 1942 to an unknown destination from Gurs.

December 23, 1949

GEN. & EMERG.

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Mr. Earnest Baer needs the following documents to present to the "Offentlicher Anwalt fuer Wiedergutmachung" in Germany, in order to prove his claims:

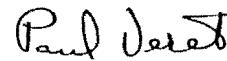
1. Death Certificate for Salomon Baer, from the Mayor of Gurs. He died probably in December 1940.
2. A certificate from the prefect of the Gurs district of the facts and deportation, including date, of Mrs. Salomon (Fulchen) Baer, and Moses Baer, to an unknown destination.
3. A certificate from the prefect of Vallery of the facts and date of deportation of Ferdinand Baer, to an unknown destination.

Mr. Ernest Baer is a very valued member of our community, and we are extremely anxious to be of all help possible in securing the necessary legal papers.

We will be extremely grateful to you, if you will forward this material to your offices in France, and help us to secure the necessary papers.

Thank you for all your efforts in this case.

Sincerely yours,



Paul Veret
Executive Director

Heinrich
December 9, 1953

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

Re: Grundstueck Berlin-Schoeneberg,
Luitpoldstr. 38
Grundstuecksverw. Ges. ./ Dt. Reich

Gentlemen:

In reference to the above matter please be advised that we have written to Mrs. Zwintzscher, Mrs. Barowsky and Mrs. Amann in order to obtain the desired information. All three letters, which were sent to the address indicated by you in your letter of August 13, were returned to us by the Post Office. We would appreciate it if you would let us know if the matter is important enough for us to advertise in the AUFBAU.

Sincerely yours,

SK:mc

Saul Kagan

344628

Rebekah M.

November 27, 1953

Mrs. Marie Zwintzsch
61/51 Austin Street
Elmhurst, New York

Dear Mrs. Zwintzsch:

You may be aware that the Jewish Restitution Successor Organization has been appointed by Military Government in Germany as the successor organization to heirless and unclaimed Jewish property under the Restitution Law in the U.S. Zone of Germany and the Restitution Ordinance in the Western Sectors of Berlin. In this connection, the JRSO is tracing former Jewish property in those areas, which is today heirless or unclaimed to insure that the Aryanizers do not retain the benefits of Hitler's anti-Jewish policies. The proceeds from such property are being used for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution.

In connection with the work of our office in Berlin, we would greatly appreciate your confirming that you were a member of the Jewish community in Berlin at the time of your residence in that city. We hope that you will forgive this very personal inquiry, which is in no way intended as an invasion of your privacy.

This information is essential for the work of our organization in Berlin and I hope you will see your way clear to assist us in our objective.

Sincerely yours,

SK:bg

Saul Kagan
Secretary

344629

Welt Amul

November 27, 1953

Mrs. Johanna Amann
61/51 Austin Street
Elmhurst, New York

Dear Mrs. Amann:

You may be aware that the Jewish Restitution Successor Organization has been appointed by Military Government in Germany as the successor organization to heirless and unclaimed Jewish property under the Restitution Law in the U.S. Zone of Germany and the Restitution Ordinance in the Western Sectors of Berlin. In this connection, the JRSO is tracing former Jewish property in those areas, which is today heirless or unclaimed to insure that the Aryanizers do not retain the benefits of Hitler's anti-Jewish policies. The proceeds from such property are being used for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution.

In connection with the work of our office in Berlin, we would greatly appreciate your confirming that you were a member of the Jewish community in Berlin at the time of your residence in that city. We hope that you will forgive this very personal inquiry, which is in no way intended as an invasion of your privacy.

This information is essential for the work of our organization in Berlin and I hope you will see your way clear to assist us in our objective.

Sincerely yours,

SK:bg

Saul Kagan
Secretary

344630

[Handwritten signature]

November 27, 1953

Mrs. Elsa Barowsky
61/51 Austin Street
Elmhurst, New York

Dear Mrs. Barowsky:

You may be aware that the Jewish Restitution Successor Organization has been appointed by Military Government in Germany as the successor organization to heirless and unclaimed Jewish property under the Restitution Law in the U.S. Zone of Germany and the Restitution Ordinance in the Western Sectors of Berlin. In this connection, the JKSO is tracing former Jewish property in those areas, which is today heirless or unclaimed to insure that the Aryahizers do not retain the benefits of Hitler's anti-Jewish policies. The proceeds from such property are being used for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution.

In connection with the work of our office in Berlin, we would greatly appreciate your confirming that you were a member of the Jewish community in Berlin at the time of your residence in that city. We hope that you will forgive this very personal inquiry, which is in no way intended as an invasion of your privacy.

This information is essential for the work of our organization in Berlin and I hope you will see your way clear to assist us in our objective.

Sincerely yours,

SK:bg

Saul Kagan
Secretary

344631

THE AMERICAN JEWISH
JOINT DISTRIBUTION COMMITTEE, INC.

270 MADISON AVENUE
NEW YORK 16, N. Y.

MEMORANDUM

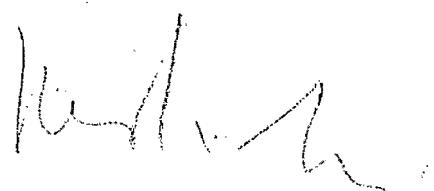
From Jeannette Robbins

To Toni Neiger

New York, November 6, 1953

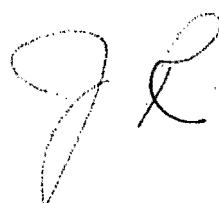
19

Subject HESS, Arno Mario
BOROWSKY, Elsa
Amann, Johanna
Zwintscher, Marie



In addition to the case of Isaac Loewenberg concerning whom I have written you in a separate memorandum, we have requests from you for information as to whether the above named people are Jewish. USNA so far has been unable to secure information in any of these cases, and I have informed them that JRSO would henceforth handle inquiries of this nature in this case and in any other which arise in the future.

JR:sk



344632

Zivitischer Beauftragter
Antrag

Red. Adm.

October 20, 1953

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

Re: Grundstueck Berlin-Schoenesberg, Luitpoldstr. 38
Grundstuecksverw. Ges. o. Dts. Reich

Gentlemen:

So far our efforts to find the desired information regarding the above matter have not been successful, but the agencies which are handling this problem are still active in working on it.

Sincerely yours;

SK:mc

Saul Kagan

344633

THE AMERICAN JEWISH
JOINT DISTRIBUTION COMMITTEE, INC.

270 MADISON AVENUE
NEW YORK 16, N. Y.

MEMORANDUM

From Jeannette Robbins

To Mr. Saul Kagan

New York, October 16, 1953

19

Subject HESS, Arno Mario
BOROWSKY, Elsa
AMANN, Johanna
ZWINTZCHER, Marie

On August 24th you sent me two memoranda conveying the request of the JRSO Office in Berlin for information as to whether the above named persons are Jewish. I wrote to USNA and they have informed me that the Committee in Chicago has been trying to get in touch with Mr. Hess. Neither the Jewish Family and Community Services nor the HIAS in Chicago had any record of him, and the Family Services, which is the USNA affiliate, wrote to him but he did not respond.

The New York Section of the National Council of Jewish Women is working on the location of the other three persons but has not reported an outcome as yet.

JR:sk

JR

344634

*Re: Kuntz
Zwanziger, Barowsky
Kraus*

August 24, 1953

Jewish Restitution Successor Organization
Fontanestrasse 16
Berlin-Dahlem, Germany

re: Grundstueck Berlin-Schoeneberg, Luitpoldstr. 38
Grundstuecksverw. Ges. v. Dt. Reich

We are attempting to find the desired information in the above matter and will be in touch with you when we receive it.

Sincerely yours,

SK:mc

Saul Kagan

344635

MEMORANDUM

August 24, 1953

To: Mrs. Jeannette Bobbins
From: Saul Kagan

Attached please find photostatic copy of a letter received from our Berlin regional office in which they inquire whether

Mrs. Marie Zwintzscher, nee Markes,
Mrs. Elsa Barowsky, nee Markes,
Mrs. Johanna Amann, nee Markes,
are Jewish.

The address given for the three ladies is 61/51 Austin Street, New York, Chemburst. Since there is no such place as Chemburst, New York, we assume that this should read Elmhurst. I would greatly appreciate any information you might be able to obtain through the appropriate committees.

Sku:mo

Saul Kagan

344636

Revt. Mr.
Baruch

January 5, 1954

Mr. Paul A. Kulick, Executive Director
Savannah Jewish Council
328 Barnard Street
Savannah, Georgia

Dear Mr. Kulick:

With further reference to my letter of December 24, I am pleased to inform you that we have just learned that the German authorities further liberalized the regulations for transfer of blocked marks. According to the latest regulations all accounts which on December 31, 1953, did not exceed DM 10,000 (I see that the balance on Mr. Baruch's account is DM 9,570) may be transferred at the official rate of exchange without presentation of any special certificate of need. According to the latest information available to us Mr. Baruch should simply write to his Munich bank requesting the bank to apply for a licence with the Landeszentralbank in Munich for the transfer of his account to the United States at the official rate of exchange.

This is certainly the ideal situation and I hope that there will be no further obstacles in effecting this transfer.

Sincerely yours,

SK:mc

Saul Kagan

344037

December 24, 1953

Mr. Paul A. Kulick, Executive Director
Savannah Jewish Council
328 Barnard Street
Savannah, Ga.

RE: BARUCH, Ben and Judith
49 Jefferson Street and
424 W. Oglethorpe Avenue
Savannah, Ga.

Dear Mr. Kulick:

This will refer to my letter of December 7th concerning the above case. I received a report from Germany which indicates that the transfer of an account to a GI would actually not be possible without a special license which will have to be obtained from the German Land Central Bank of the city in which the account is presently located. This is likely to cause difficulties. Mr. Baruch should know that the bank would not release the funds to the GI for his unrestricted use, so that I would question whether such a transfer would be of interest to the GI.

I am enclosing for your guidance the regulations which presently govern the transfer and use to Deutsche Mark accounts. In order to properly evaluate these regulations you should know that Mr. Baruch's account is in "original Blocked Marks Accounts". If Mr. Baruch transfers the account to the GI, the GI will be the holder of an "acquired Blocked Marks Account". I have marked for you the pertinent sections.

Our friends in Germany suggest that if the GI is not ready to acquire the account within the limitations set out in the regulations it may be best for Mr. Baruch to avail himself of the possibility of transferring the amount in question in installments of DM 500 per month. This can be arranged in the manner which I described the procedure as outlined in my letter of September 23, 1953. In addition, it is possible to obtain a transfer at the official rate of exchange a capital

344633

-2-

Paul A. Kulick, Savannah Jewish Council

12/24/59

amount of up to 3,000 DM, if special hardship can be established.

As I previously indicated, this is an involved procedure but represents very considerable progress as compared to the time when we had to fight for the right of a persecutee to sell his marks even at the free market rate.

Sincerely yours,

SK: bg
Encl.

Saul Kagan
Secretary

344639

LEGAL AID DEPARTMENT

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

APO 757

US Army

An die

Conference on Jewish Material Claims
against Germany, Inc.

Tel.: 71335, 71784, 76017. Drahtanschrift: LADRSO

Sprechstunden: montags bis freitags von 15 bis 17 Uhr
und nach vorheriger Vereinbarung

Frankfurt/Main

Friedrichstraße 29

14.12.53

1/Pg.

Suite 800
270 Madison Ave.

New York 16, N.Y.

DEC 24 1953

Betr.: Savannah Jewish Council (Baruch)

Bezug: Ihr Schreiben vom 7.12.53

Lieber Herr Kagan!

Eine Übertragung des Kontos Baruch auf einen GI, also einen Devisenausländer, ist grundsätzlich nicht möglich. Man müßte ausnahmsweise bei der LZB die Genehmigung zur Übertragung des Sperrkontos nachsuchen. Aus originärer Sperrmark würden dann erworbene Sperrmark! Im übrigen sollte es genügen, wenn Sie die beigefügten Bestimmungen über die Verwertung von originärer und erworbener Sperrmark weiterleiten.

Wir würden in diesem Falle den Eheleuten Baruch dringend dazu raten müssen, das Konto von nur DM 9570.- durch monatliche Überweisungen von DM 300.- zum vollen Kurs aufzulösen. Falls besondere Dringlichkeitsgründe (wirtschaftliche Not etc.) begründet werden können, dürfte auch die Genehmigung erteilt werden, daß z.B. ein Teilbetrag von DM 3000.- zum vollen Kurs und laufend DM 300.- transferiert werden.

Über diese Fragen sind die dortigen Banken genau unterrichtet, und ich glaube, wir sollten grundsätzlich Mandanten wegen der ständig wechselnden Transferbestimmungen an die New Yorker Banken verweisen, die sich mit dem Transfer von deutscher Mark beschäftigen.

Ich lehne es hier ab, Bankauskünfte zu erteilen, da ich aus Erfahrung weiß, daß die Mandanten meistens über die Auskünfte hinaus einen Weg suchen, um in nicht zulässiger Weise sich den Transfer zu ermöglichen. Und ich habe leider schon wiederholt die Erfahrung machen müssen, daß sich diese Transferenten dann auf die angeblichen Auskünfte ihrer Anwälte berufen, um den Beweis für ihren guten Glauben zu führen.

Mit besten Grüßen!

(Kurt May)

2 Anlagen

344640

BRINCKMANN, WIRTZ & CO.
HAMBURG 1

Betr.: Neufassung der Allgemeinen Genehmigung 16/49
wegen Unterstützungszahlungen

Die Allgemeine Genehmigung 16/49 betreffend Unterstützungszahlungen an Deviseninländer ist neu gefasst worden. Der wesentliche Inhalt dieser Neufassung ist:

1. Natürliche Personen mit gewöhnlichem Aufenthalt ausserhalb des Bundesgebietes dürfen zu Lasten von ursprünglichen (originären) Sperrguthaben, die auf ihren Namen bei Geldinstituten im Bundesgebiet geführt werden, Unterstützungszahlungen und Schenkungen im Rahmen der nachstehenden Bestimmungen an natürliche Personen mit gewöhnlichem Aufenthalt im Bundesgebiet oder in den Westsektoren von Berlin leisten.
 2. Die Gesamtsumme der Zahlungen einer Person im Rahmen dieser Allgemeinen Genehmigung darf im Kalendermonat DM 1.000.- nicht übersteigen.
 3. Das kontoführende Geldinstitut darf Zahlungen aufgrund dieser Allgemeinen Genehmigung nur durchführen, wenn ihm sowohl von dem Inhaber des Sperrmarktguthabens als auch von dem Empfänger der Zahlung die schriftliche Erklärung abgegeben worden ist, dass die Zahlung weder zur Erfüllung einer bestehenden Verpflichtung erfolgt noch eine Verbindlichkeit des Zahlungsempfängers oder einer anderen Person mit gewöhnlichem Aufenthalt, Hauptniederlassung oder Sitz im Bundesgebiet oder in den Westsektoren von Berlin begründen soll. Der Konto-inhaber hat ferner die schriftliche Erklärung abzugeben, dass die von seinen sämtlichen Sperrguthaben aufgrund dieser Allgemeinen Genehmigung geleisteten Unterstützungszahlungen insgesamt den vorgeschriebenen Höchstbetrag nicht übersteigen.

Muster für die in Punkt 3.) erwähnte Erklärung:

weder zur Erfüllung einer bestehenden Verpflichtung erfolgt noch eine Verbindlichkeit des Zahlungsempfängers oder einer anderen Person mit gewöhnlichem Aufenthalt, Hauptniederlassung oder Sitz im Bundesgebiet oder in den Westsektoren von Berlin begründen soll.

Ferner erkläre ich, dass die von meinen sämtlichen Sperrguthaben aufgrund dieser Allgemeinen Genehmigung geleisteten Unterstützungszahlungen insgesamt den vorgeschriebenen Höchstbetrag von DM 1.000,- im Kalendermonat nicht übersteigen.

344641

bitte wenden!

Betr.: Transfer von DM-Sperrguthaben zum offiziellen Kurs
ins Ausland in Härtefällen

Inhabern von DM-Sperrkonten, die sich in einer wirtschaftlichen Notlage befinden und auf Grund ihres Alters oder aus sonstigen Gründen (z.B. Krankheit) keine Erwerbsmöglichkeiten haben oder deren Einkommen nicht zum Lebensunterhalt ausreicht und die deshalb auf Überweisungen aus ihrem DM-Sperrkonto angewiesen sind (Härtefälle) kann ein Transfer ihres DM-Sperrguthabens zum amtlich notierten (offiziellen) Kurs bewilligt werden.

Der Antrag soll durch das kontoführende Geldinstitut gestellt werden. Folgende Unterlagen sind dem Antrag beizufügen:

1. Eine amtliche Bescheinigung möglichst des zuständigen Konsulats der Bundesrepublik Deutschland, sonst der Gemeindebehörde, aus der ersichtlich ist, dass die dem Kontoinhaber zur Verfügung stehenden Mittel für den Lebensunterhalt nicht ausreichen oder dass eine akute Notlage gegeben ist.
2. Eine Erklärung, in der der Kontoinhaber bestätigt, dass für ihn keine weiteren DM-Sperrkonten bei anderen Banken in der Bundesrepublik Deutschland oder den Westsektoren von Berlin geführt werden. Sofern dieses nicht zutrifft, ist zu bestätigen, dass durch keine weitere Bank ein Antrag auf Erteilung einer Genehmigung zum Transfer zum offiziellen Kurs gestellt worden ist, bzw. gestellt wird.

Die endgültige Entscheidung über den Antrag wird von den hiesigen Devisenstellen getroffen, die im allgemeinen den Transfer des DM-Sperrguthabens in monatlichen Raten bis zu DM 300.- bewilligen. Die Zahlungen dürfen nur an den Kontoinhaber selbst und nur in dessen Wohnsitzland geleistet werden.

BRINCKMANN, WIRTZ & CO.

Muster für die vorerwähnte Erklärung des Kontoinhabers:

Hierdurch bestätige ich,

dass für mich ausser bei dem Bankhaus Brinckmann, Wirtz & Co., Hamburg, keine weiteren DM-Sperrkonten bei anderen Banken in der Bundesrepublik Deutschland und in den Westsektoren von Berlin geführt werden,

dass für mich noch bei folgenden westdeutschen Banken DM-Sperrkonten geführt werden:

Ich erkläre jedoch, dass ich bei den vorstehenden Banken keinen Antrag auf Erteilung einer Genehmigung zum Transfer zum offiziellen Kurs gestellt habe, bzw. stellen werde.

Nichtzutreffendes ist zu streichen!

344642

An die
Conference on Jewish Material Claims
against Germany, Inc.

14.12.53
1/Pg.

Suite 800
270 Madison Ave.
New York 16, N.Y.

Betr.: Savannah Jewish Council (Baruch)
Bezug: Ihr Schreiben vom 7.12.53

Lieber Herr Kagan!

Eine Übertragung des Kontos Baruch auf einen GI, also einen Deviseausländer, ist grundsätzlich nicht möglich. Man müßte ausnahmsweise bei der LZB die Genehmigung zur Übertragung des Sperrkontos nachsuchen. Aus originärer Sperrmark würden dann erworbene Sperrmark! Im übrigen sollte es genügen, wenn Sie die beigefügten Bestimmungen über die Verwertung von originärer und erworbener Sperrmark weiterleiten.

Wir würden in diesem Falle den Eheleuten Baruch dringend dazu raten müssen, das Konto von nur DM 9570.- durch monatliche Überweisungen von DM 300.- zum vollen Kurs aufzulösen. Falls besondere Dringlichkeitsgründe (wirtschaftliche Not etc.) begründet werden können, dürfte auch die Genehmigung erteilt werden, daß z.B. ein Teilbetrag von DM 3000.- zum vollen Kurs und laufend DM 300.- transferiert werden.

Über diese Fragen sind die dortigen Banken genau unterrichtet, und ich glaube, wir sollten grundsätzlich Mandanten wegen der ständig wechselnden Transferbestimmungen an die New Yorker Banken verweisen, die sich mit dem Transfer von deutscher Mark beschäftigen.

Ich lehne es hier ab, Bankauskünfte zu erteilen, da ich aus Erfahrung weiß, daß die Mandanten meistens über die Auskünfte hinaus einen Weg suchen, um in nicht zulässiger Weise sich den Transfer zu ermöglichen. Und ich habe leider schon wiederholt die Erfahrung machen müssen, daß sich diese Transferenten dann auf die angeblichen Auskünfte ihrer Anwälte berufen, um den Beweis für ihren guten Glauben zu führen.

Mit besten Grüßen!

2 Anlagen

(Kurt May)

344643

December 7, 1953

Dr. Kurt May
JRSO - Legal Aid Department
Friedrich Strasse 29
Frankfurt/Main, Germany

Dear Dr. May:

I am attaching a copy of a letter which I have received from the Savannah Jewish Council and which you will find self-explanatory. It would be my off-hand impression that the arrangements described in this letter are not legally feasible, but I would greatly appreciate receiving your views.

Sincerely yours,

SK:mc
enc.

Saul Kagan

344644

Savannah Jewish Council

Representing the Jewish Community of Savannah

328 BARNARD STREET

SAVANNAH, GEORGIA

TELEPHONE 4-5229

SAM ROBINSON, PRESIDENT; DAVID ROSENZWEIG, LOUIS SLOTIN,
DR. WILLIAM A. WEXLER, VICE-PRESIDENTS; JUDGE EMANUEL
LEWIS, CHAIRMAN, EXECUTIVE COMMITTEE; JOSEPH MIRSKY, TREASURER;
B. I. FRIEDMAN, JACK M. LEVY, SIDNEY ROSENZWEIG, ALBERT
TENENBAUM, HONORARY LIFE MEMBERS.

PAUL A. KULICK
EXECUTIVE DIRECTOR

December 1, 1953

DEC 3 1953

AIR MAIL

Mr. Saül Kagan,
Secretary
Conference on Jewish Material Claims Against Germany
270 Madison Ave.,
New York 16, N.Y.

RE: BARUCH, Ben and Judzia
40 Jefferson Street and
424 W. Oglethorpe Avenue
Savannah, Ga.

Dear Mr. Kagan:

I realize that, in previous correspondence, you referred me to the United Restitution Office in New York City. I wrote to them about the matter to be discussed below but was unable to get a specific reply to my inquiry. Therefore, I am addressing the following inquiry to you.

The above have in a blocked account with Seiler & Company, in Munich, Germany, a total sum of 9,570 Deutscher Mark.

They have a friend, who is stationed with the United States Army near Munich. In order that they may realize the maximum benefits from this sum, this man in Germany is willing to handle the matter of taking over the D.M. and then arranging the transfer of the D.M. into American currency and returning it to the United States, when he returns.

I would like to know from you whether or not this kind of procedure can be followed? Is it possible to give this United States Army serviceman the Power of Attorney to handle this money in Germany? If this is possible, please advise me the exact procedure which must be followed in such case.

I am anxious to help this family and so would appreciate an early reply.

With many thanks, I am,

Sincerely yours,
Paul Kulick
PAUL KULICK,
Executive Director.

PK/b

MEMBER ORGANIZATIONS

Agudath Achim Congregation
Agudath Achim Sisterhood
Agudath Achim Chevrah Kadishah
B. B. Jacob Congregation
B. B. Jacob Chevrah Kadishah
B. B. Jacob Sisterhood
B'nai B'rith
B'nai B'rith Women

Benevolent Chesed Shel Emeth
Council of Jewish Women
H. G. H. Society
Harmonie Club
Hadassah (Senior)
Hadassah (B. & P.)
Hebrew Women's Aid Society
Jewish Educational Alliance

J. E. A. Men's Club
J. E. A. Women's Club
Jewish War Veterans
J. W. V. Auxiliary
Mickve Israel Congregation
Mickve Israel Brotherhood
Mickve Israel Sisterhood
Workmen's Circle
Zionist District

344645

December 7, 1953

Mr. Paul A. Kulick
Executive Director
Savannah Jewish Council
328 Bernard Street
Savannah, Georgia

RE: BARUCH, Ben and Judzia
40 Jefferson Street and
424 W. Oglethorpe Avenue
Savannah, Ga.

Dear Mr. Kulick:

This will refer to your letter of December 1, regarding the above matter. I am consulting with some of our people overseas who may be in the best position to supply the desired information and I will be in touch with you again after I have received the report.

Sincerely yours,

SK:mc

Saul Kagan
Secretary

344646

Ruth K. Kagan

January 10th, 1952

Dr. Hans Tuch, JRSO Berlin

Re: Grundstueck Berlin-Schoeneberg, Hauptstr. 113
Your File #II/S-17

Dear Dr. Tuch:

I refer to the letter dated November 20th 1951 from Dr. Kuttner of your office in connection with the above matter, in which he requested that we attempt to ascertain whether the lady here involved was Jewish or not. We contacted in this matter the Jewish Family and Children's Service in Boston and I am quoting from their reply as follows:

"We are unable to tell you whether Mrs. Berger is Jewish; she has never been known to us either under the name of Mrs. Erika Berger, under which name she is listed in the telephone book, or under the name of Mrs. Erika Michel."

"We also checked with the Council of Jewish Women in Boston and with the HIAS Office in Boston and we heard from them that Mrs. Berger is not known there either."

I am sorry that we were unable to secure more favorable information in this case.

Sincerely yours,

Saul Kagan

SK:AUN

344647

Jewish Family and Children's Service

6 North Russell Street

Boston 14, Massachusetts

Capitol 7-7900

Honorary Presidents

Samuel Markell
George Michelson

Honorary Treasurer

Samuel L. Dana

Honorary Secretary

Harold Horwitz

President

David R. Pokross

First Vice-President

Hon. Jacob Lewiton

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Mrs. Max Slater

Treasurer

David H. Greenberg

Assistant Treasurer

Sol Horwitz

Secretary

Morris I. Beatak

Assistant Secretary

Mrs. Frank C. Goldberg

Executive Director

Dora Margolis

Assistant Director

Beatrice Wajdyk Carter

January 3, 1952

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

RE: Mrs. Erika Berger
306 Riverway
Boston, Mass.

Dear Mr. Kagan:

Miss Dora Margolis, Executive Director of the Jewish Family and Children's Service, gave me your letter of December 26, 1951.

We are unable to tell you whether Mrs. Berger is Jewish, she has never been known to us either under the name of Mrs. Erika Berger, under which name she is listed in the telephone book, or under the name of Mrs. Erika Michel.

We also checked with the Council of Jewish Women in Boston and with the HIAS Office in Boston and we heard from them that Mrs. Berger is not known there either.

I hope that this information will be helpful to you.

Very sincerely,

R. J. Lentzner
Richard J. Lentzner

Supervisor of Family Service

RJL:MJS



Constituent Agency

344048

December 21, 1951

Miss Dora Margolies, Executive Director
Jewish Family and Children Service
6 North Russel Street
Boston, Mass.

Dear Miss Margolies:

We are interested in determining whether you have any record concerning a Mrs. Erika Michel, nee Berger, now going again under the name of Berger, who emigrated from Berlin, Germany to the U.S. According to the information available to us, Miss Berger resides at 306 Riverway, Boston. Her last address in Germany was Berlin-Halensee, Joachim Friedrich-Str. 46. We are interested in determining whether Miss Berger is Jewish. This information is required in connection with claims which are being processed by our organization in Germany for the recovery of assets confiscated by the Nazis. As you may know, the Jewish Restitution Successor Organization is sponsored by the large Jewish organizations of the U.S., Britain, France, and Germany. The primary purpose of the JRSO is to recover unclaimed and heirless Jewish property in Germany. Its proceeds are used for the relief, resettlement, and rehabilitation of Jewish victims of Nazi Germany. One of the requirements of the laws in force in Germany relates to the religious background of the person whose property is being claimed.

We would like to avoid presenting a direct question to Miss Berger concerning her religious affiliation. Should information of that nature be available to you, it would facilitate the presentation of our case in Germany.

Sincerely yours,

Saul Kagan
Executive Secretary

SK:AUN

344649

NOV 26 1951

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

BERLIN-DAHLEM

FONTANESTRASSE 16, den 20. November 1951
TEL. 74-21-173-1-74-21-374 RA Ku/em.

74 21 184

76 06 65

76 54 38

The American Jewish Joint
Distribution Committee, Inc.

270 Madison Avenue

New York 16, N.Y.

Per Luftpost !

Betr.: Grundstück Berlin-Schöneberg, Hauptstr. 113
uns. Akt.-Z.: III/S 17.

In der oben bezeichneten Grundstücksangelegenheit ist es für uns von grösstem Interesse, zu wissen, ob eine Frau Erika M i c h e l geborene Berger, die sich jetzt Berger nennt, Jüdin, d.h. Nichtarierin ist.

Ihre Adresse war früher Berlin-Halensee, Joachim Friedrich-Str. 46 und ist jetzt 306 Riverway, Boston, Mass.

Es ist wahrscheinlich, dass sie sich jetzt zur christlichen Religion bekennt und dass sie ihre fröhliche Abstammung verbergen will.

An wen empfehlen Sie uns, uns in diesem besonderen Fall zu wenden, um den wirklichen Sachverhalt in der fraglichen Beziehung zu ermitteln ?

Im voraus bestens dankend zeichnen wir

mit vorzüglicher Hochachtung

KW
Rechtsanwalt Kuttner
JRSO Berlin Regional Office

344650

Eli Rock

Samuel H. Bucholtz

cc: & EMERG.
Mr. J.
Binswanger

January 27th,

48

Restitution Inquiries of Mr. Albert Binswanger

I am attaching for your attention a copy of a letter dated January 13th, 1948 which has been received from Mr. Manny Lansky of the Joint Defense Appeal.

It is my opinion that this matter also should be turned over to the American Federation of Jews from Central Europe. However, because of the position of Mr. Lansky and because of the sizeable character of the claim, I am holding up the case on the assumption that you might want to speak to Mr. Lansky about it, or directly with Mr. Binswanger. As soon as I get the go-ahead signal from you, I shall be happy to turn this over to the American Federation of Jews from Central Europe with the request that they correspond directly with Mr. Binswanger (or with Mr. Lansky, if you wish).

ER:AU
Enc.

344651

Albert Binswanger, 1029 N. Evergreen, Burbank, Cal. and Ernst Mayer, 2672 East Ave., Hayward, Cal.

were partners in the following enterprises:

Jacob Binswanger & Cie, Augsburg, Bavaria, US. Zone Germany distillery of liqueurs, brandies, cognac; winery; and producer of vinegar.

Rappold & Volk A.G., Augsburg, Bavaria distillery of liqueurs, brandies, cognac,

Magister Likoerfabrik Meyer & Hirsch, Munich, Bavaria, US Zone Germany distillery of liqueurs, brandies, cognac; winery; and producer of vinegar.

Edmund Jacobi Nachf. Regensburg, Bavaria, US. Zone Germany distillery of liqueurs, brandies, cognac; refinery of alcohol.

Everyone of above mentioned plants had to be sold under duress. The factory in Regensburg was sold in 1936, the real estate that belonged to the factory was sold later. The buyer was Dr. Wilhelm Braun, 11 Woehrdstrasse, Regensburg. Dr. Braun is an Anti Nazi and we are about trying to help him in his denazification. Right now we are in correspondence with him for an additional payment or to come to an other agreement (partnership for a certain length of time). The payment for factory and real estate was paid in full according to the agreement. The property was taken into protective custody by U.S. Military Government. Mr. Ernst Herrmann a former (Jewish) salesman has been appointed custodian. Mr. Herrmann was employed at the company when we were the owner. He reports regularly to us.

Right after the terrible November 10th 1938 the Magister Likoer-fabrik of Munich was sold to Mr. Georg Ambros Mahr of Bamberg. Mahr is a staunch Nazi with many affiliations to the Nazi party. Mahr used the power of the Nazi party in every respect. Negotiations were very difficult. The Jewish owner was outlawed. The price that was agreed upon was far under the real value. The payment was not made according to the agreement and a balance of RM 45 000.00 had to be sued for. The Nazi court decided against us and Mahr never has paid the balance. The property was taken into protective custody. Custodian is Mr. Ganslmeier. Mahr is not allowed to enter the factory. Manager is Mr. Zollner a former salesman during our ownership. Some time ago he wrote he will send reports from time to time. Mahr comes from a catholic family. He became a Nazi when he saw there was personal advantage involved. According to reports he turns his flag with the new wind that is blowing. Some of his relatives who were higher ups during the pre Hitler time are said to help him to get out of his predicament. Those relatives of his were reinstalled in their former jobs, by the U.S. Govt. Copies of the court trial are in my possession. The lawyer who took the case to court for us passed away and all the files burned down during an air raid. Part of the proceeds from this sale are on a blocked account at Bankhaus Seiler & Co Munich. A great deal was confiscated by the Reich for taxes (Judenabgabe, Reichsfluchsteuer) and some other pretext. Those accounts at Seiler & Co are controlled by the American Military Govt. The accounts are blocked.

Jacob Binswanger & Cie, Augsburg was sold in January 1939 to Hotel 3 Mohren A.G. Augsburg. Negotiations were very difficult. They proceeded only by way of third person (a non Jew) because the buyer declined to

344050

talk to a Jew. The sale was finally accomplished to a price far below the actual value. A balance of RM 35000.00 could be recovered by way of a court trial. The proceedings from this sale are on a blocked account at the Bayerische Bank fuer Handel & Industrie Augsburg. However, there had to be paid off former partners and taxes. The property was taken into custody by the Military Gvt. Mr. Wolfgang Heintze is custodian. Part of the buildings was badly damaged by air raids. The manager of the above mentioned bank Mr. Paul Vetter an Anti Nazi reports frequently about the happenings at the Binswanger Co. The Landesamt fuer Vermoegensverwaltung Augsburg was asked by us to appoint Mr Vetter as our representative into the board of Directors of the A.G.(corporation) This matter is still pending. The firm of Jacob Binswanger & Cie was the mother house of all the other enterprises. It was over a hundred years in the possession of the Binswanger family when it had to be sold.

The Happold & Volk A.G. was a daughter company of Binswanger Cie . Binswanger owned a majority of the shares of this corporation. Under pressure of the Hitler government the shares had to be sold to " Aryans". The sales price was a fraction of the real value. The A.G. was taken into protective custody . Mr. Franz Henrich Goegglingen, has been appointed custodian. We are going to ask the Landesamt fuer Vermoegensverwaltung Augsburg to appoint Mr. Vetter as our representative to the board of directors. Part of the buldings have been damaged by air raids . We were told the Reich paid compensation for the damage.

At the Bankhaus Seiler & Co Munich (see first page) there are privat accounts of:
Alexander Mayer, Munich (former assistant manager of Magister) and Albert Binswanger (see first page)
The accounts are blocked.

Further information may be obtained by
Albert Binswanger
1029 N. Evergreen ,
Burbank, Cal.

Albert Binswanger

344653

C O P Y

J O I N T D E F E N S E A P P E A L

January 13, 1948

Mr. Herman Marcuse
Jewish Restitution Committee
One West 39th St.
New York, N. Y.

Dear Mr. Marcuse:

Sam Bucholtz of the Joint Distribution Committee of the Los Angeles Area suggested that I write to you.

Mr. Albert Binswanger, who is an ardent worker in the cause of combatting anti-Semitism, has asked me to help him regarding restitution of property. Sam speaks very highly of you and I know that if a job can be done, you will be the one who can do it.

I am enclosing the compiled material from Mr. Albert Binswanger.

Sincerely,

Manny Lansky

344654

July 8th, 1952

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

Dear Dr. Muller:

This will refer to our telephone conversation of today. Our office in Berlin is anxious to find out whether a certain lady, who emigrated from Berlin in 1934, was of Jewish origin. They are not planning to contact her, but are only interested in ascertaining her origin. The lady's name is:

Mrs. Sophie Brauda, nee Spiero
Last address: Boulogne sur Seine, 10 Rue Carnot, France
Emigrated from Berlin to U.S. in 1934

I am also enclosing an extra copy of the JRSO Executive Committee minutes of June 4th, as you requested.

Sincerely yours,

Antonie Ungar

344655

JEWISH RESTITUTION SUCCESSOR ORGANIZATION
BERLIN REGIONAL OFFICE

BERLIN-DAHLEM
FONTANESTRASSE 16
DIREKTION: TEL. 7421173
ZENTRALE: TEL. 7421184
76 06 65 76 54 38

den 8. Mai 1952
Hei/Schw

Jewish Restitution
Successor Organization
270 Madison Avenue

New York

Reinhard

Attn.: Mr. Saul Kagan

Subj.: Auskunft ueber Frau Sophie Brauda/ geb. Spiero
zuletzt wohnhaft gewesen: Boulogne (sur la Seine) près de Paris
10 rue Carnot

Grundstueck: Berlin-Charlottenburg 9, Akazienallee 31 Ecke Eschenallee 2

Grundbuch: Charlottenburg Bd. 323 Bl. 10466

Akt.Zch.: VII/B 903

Brauda (Brauda) ./ Kaiser

Unter Bezugnahme auf die Anweisung von Mr. Ferencz fragen wir an, ob festgestellt werden kann, dass die obengenannte Person, die nach polizeilicher Auskunft im Jahre 1934 von Berlin nach U.S.A. ausgewandert sein soll, jüdischer Herkunft war.

Hochachtungsvoll

Reinhard

JRSO Berlin Regional Office
Sachbearbeiter

344656

Brinkmann
October 30th, 1950

Mr. Alexander Brinkmann
41 California Avenue
Middletown, N. Y.

Dear Mr. Brinkmann:

This will reply to your letter of October 26, 1950, in which you raise certain questions regarding property in Frankfurt a. Main which is subject to restitution.

The questions raised by you are dealt with directly by our representatives in Germany, and this office maintains no records regarding specific cases. Accordingly, we are this day referring your letter to our German representatives. Should you wish to contact them on your forthcoming trip to Germany, the pertinent addresses are:

Nuremberg headquarters office: Palace of Justice
Furtherstr. 112, Nuremberg

Frankfurt regional office: 7 Sandweg, Frankfurt a/Main

Sincerely yours,

Eli Bock
Secretary

ER:AUM

344657

Mr. Benjamin Brinkmann

October 30th, 1950

JRSO Letter No. 42

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

Re: Property Klettenbergstr. 11, Frankfurt a/Main

Dear Bent:

We are sending you attached self-explanatory translation of a letter which we have received from a Mr. Alexander Brinkmann in Middletown, N.Y., having to do with a half interest of the JRSO in the above captioned property. We are also attaching a copy of our reply to Mr. Brinkmann.

We call your attention to Mr. Brinkmann's statement that he intends to be in Germany in early December and is planning to get in touch with our Frankfurt Regional Office at that time.

Sincerely yours,

Eli Rock

MR:AUH
Enc.

344658

Alexander Brinkmann
41 California Avenue
Middletown, N. Y.

October 26, 1950

Jewish Restitution Successor Organization
270 Madison Avenue
New York, New York

Please let me have your views and recommendations as soon as possible in the following matter, since I want to leave it a few weeks for Frankfurt/Main to settle my affairs there.

Your organization is involved in this. I am the owner of one-half of a house in Frankfurt/Main, situated at Klettenbergstr. 11#. The other half is due to your organization, since my co-owner did not file his claim in time. On his half I am holding a mortgage in the amount of 35,000 Goldmark.

In consideration of the threatening political situation in Germany I would like to recommend to your organization to reach a settlement with me, so that everything might yet be saved. I therefore would like to inquire today whether you wish to reach a settlement with me here, or whether the matter can be settled by your office in Frankfurt. Please be good enough to let me have the address of the latter. I shall be in Frankfurt in early December of this year.

I have written in German since this is easier for me, and since I assume that someone in your office can translate this.

I would appreciate your earliest reply.

Sincerely yours,

Alexander Brinkmann

344659

Sender: Alexander Brinkmann, 41 California Avenue,
Middletown. N.Y. State.

Oktober 26, 1950

Am. Jewish Restitution Successor Org,
270 Madison Avenue
New-York 16. N.Y.

Ich bitte Sie, mir in nachstehender Angelegenheit ~~mit~~ Ihre Stellungnahme und Empfehlung baldigst bekannt geben zu wollen, da ich in den naechsten Wochen nach Frankfurt a. Main abreise, um meine Angelegenheiten dort zu regeln.

Auch Ihre Organisation kommt dabei in Betracht.

Ich bin Besitzer zur Haelfte von einem Haus in Frankfurt am Main, , gelegen in der Klettenbergstr. 11.

Die andere Haelfte wird Ihrer Organisation zufallen, da der andere Mitbesitzer nicht rechtzeitig angemeldet hat. Auf dessen ideelle Haelfte habe ich Hypotheken in Hoehe von Goldmark - 35.000.-

Mit Ruecksicht auf die drohenden politischen Verhaeltnisse in Deutschland glaube ich Ihrer Organisation dringendst empfehlen zu duerfen, sich mit mir guetlich auseinander setzen zu wollen, damit alles rechtzeitig noch gerettet wird.

Ich frage deshalb heute bei Ihnen an, ob Sie von hier aus sich mit mir verstaendigen wollen, oder ob die Sache von Ihrer Stelle in Frankfurt am Main erledigt werden kann. Bitte um gefl. Angabe deren Adresse.

Ich bin Anfang Dezember d. Js. in Frankfurt am Main.

Ich habe in Deutscher Sprache geschrieben, weil mir dies gelaufiger ist und ich nehme an, dass Sie in Ihrem Office Beamte haben, die meinen Brief uebersetzen koennen.

Ich bin Ihnen fuer baldigste Antwort sehr dankbar.

Hochachtungsvoll

Alexander Brinkmann

344660

To Federation

7/21

Detroit 2, Michigan
July 20, 1950

Mr. Eli Kock
Joint Distribution Committee
270 Madison Avenue
New York, New York

My dear Mr. Kock:

Our mutual friend Professor Haber from Ann Arbor advised me to write to you in the following matter:

My husband has inherited from his father a house in Vienna which was restored to us in 1946. The rent, however, from 1938 until 1945 went to ~~one~~ bank in Berlin under the enemy custody fund. We have all the facts and figures from the administrator and the amount is about 12,000 marks.

We just returned from a trip to Europe and Israel and learned that there was a deadline for claims of money and property, which we have supposedly passed. I would greatly appreciate it if you would kindly advise us what steps we should take in order to get back our assets. If the State Department intervention will be needed, we are in the position to get it through the offices of ~~our~~ Senator Homer Ferguson.

I shall look forward to your kind information.

Sincerely yours,

Mrs. Julius Chajes

MC/rs

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D. Gher

December 30, 1949

JRSO Letter No. 210

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

Re: Property at 48 Friedrich-Wilhelm-Strasse, Eschwege

Dear Ben:

This will acknowledge your letter No. 290 of December 21, 1949 on the above matter. Today Mrs. Cohen came to my office, together with her husband, and we discussed the matter in full. They know nothing at all of the Himmelstern family and were of no assistance insofar as our little rivalry with the Himmelsterns is concerned. The following points of immediate interest to us did come out of the conversation:

1) The Cohens have received a letter from the Restitution Office in Eschwege (the same letter was sent to the JRSO) informing them that the property will be turned back by January 15th and that a custodian must be appointed by that time. I indicated to Mrs. Cohen that the JRSO office in Germany would undoubtedly be making arrangements regarding its one-half interest in the matter and obviously the same custodian should be appointed by the two of us. At my suggestion she will be writing to the Restitution Office in Eschwege, informing them that any custodian appointed by the JRSO will be acceptable to her. In the meanwhile, should you require a power of attorney from her or should you have any further comments on this aspect of the matter, please let me know as soon as possible.

2) Mrs. Cohen indicated that in her correspondence with Eschwege she had been informed that there is an amount of RM 23,000 coming to her in connection with this claim, as well as RM 13,576 to the JRSO. She would like to know where this money is, what it represents, what will happen to it, etc.

3) Mrs. Cohen also raised the question as to the accumulated rent and income of the property covering the period during which it was held by the Nazis. We would appreciate getting a statement from you on that score also in as much detail as possible.

4) Mrs. Cohen also indicated that she had been informed by an individual in Eschwege that actually her father had, prior to his deportation, purchased the late Max Himmelstern's share in the property in question. She has never pressed this

/over/

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-2-

point because there is no written proof available, but she states that her informer in Eschwege swears up and down that Mrs. Cohen's father had in fact bought out Max Himmelstern. If it is convenient to look into the matter, the individual in Eschwege who makes this statement is Heinrich Sauer, (16) Eschwege/Werra, Leuchtbergstrasse 15.

It is becoming increasingly apparent that we are going to have a lot of headaches in connection with property where the JRSO has a half interest with other claimants. Quite apart from the Board of Equity type of questions raised, there will apparently be the burden of frequent contacts with the other part owner or owners as in this case. Generally, I would like to suggest that to the maximum extent possible the communication be carried on directly by you from Germany. I would appreciate your views.

Sincerely yours,

Eli Rock

ER:AU

344663

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

21 December 1949 BBF/ata

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

Hq. JRSO New York Letter # 290

Dear Eli,

I am writing in reply to your letter # 198 of December 15th which has just arrived here. I noticed that Mrs. Cohen will be in to see you on 30 December and hope you have this information on time.

Our records indicate that the house and plot at 48 Friedrich-Wilhelm-Strasse in Eschwege belonged to Hildegard Doris Cohen and Max Himmelstern jointly. A claim was filed by Hildegard Doris Cohen, 3167 Euclid Height Blvd. Cleveland, for her half of the property. The JRSO claimed all the property and the heirs of Max Himmelstern did not file a claim before the filing deadline.

At a hearing before the Restitution Agency in Eschwege on 7 November 1949 it was agreed that the property would be restituted in natura to Hildegard Doris Cohen and the JRSO in equal parts. The restitutor was the Deutsche Reich as represented by the Minister of Finance of Hesse.

The property is worth about DM 40,000,-.

Two days thereafter we received a petition from Herbert Himmelstern, a nephew of Max Himmelstern, who wrote that he had not filed his claim in time because he had received erroneous information from his adviser to the effect that the deadline in the American Zone was the same as in the British Zone. He requested us to return the property to him on behalf of himself and the other four heirs, all of whom are now living in Johannesburg. Three of them are nephews of Max Himmelstern and one is a niece.

Herbert Himmelstern has a butcher shop in Hamburg and is apparently doing quite well. The feeling here is that because of his present economic condition and the distance of his relationship to the original owner Max Himmelstern, His request to have the property turned over to him should be denied. In any event it is a case for the Board of Equity.

344664

Mr. Eli Rock

- 2 -

21-12-1949

This is all the information I can give you on this matter at the moment. Perhaps in the course of your discussion with Mrs. Cohen you may find out something about Max Himmelfarb or his heirs which would be helpful in settling the Board of Equity case.

With best regards,

BENJAMIN B. FERENCZ

344665

THE AMERICAN JEWISH
JOINT DISTRIBUTION COMMITTEE, INC.

270 MADISON AVENUE
NEW YORK 16, N. Y.

M E M O R A N D U M

From Jeannette Robbins

To Mrs. T. Neiger

New York, May 16, 1955

19

Subject - COHEN, Louis

W.H.W.
This is to advise you that the Jewish Social Service Agency of Washington, D.C., at our request, made every possible effort to locate Mr. Cohen. They write that they called the post office, three superintendents of the apartment house at 3100 Connecticut Avenue, and every Louis Cohen listed in the telephone directory, but the outcome everywhere was negative.

J.R.
Jeannette Robbins

JR:sk

344666

16 May 1955

AUFBAU
2700 Broadway
New York, N. Y.

Gentlemen:

We would appreciate your advertising for the whereabouts of the following:-

Reh W
LOUIS COHEN
FORMERLY OF 3100 CONNECTICUT AVENUE,
WASHINGTON
ORIGINALLY of BERLIN

Please bill our organization.

Sincerely yours,

Saul Kagan
Exec. Sec'y.

SK:Nh

344667

16 May 1955

Dr. G. Weis
J. R. S. O.
Fontanestrasse 16
Berlin-Dahlem, Germany

Dear Dr. Weis:

Re: Berlin SW, Oranienstr. 19
Cohen ./, Gerstner - IV / C 41

This will refer to your letter of April 25,
1955.

Unfortunately, the Committee in Washington
was unable to locate Mr. Cohen. We shall try as a last
resort an advertisement in the AUFBAU.

Sincerely yours,

Saul Kagan

SK:h

344668

May 4, 1955

Mr. George Pikser
Jewish Social Service Agency
1131 Spring Road, N.W.
Washington, D.C.

Dear Mr. Pikser:

The Jewish Restitution Successor Organization has a job of getting in touch with a large number of individuals in this country who own property in Germany and who may be Jewish. They have asked me to enlist your help in learning whether Mr. Louis Cohen, who was known some time ago to be living at 3100 Connecticut Avenue, Washington and who owns some property in Berlin, is a Jew. I realize that the question sounds a little on the comic side, but the Berlin office of the JRSO writes that the Berlin courts will not accept the fact that a man's name is Cohen to mean that he must necessarily be Jewish, and they require affidavits, etc. Mr. Cohen is no longer listed at the Connecticut address, and that address I note is incomplete since it does not give the section of the city.

Do you think that there might be any possibility of checking on this man, or is this a little too much like looking for a needle in a haystack?

With best regards.

Sincerely yours,

Jeannette Robbins

JR:sk

cc- T. Neiger, JRSO

344669

JEWISH RESTITUTION SUCCESSOR ORGANIZATION

BERLIN REGIONAL OFFICE

APR 29 1955

BERLIN-DAHLEM
FONTANESTRASSE 16
TELEFON: 761981

25 April 1955
Dr. W/cz

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

RE: Berlin SW, Oranienstrasse 19
Cohen ./ Gerstner - IV / C 41

Dear Mr. Kagan,

Inclosing copy of my letter I wrote to you on May 20th, 1954
I should like you to try to contact Mr. Cohen as we will have to
have either information or to withdraw our claim.

Yours sincerely,

DR. G. WEIS

Incl: a/s

344670

APR 29 1955

Copy

20 May 1954
Dr. W/c z

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

RE: Berlin SW, Oranienstr. 19
Cohen ./ Gerstner - IV / C 41

Dear Mr. Kagan,

Mr. Louis Cohen, formerly of 3100 Connecticut Avenue,
Washington, was the owner of the above property.

In Berlin we have to prove that the owner was a Jew even if
his name was Cohen.

We should, therefore, be much obliged if you could help us
in locating Mr. Cohen or someone who can testify that he is or died as
a Jew.

Yours sincerely,

DR. G. WEIS

344671

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

June 28, 1954

MEMORANDUM

To: Jeanette Robbins
From: Antonie Neiger

Our office in Berlin has requested us to attempt to ascertain whether Mr. Louis Cohen, formerly of 3100 Connecticut Avenue, Washington, was Jewish.

I wonder whether you could assist us in locating Mr. Cohen or determining in any other way that he was Jewish.

AN:bg

Antonie Neiger

344672