

March 29, 1945

In reply refer to

Dear Major Gross:

Following conversations between you and Mr. Dewilde, my assistant, regarding a proposed reply to HCAF 199 and SCAP 199, I should like to define the Department's views on the handling of exports from Germany as follows:

1. The Department is in accord with the procedures and courses of action described in paragraphs 1 and 3 of SCAP 199 and in paragraphs 2 and 3 of HCAF 199 provided no exports to neutrals are permitted without previous specific approval by US.

2. The Department believes that, pending establishment of a Restitution Commission, it would be desirable to authorize HCAF to return identifiable looted property found in Germany to the government having jurisdiction over the territory in which the property was located and from which it was taken. Claim to such property should be adequately substantiated and written receipts should be obtained for property so returned.

3. The Department intends to propose that the Reparation Commission at Moscow take up interim reparation payments and interim reparation machinery as an early item on its agenda. Establishment of a Restitution Commission is now under consideration in S.A.C. The Department believes that agreement on an ad hoc committee to advise or direct HCAF cannot be reached with sufficient speed to warrant consideration before the Reparation Commission convenes in Moscow.

Sincerely yours,

*EO*

Emile George  
Advisor on German Economic  
Affairs

A true copy of  
the signed copy  
is at

Anal	DCR - ECA Unit
Rev.	
Cat.	
Dist.	

Major Ernest Gross  
Civil Control Division,  
War Relocation Authority,  
Washington, D.C.

A. C. JCdewilde:est A-6 6 FMA OCP EUR CE

800.515/3-2945

CS/D

800.515/3-2945

RG	59
Entry	CDF, 1945-49
File	800.515
Box	4180

DECLASSIFIED
Authority NND 760050
By B1 NARA Date 7/12

345726

Authority **KIND 760050**  
By **EN** NARA Date **7/13/68**

RG 59  
Entry **Central Decimal File**  
1945-1949  
File **800.515/9-2145-**  
Box 4190 **800.515/9-2448**



**HOTEL BEACON**  
75TH STREET AT BROADWAY,  
NEW YORK, 23N. Y.  
H. G. YURDIN  
MANAGING DIRECTOR

**FA**  
**Mr. Krentz** **FA**

September, 22., 1945.

Mr. Seymour J. Rubin  
Department of State.  
Washington, D.C.

*letter ack*  
*referred to FA*  
*ES: SJR 10-2005*

Dear Sir:

I have the privilege to refer to our conversation of September 7., 1945, that concerned my wish to get back the collection of art which I and my late husband possessed in Krefeld (Rhineland) and which the Nazis removed from our home, Uerdingerstrasse 62, one day November 1938.

Here are the data I promised to give to you. On November 10., 1938 during the night the Nazis entered our home by force as they did in most of the homes of Jewish people. Two days later the Gestapo brought our collection of East-Asia art, that had been in a special room, into the "Krefelder Museum", an institution of the City of Krefeld and located at "West Wall". Our collection was catalogued. The catalogue and our whole library concerning East-Asia art were also brought into the Museum, in addition many objects of art like paintings etc.

800.515/9-2245  
CS/LE 800.515/9-2245  
Confidential File

1945  
umber 7.  
ed the  
n Germany  
with  
ity  
warding  
Chief,  
partment

I  
recent  
set to  
ilitary  
in-  
unduly

Copy of  
signed orig.

ty Controls

800.515/9-2245  
CS/LE  
Confidential File

Seventy-fifth Street at Broadway,  
New York 23, New York.

**ES: SJRubin:mf 10-2-45**

**FA**  
*[Signature]*

DECLASSIFIED  
Authority AND 760050  
By EW NARA Date 7/13/00

RG 59  
Entry Central Decimal File  
1945-1949  
File 800.515/9-2145-  
800.515/9-2445  
Box 4190

# HOTEL BEACON

75TH STREET AT BROADWAY,

NEW YORK, 23 N. Y.

H. G. YURDIN  
MANAGING DIRECTOR

It would be important to know if our collection still is in the Museum- building or where it is.

There ~~probably~~ are some persons in Krefeld who are able and willing to give information about the present depository. For instance the former mayor of the city of Krefeld, "Oberbuergemeister Johannsen", is admitted by the British Military Government, in whose occupation zone Krefeld is located, as a voluntary employee in the present civil administration. Mr. Johannsen I am sure will be glad to help to find out the present depository of the collection of art of " Alex <sup>ne</sup> Oppenheimer" (the name of my late husband", especially if he knows that my husband passed away and I want to have the information. It would be necessary to inform Mr. Johannsen, that the collection was removed by the Nazis from our home into the Museum in November 1938 in the presence of the Director Dr. Muthmann and Miss Hilgers, the secretary of the "Krefelder-Museumsverein". I have to say, that my husband had asked in 1938 through a friend, than still in Krefeld, now in New York, to send him a copy of the

345728

Authority KND760050  
By EN NARA Date 7/13/60

RG 51  
Entry Central Decima  
File 1945-194  
800.515/9-2143  
Box 4190 800.515/

# HOTEL BEACON

777 STREET AT BROADWAY

NEW YORK 201, N.Y.

H. G. YORDIN,  
MANAGING DIRECTOR

catalogue of our collection of East Asia art and a list of the other objects of art brought into the Museum.

Miss Hilders refused to do so, possibly for fear of the Gestapo. But the former chairman of the Krefelder Museums-Verein, Mr. Richard Leendertz, if he is still living, will probably give information.

Finally I have to mention that after the passing away of my husband in Switzerland on October 1., 1939 I immigrated with my brother Mr. William Alsberg to the United States. We arrived here on March 31., 1941 and we received the first papers on October 3., 1941.

Very sincerely yours,

*(Mrs) Adele Oppenheimer*

345729

Authority **KIND 760050**  
By **LN** NARA Date **7/13/60**

Entry **Central Decimal File**  
File **1945-1949**  
**800.515/9-2145-**  
Box **4190** **800.515/9-2448**

**OCT 9 1945**

In reply refer to  
**ES**

My dear Mrs. Oppenheimer:

I refer to your letter of September 22, 1945 in which you mention our conversation of September 7.

Subsequent to our conversation, I discussed the matter of inquiries with respect to property in Germany on behalf of persons now in the United States with other officers of the Department. Responsibility for these matters now rests with the Division of Foreign Service Administration of the Department and I am, therefore, taking the liberty of forwarding your letter to Mr. Kenneth C. Krentz, Assistant Chief, Division of Foreign Service Administration, Department of State.

I feel that before concluding this letter I should remind you of what I stated during our recent conversation, namely, that inquiries with respect to property in Germany must be directed through military channels and that a swift response to any such inquiries would, under present circumstances, be unduly optimistic.

Sincerely yours,

A true copy of the original enclosed

Seymour J. Rubin  
Chief  
Division of Economic Security Controls

Mrs. Adele Oppenheimer,  
Hotel Beacon,  
Seventy-fifth Street at Broadway,  
New York 23, New York.

ES: SJRubin:mrf 10-2-45

FA  
*[Signature]*

800.515/9-2245 CS/LE

CONFIDENTIAL

911 6 1945 P.M.

345730

Stockholm, February 11, 1946.

No. 901

Excellency:

I have the honor, under instructions from my Government, to make the following communication to Your Excellency.

On October 30, 1945, the Allied Control Council, representing the four governments exercising supreme authority in Germany, adopted a law establishing a German Internal Property Commission and vesting in this Commission all rights, titles, and interests in or with respect of any property outside Germany owned by German nationals within Germany or by certain German citizens or legal entities outside Germany. A copy of this law is enclosed as an annex to this note.

Yours faithfully,

Ulfen Brundén,

Royal Minister of Foreign Affairs.

800.515/3-646

DECLASSIFIED  
Authority: NND760050  
By: JCO NARA Date: 7/13/00

RG 84  
Entry CDF, 1945-49  
File 800.515/3-646  
Box 4201

345731

The attention of the Government of Sweden is invited to the introductory clause of this law stating the Council's determination "to assume control of all German assets seized and to divest the said assets of their German character with the intention thereby of promoting international peace and collective security by the elimination of German war potentials".

My Government wishes to make clear its purpose in supporting the program to be administered by the German External Assets Commission. The primary objectives are to achieve security by completely eliminating Germany's economic and financial potential for another war; and to devote these resources to the relief, reparation, and rehabilitation of countries devastated or depleted by German aggression. Restoration of the damage done in their territory will substantially depend on the rapidity with which these countries obtain the means of importing goods despite their present unfavorable foreign

ORG:AM:6

DECLASSIFIED  
 Authority NND760050  
 By GD NARA Date 7/13/0

RG 84  
 Entry CDF, 1945-49  
 File 800.515/3-546  
 Box 4201

345732

exchange position. Thus, realization for reparations account of the value of German external assets will largely tend to promote restoration of their trade with Sweden and thereby Sweden's participation in European reconstruction.

In view of the foregoing, my Government assumes that the Government of Sweden will give full effect to this decree and cooperate in its implementation.

My Government is not unmindful of the fact that the control and disposition powers to be exercised by the German External Property Commission raise economic questions of great importance to the Government of Sweden. It is thought desirable that there be worked out in consultation with the Government of Sweden such arrangements consistent with the objectives of the law, as will avoid economic dislocations and advance our mutual interests in harmonious solution to this problem.

For these reasons it is proposed that a meeting be held between representatives of the Allied Governments

DECLASSIFIED  
Authority **NND760050**  
By **GD** NARA Date **7/13/00**

RG 84  
Entry CDF, 1945-49  
File 800.515/3-546  
Box 4201

345733

00000

Swedish representatives of the Government of Sweden to reach  
 agreement on the manner in which German property in Sweden  
 can best be administered, liquidated or otherwise disposed  
 of. It is suggested that this meeting be held in Washing-  
 ton some time during the latter part of March or early  
 April. The agenda of this meeting would comprise agreement  
 on the disposal of these assets in such a way as to protect  
 Swedish interests as well as those of the United Nations  
 (including approval of purchasers, terms of sale, et  
 cetera) and on currency or foreign exchange questions  
 arising out of use for reparations and rehabilitation  
 of the funds so realized. It is also expected that an  
 understanding can be reached on the domestic decrees and  
 measures necessary to achieve our objectives, on the establish-  
 ment of administrative machinery for full intergovernmental  
 cooperation, and on any other related questions which the  
 Government of Sweden wishes to propose for discussion.  
 An early reply to this invitation would be appreciated.

00000

00000

DECLASSIFIED  
 Authority **NND760050**  
 By **GD** NARA Date **7/13/00**

RG **59**  
 Entry **CDF, 1945-49**  
 File **800.515/3-546**  
 Box **4201**

345734

I understand that the British and French Ministers  
are addressing to Your Excellency a communication in  
similar terms.

Please accept, Excellency, the renewed assurances  
of my highest consideration.

(S) Herschel V. Johnson

Enclosure:

Law on Vesting and Marshalling  
of German External Assets.

GK:ca:fs

DECLASSIFIED  
Authority NND760050  
By JGD NARA Date 7/13/00

RG 84  
Entry CDF, 1945-49  
File 800.515/3-546  
Box 4201

345735

2 to despatch no. 6742 dated March 1946  
Stockholm, entitled "Transmitting Copies of  
ish Government on German External Assets in Sweden  
Negotiations in Washington - SAFEHAVEN".

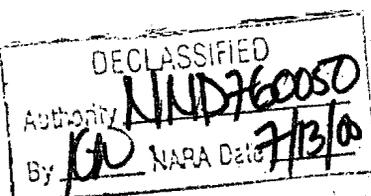
Monsieur le Ministre,

I have the honour to acknowledge receipt of your letter of February 11, 1946 regarding German-owned property in Sweden and proposing a meeting to be held in Washington some time during the latter part of March or early April between representatives of the Allied Governments and of the Swedish Government to reach an agreement on the manner in which such property can best be administered, liquidated or otherwise disposed of.

As basis for the negotiations which the Allied Governments thus wish to enter into is suggested a law issued by the Allied Control Council in Berlin on October 10, 1945. This law establishes the German external property commission and vests in this commission all rights, titles, and interests in any property outside Germany owned by German nationals within Germany or by certain German citizens or legal entities outside Germany. It is assumed that the Swedish Government will give full effect to this law and cooperate in its implementation.

The Swedish Government, who has not previously been notified of the said law or of the existence of the said commission, has now been examining the text of the law as attached to your letter. As far as the Swedish Government has been able to ascertain, this Government is not entitled - neither according to international law, as recognized by most countries, nor according to Swedish constitutional and civil law - to place at the disposal of the Allied authorities such German property as is located in Sweden or the proceeds from sales of such property. The above mentioned law does not establish any title which can form a basis

Monsieur Herchel V. Johnson,  
Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
etc., etc., etc.



RG 84  
Entry CDF, 1945-49  
File 800.515/3-546  
Box 4201

345736

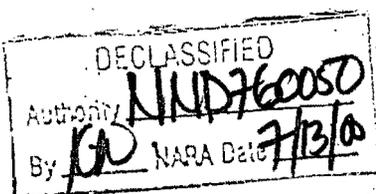
for claims in Swedish courts or with other Swedish authorities against holders of German property in this country. A law issued by the occupying powers and purporting to take title to German property located in Sweden cannot be acknowledged in this country as having a stronger legal effect than a corresponding decree issued by a regular governmental authority in Germany would have in respect of property within Swedish territory. Rather, the legislative competence of the occupying powers should - as far as regards the legal effects in Sweden of decrees and laws issued by these powers - be considered as more limited than that of a regular state authority.

In this connection I should also recall that, when, in August 1945, the Allied powers presented a claim of title to and control of the German property in Sweden, information was requested as to the legal basis for these claims. A reply to this request has not yet been received.

While the Swedish Government cannot thus consider that what has as yet been alleged by the Allied Governments could form a satisfactory basis for their claims to the German property in Sweden as presented by them, the Swedish Government is prepared to examine the question jointly with the Allied Governments in the light of the aims indicated and with due regard to all the circumstances which have to be considered in this connection.

II. With regard to the primary objectives of the Allied Governments as stated in your letter, i.e. the elimination of the German war potential and the reconstruction of devastated countries, the Swedish Government hopes that their active support of this programme cannot be open to doubt. With regard to the elimination of German economic and financial interests in Sweden, reference is particularly made to the Aide-Mémoire of February 7th, which was unofficially communicated to your Legation on February 8th. The policy pursued by the Swedish Government with regard to the administration and liquidation of the German assets in Sweden is set out in this Aide-Mémoire, of which a copy is attached to this letter.

As to the relief and reconstruction, Sweden has in various



RG 84  
Entry CDF, 1945-49  
File 800.515/3-546  
Box 4201

345737

ways show her great and active interest in this field. The Swedish Government, however, is of the opinion, that the reconstruction should not be linked up with the liquidation of the German assets in Sweden, which, in any case, will be a drawn-out process. Moreover, the proceeds, which by means of such a liquidation might be made available would - even if the various Swedish claims on Germany are not taken into consideration - in all probability not exceed some 300 million kronor. These funds would, therefore, be of small dimensions, both in proportion to the current needs and as compared to the credit facilities granted by Sweden for the first post-war year for the very purpose of promoting such trade and reconstruction, viz. 1.75 billion kronor.

III. In this connection the Swedish Government would like to draw the attention of the Allied Governments to a question to which it attaches considerable importance, viz. the position of Swedish assets in Germany. According to various reports which have reached Sweden, it has occurred that Swedish assets in Germany, particularly industrial equipment owned by Swedish interests have been taken over by the occupation authorities or, in some cases, even been removed. Neither the Swedish Government nor the Swedish interests concerned have been in a position to follow these developments or to ascertain to what extent the occupying powers have made use of Swedish property either towards reparation claims on Germany or for other purposes. The Swedish Government, therefore, requests to be put in a position to ascertain the actual extent to which Swedish property has in this way been disposed of, as well as to receive information regarding the foundations for such dispositions.

IV. In view of the foregoing the Swedish Government feels that it would be desirable, as suggested from the Allied side, to open discussions on these subjects in Washington between representatives of the Allied Governments and the Swedish Government. Thereby, the Swedish Government assures that due consideration will be given to the circumstances and points of view indicated above.

In the opinion of the Swedish Government, it is advisable

DECLASSIFIED  
Authority NND760050  
By GD NARA Date 7/13/00

RG 84  
Entry CDF 1945-49  
File 800.515/3-546  
Box 4201

345738

- 4 -

for furthering these discussions, to obtain, prior to their opening, the information necessary to clarify the questions indicated under I and III above. In connection with the study of this information, the date for the opening of the meeting could be fixed.

I am, Monsieur le Ministre,

your obedient servant,

S. Unión

1 encl.

DECLASSIFIED  
Authority NND760050  
By GW NARA Date 7/13/00

RG 84  
Entry CDF, 1945-49  
File 800.515/3-546  
Box 4201

345739

DECLASSIFIED

Authority NND 760050  
JK KARASIK 7/25/00

RG 59  
Entry DF 1945-49  
File 800.515/11-23-46  
Box 42169

*Zafchauer*



TREASURY DEPARTMENT

WASHINGTON

25

FOREIGN FUNDS CONTROL

IN REPLY PLEASE  
REFER TO: 96420

NOV 27 1946

DEPARTMENT OF STATE  
ECONOMIC AFFAIRS  
DEPARTMENT OF STATE

NOV 29 1946

TO: Mr. Monroe Karasik, Chief,  
Economic Institutions Section,  
Division of German and Austrian  
Economic Affairs,  
Department of State.

Mr. Donald Sham, Secretary,  
Office of Alien Property,  
Department of Justice.

FROM: John S. Richards,  
Acting Director,  
Foreign Funds Control.

An application has been filed with this office by Dr. Lanus Tannenbaum, a German refugee who has been residing in England since 1939, for a license authorizing the Continental Illinois National Bank & Trust Company of Chicago to transfer a certificate for 71 shares of the capital stock of First National Bank of Bloomington, Indiana, which is registered in Dr. Tannenbaum's name from the blocked account of the Handelstrust West N.V., Amsterdam, to his account.

The applicant states that while he was still in Germany in 1938 he was forced by the Nazi authorities to assign the above-mentioned stock certificate for their benefit. A copy of his declaration is attached hereto. The stock certificate assigned in blank by Dr. Tannenbaum was forwarded to the Continental Illinois National Bank & Trust Company on August 28, 1938, by the Dresdner Bank, Berlin, with instructions to sell. The certificate was not sold because of various difficulties, and on December 15, 1939, the Continental Illinois National Bank & Trust Company received a cablegram from the Dresdner Bank directing it to place all securities held for the account of the Dresdner Bank to the account of the Handelstrust West N.V., Amsterdam, subject to the order and instructions of the latter bank and also advising that no change of beneficial ownership would occur by reason of the transfer to the Dutch bank. The 71 shares in question were accordingly placed under the name of the Handelstrust Bank on December 29, 1939, and have since been held by the Continental Illinois Bank & Trust Company for the account of the Dutch bank. The Continental Illinois bank states in a

800.515/11-2746

800.515/11-2746

4946

REC'D  
Nov 29 1946  
MK

DEC 6 1946

FILED

CS/B

345740

DECLASSIFIED

Activity NND 760050  
JK EXTRA Date 7/25/00RG 59  
Entry DF 1945-49  
File 800.515/1125-46  
Box 4216

- 2 -

letter dated April 1, 1946, addressed to Ferdinand Tannenbaum of Olivany, Eisner & Donnelly, 20 Exchange Place, New York, New York, a copy of which was forwarded to the Office of Alien Property Custodian, Sec. 56, Washington 25, D. C., that a report covering the holding of these shares was filed with the Alien Property Custodian in accordance with General Order No. 34, that the bank is making no endeavor to sell the stock but is ready to release the certificate to whoever is legally entitled to receive it.

This case raises the problem of what procedure should be followed to effect restitution where property held in this country in the account or for the benefit of persons in Germany is claimed to have been taken from the rightful owner under Nazi duress.

It appears to us that the most practicable procedure would be to advise the Allied Military Government authorities in Germany that we shall henceforth refer cases of this type to them for investigation of the merits of the claim that property was transferred under duress, and that if they find the claim to be a valid one, they should cause the German banking institution which now holds or controls the disposition of the property to instruct the American correspondent to release the property to the claimant. Other possible alternatives to such a course would seem to be: (a) To advise the claimant that he must obtain a judicial determination by a United States court of competent jurisdiction that the property in question is his and obtain the consent of the Office of Alien Property, of the Department of Justice, before this Department can act on such an application. (b) Have the claim of duress investigated by the Allied Military Government authorities in Germany and if found to be true, with the approval of the Office of Alien Property, of the Department of Justice, have this Department issue a directive license ordering the delivery of the property to the claimant. (c) Have the Office of Alien Property vest the property in question and then determine the validity of claimant's asserted right thereto in cooperation with the Allied Military Government authorities in Germany.

We would appreciate receiving your views as to the procedure which should be adopted to deal with situations of this type.

Attachment

John S. Richards

345741

DECLASSIFIED

Authority NND 760050

JK WARA Date 7/25/00

RG

59

Entry

DF 1945-49

File

800.515/11-23-46

Box

4216

## COPY OF DECLARATION OF DAVID LANUS TANNENBAUM

June 14, 1946

I David Lanus Tannenbaum of Birmingham do \* declare:

In 1938 I have been forced by Nazi authorities to sign away my 71 shs of the 1st Nat. Bk. of Bloomington, Ind. for their benefit (foreign currency). Disobedience would have meant concentration camp.

As the Nazis knew about an agreement between me and my mother to let her have the proceeds of the dividends I was afraid to inform the 1st Nat. Bk. of my signing under duress & to recall my assignment when I came to England in 1939, afraid the Nazis whose vindictiveness I knew too well, might kill my mother as a presumed accomplice of sabotage. Therefore, in 1939 I rather confirmed my signing away to the 1st Nat. Bk., Bloomington, without mentioning I was forced and acted under duress.

In Autumn 1940 when I assumed the American public better informed about Nazi mentality, I dared to recall and reveal to the Bloomington Bank my having signed under duress, hoping this bank would not give me away to a Chicago bank acting as an agent of the Nazis & so endanger the life of my mother.

In later years I repeated these facts to the Bloomington bank, asking by no means to sell or aid in selling my stock.

345742

STATE OF NEW YORK  
County of Nassau  
Borough of Great Neck

MAX J. FINK  
ATTORNEY AT LAW  
60 EAST 42<sup>ND</sup> STREET  
NEW YORK

DIVISION OF FOREIGN SERVICE ADMINISTRATION  
APR 1 1947  
DEPT. OF STATE

APR 23 1947

April 3, 1947.

462-11 EW VON SPEYER  
HERBERT BEIT  
4-347

DEPARTMENT OF STATE  
Foreign Service Administration  
Washington, DC.

Gentlemen,

Re: Restoration of losses suffered in Germany  
during the Nazi regime.

This office is representing Mr. Herbert Beit Von Speyer, residing at 68 Beverly Road, Great Neck, New York, a citizen of the United States, holding Certificate No. 6669794, dated March 11, 1947, issued by US. District Court Eastern District of Brooklyn-New York.

Please find enclosed herewith four copies of a sworn affidavit in which our client states his claims for restoration and indemnification for losses suffered in Germany during the Nazi regime.

Faithfully yours,

Max J. Fink

DC/R Central Files

BEIT/4-347

462-11 EW VON SPEYER  
HERBERT

OS/V

FEB 21 1952

FILED

462-11 EW VON SPEYER  
Herbert Beit / 4-347

ISA

DECLASSIFIED  
Authority NND 96902  
By JR NARA Date 7/16

RG 59  
Entry CDF, 1950-54  
File 256.1141  
Box 1026

345743

STATE OF NEW YORK )  
County of Nassau ) SS:  
Borough of Great Neck )

Herbert Beit Von Speyer, residing at 68 Beverly Road,  
Great Neck, New York, being duly sworn, deposes and says:

I am a citizen of the United States, holding Certificate  
No. 6669794, dated March 11, 1947, issued by US District  
Court Eastern District of Brooklyn-New York.

I am making this affidavit in order to secure my claims  
for restoration and indemnification for losses suffered in  
Germany under the Nazi regime.

I left Nazi Germany in 1934 because of the Nazi terror  
and because I became a citizen of Liechtenstein in January  
1939. Nevertheless the Nazi compelled me to pay the illegal  
"Judenabgabe" (Special Levy from the Jews) in the sum of a-  
bout RM 120.000.- In order to pay this amount I was forced  
to sell my real estate in Germany under duress and far be-  
low the real value. I had been the sole owner of a one fami-  
ly house located at

5 Paul Ehrlichstrasse in Francfort on the Main.

My late father, partner of the bankfirm Speyer-Ellissen  
had donated me a plot of 829 qm equal to about 9000 sq feet  
on which I built a three story brick building, consisting  
of 16 rooms, 4 bathrooms and kitchen. I was living there  
with my family until we left Nazi Germany.

In 1939 I sold the real estate for the reasons stated  
above to a Mr. La Croix who paid RM 70 000.- to the Nazi au-  
thorities in account of my "Judenabgabe". The costprice of  
plot and building including repairs amounted to at least  
RM 165 000.- The real value was at least RM 200 000.- Thus  
the purchaser paid about one third of the real value.

DECLASSIFIED
Authority <u>NJD 96902</u>
By <u>JA</u> NARA Date <u>7/6</u>

RG	<u>59</u>
Entry	<u>CDF, 1950-54</u>
File	<u>256.1141</u>
Rox	<u>1026</u>

345744

In order to pay the balance of the "Judenabgabe" I had to sell all my securities left behind in Germany. I was holding a custody account with

Deutsche Bank at Francfort on the Main.

I wrote to the bank to send me a bank statement in order to ascertain the exact figures of my losses.

The sale made under duress will be contested. Furthermore I claim for refunding of the illegal "Judenabgabe".

Re: Restoration of losses suffered in Germany

*Herbert R. Speyer*

Sworn before me this 14 day of April, 1947.  
*Rita Y. Fogel*

RITA Y. FOGEL  
Notary Public, State of New York  
Residing in Bronx County  
Bronx Co. Clks. No. 69, Reg. No. 48-F-8  
N.Y. Co. Clks. No. 174, Reg. No. 209-F-8  
Kings Co. Clks. No. 126, Reg. No. 179-F-8  
Queens Co. Clks. No. 219, Reg. No. 126-F-8  
Cert. filed in Westchester County  
Commission expires March 30, 1948

with my hand

*Herbert R. Speyer*

DECLASSIFIED  
Authority NND 969002  
By JA NARA Date 716

RG 59  
Entry CDF, 1950-54  
File 256.1141  
Box 1026

345745

In reply refer to  
~~XXXX~~ SPD

APR 22 1947

My dear Mr. Fink:

Reference is made to your communication dated **April 3, 1947** concerning property in Germany. The Department has transmitted the information which you have furnished to the United States Political Adviser at Berlin with the request that the present status of the property in question be ascertained and that the appropriate authorities be informed of **Mr. Herbert Beit von Speyer's interest therein.**

It must be noted, however, that the Department is not yet in a position to indicate what procedures may be adopted to deal with the establishment of rights asserted to property in Germany of which the claimants were deprived during the Nazi regime by forced sale or otherwise. It may become necessary for such persons to take action on their own initiative before the appropriate authorities in Germany when the necessary procedures have been established. Due publicity will be given in the press to any such measures which may be adopted.

Upon receipt of the Political Adviser's report, I shall be glad to communicate with you again.

Sincerely yours,

For the Acting Secretary of State:

Francis E. Flaherty  
Acting Assistant Chief  
Special Projects Division  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

Mr. Max J. Fink,  
Attorney at Law,  
60 East 42d Street,  
New York, New York.

4/22/47

FSL-43 SPD:JBRapp:im  
10-17-46

FBI 462-11500 von Speyer Herbert Beit / 4-347  
DC/R Central Files

DECLASSIFIED  
Authority NND 96902  
By JR NARA Date 7/16

RG 59  
Entry CAF 1950-54  
File 256-1141  
Box 1026

345746

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
File 800.515/4-1147-  
Box 4226

UNITED STATES DELEGATE  
INTER-ALLIED REPARATION AGENCY

DEPARTMENT OF STATE  
APR 28 1947

Brussels, Belgium  
April 15 1947

LEGAL ADVISER  
B-28  
APR 15 1947  
DEPARTMENT OF STATE

# 128

The Honorable

The Secretary of State

Washington 25, D. C.

Sir:

I have the honor to enclose for the attention of the Division of German and Austrian Economic Affairs and of the Departments of Justice and Treasury copy of a letter of April 2, 1947, from the Secretary General a.i. of the Inter-Allied Reparation Agency enclosing the Report of the Committee on German External Assets together with its Attachment, a draft annex to an agreement on the resolution of conflicting claims to German external assets.

In accordance with the recommendations made in the report, which was adopted by the Assembly of IARA on March 27, 1947, it is requested that the attachment thereto be given appropriate consideration by the Department and by other interested Agencies so that IARA may be informed of the views of the United States Government relative to the draft at an early date.

Respectfully yours,

*Alex B. Daspit*

Alex B. Daspit  
Alternate United States Delegate  
Inter-Allied Reparation Agency

ACTION  
ESP  
COPIES  
TO:  
WE

FC  
OFS  
WR  
UR  
OC  
D  
Treas  
Justice

Enclosure

*with orig.*

RECEIVED  
DEPARTMENT OF STATE

1947 APR 23 PM 4 29

DC/M

APR 28 1947  
DCR - OFI Unit  
DEPARTMENT OF STATE  
OFFICE OF ECONOMIC RECONSTRUCTION

RECEIVED  
DEPARTMENT OF STATE  
APR 28 1947  
AM 10 14

AUG 15 1947

345747

800.515/4-1547

CS/A

800.515/4-1547

DECLASSIFIED	RG	59
Authority <u>NND 760050</u>	Entry	<u>DEC-FILES</u>
By <u>EK</u> NARA Date <u>7/8</u>	File	<u>800.515 4-1147-</u> <u>4-1147</u>
	Box	<u>4226</u>

C O P Y

## INTER-ALLIED REPARATION AGENCY

Secretary General

2 April, 1947.

Sir,

I have the honour to enclose copy of the Report, dated March 24th, 1947, of the Committee on German External Assets (I.A.R.A./AS/Doc. 211) together with its Attachment, a draft Annex to an Agreement on the Resolution of Conflicting Claims to German External Assets which has been prepared by the Committee for consideration by Governments, Members of the Agency. The Report was adopted by the Assembly at its Eighty-fourth meeting on 27th March.

In accordance with the Recommendations made in this Report, I have the honour to ask that you will transmit the draft to your Government, with the explanation set out in the Report, requesting your Government to give careful consideration to it as soon as possible with a view to informing the Committee on German External Assets whether it would form an acceptable basis for resolution of their inter-custodial conflicts with other I.A.R.A. countries and, if not, in what specific respects it would have to be modified to make it acceptable.

I should be grateful if you would, as recommended in the Report, communicate the views of your Government to me at the earliest possible date.

I have the honour to be,

Sir,

Your obedient Servant,

S/

Ph. de SEYNES  
Secretary General a.i.

The Delegate of the United States of America,  
Shell Building, 427-433  
BRUSSELS

345748

DECLASSIFIED	RG <u>59</u>
Authority <u>NND 760050</u>	Entry <u>Dec-Files</u>
By <u>EK</u> NARA Date <u>7/8</u>	<u>1945-46</u>
	File <u>800.515 4-1147-</u>
	<u>4-1147</u>
	Box <u>4226</u>

I.A.R.A./AS/Doc.211

Copy No. 229

INTER ALLIED REPARATION AGENCY

REPORT of the Committee on  
German External Assets.

Note by the Secretariat.

The Draft Agreement to be attached to this Report will be circulated within a few days.

(Sgd.) Ph. de SEYNES  
Acting Secretary General

DECLASSIFIED

Authority NND 760050By EK NARA Date 7/8

RG

59

Entry

DEC-FILES

File

800.515 4-1147-

Box

4-1147  
4226

- 2 -

REPORT OF THE COMMITTEE ON GERMAN EXTERNAL ASSETS.

Pursuant to direction of the Assembly, the Committee on German External Assets has met at various times between November 6, 1946 and March 22, 1947 for the purpose of formulating recommendations to the Assembly for the resolution of conflicts between I.A.R.A. countries in regard to German external assets. In all, a total of 65 meetings have been held. The Netherlands was co-opted as a member of the Committee for the purpose of these discussions.

There have been many firmly held differences of opinion as to the proper adjustment of these conflicts. In the course of its work the Committee has considered 22 different drafts and memoranda put forward by various Delegations as possible methods of dealing with the various questions involved. Despite exhaustive discussion, many reciprocal concessions and a genuine spirit of compromise on the part of all concerned, it has not been possible to arrive at unanimous agreement as to the settlement of all the various differences. Your Committee has, however, prepared a draft which its members feel justified in submitting to their Governments for further consideration. While recognizing that in some important respects this draft may not be satisfactory to their Governments, that certain questions are left open and that further adjustments will have to be made, the Committee feels that the draft does represent a long stride towards the formulation of an inter-custodial agreement and that with this draft as a basis there is a reasonable prospect of bringing negotiations to a successful conclusion.

The Yugoslav Delegation cannot accept Parts III and IV of the draft.

The question has been raised within the Committee as to whether if an inter-custodial agreement can be concluded, it should take the form of an Agreement such as that contained in I.A.R.A./Co.EA/Doc.20, or should be a more flexible instrument such as that set out in I.A.R.A./Co.EA/Doc.25. Your Committee has taken no position on this issue. It feels that it would be premature to do so at this time.

It is clear that at least six weeks will be required for the various Governments to study the document and to arrive at conclusions as to its acceptability.

## YOUR COMMITTEE RECOMMENDS:

- (1) That the attached draft be transmitted by the various I.A.R.A. Delegations to their respective Governments with the explanation set out above.
- (2) (a) That the various Governments Members of I.A.R.A. give careful consideration to this draft as soon as possible with a view to informing your Committee whether it would form an acceptable basis for resolution of their inter-custodial conflicts with other I.A.R.A. countries and, if not, in what specific respects it would have to be modified to make it acceptable, and
  - (b) They communicate their views to the Secretary General of I.A.R.A. at the earliest possible date.
- (3) That no other action be taken by the Assembly in regard to this draft or in regard to further procedure for resolving inter-custodial conflicts during the current session of the Assembly.

(Sgd.) RUSSELL H. DORR

Chairman.

345750

DECLASSIFIED		RG	59
Authority	NND 760050	Entry	Dec-Files 1645-244
By	EK NARA	Date	7/8
		File	800.5154-1147- 4-1147
		Box	4226

IARA/AS/Doc. 211 (Addendum)

Copy No.

210

INTER ALLIED REPARATION AGENCY

Report of Committee on German External Assets.

ADDENDUM.

ANNEX TO AGREEMENT ON RESOLUTION OF CONFLICTING  
CLAIMS TO GERMAN EXTERNAL ASSETS.

Draft Prepared by the Committee on German External  
Assets for consideration by Member Governments.

345751

March 26, 1947.  
Brussels.

DECLASSIFIED

Authority NND 760050By EK NARA Date 7/8

RG

59

Entry

Dec-Files

File

800.515 4-1147-

Box

4-1147  
4226

-2-

March 22, 1947.

ANNEX TO AGREEMENT ON RESOLUTION OF CONFLICTING CLAIMS TOGERMAN EXTERNAL ASSETS.Draft Prepared by Committee on German External Assets.PART I.Property Owned by German Enemies.Article 1. Securities.

A. For the purpose of this Article, "security" means any stock, bond, debenture, share or, in general, any property known as a "security" in the country of issue.

B. Where a security owned by a German enemy has been issued by a Government which is a Party to the present Agreement (throughout this Annex called "Party") or by a governmental or private organisation or person within its territory but the certificate is in the territory of another Party, this certificate, whether in registered or in bearer form, shall be released to the former Party.

C. A German enemy owner of a certificate issued by an administration office, voting trustee or similar organisation or person, and indicating a participation in one or more specifically named securities, shall be regarded as the owner of the amount of the securities specifically indicated, and paragraph B. shall apply to those securities.

D. A Party obliged under this Article to release property shall not be required to release (a) any income or other benefits (in cash or otherwise) which have before July 1, 1947, been received by the releasing Party or any person in its territory acting under its authority; (b) the proceeds of any liquidation by sale, redemption or otherwise which were in the form of cash on December 31, 1946, even if reinvested after that date. Such income or benefit received on or after July 1, 1947, and proceeds of liquidation which took place on or after January 1, 1947, shall, however, be released to the Party entitled to the release of the property.

Article 2. Currency.

A. For the purpose of this Article, "currency" means any notes, coins or other similar monetary media except those of numismatic or historical value.

B. Where currency has been issued by a Party or by a governmental or private organisation within its territory but the currency is owned by a German enemy and is in the territory of another Party, the currency shall be released to the former Party.

C. Where currency has been sold before January 1, 1947, no release shall be required; but release of the proceeds shall be required if sale has taken place on or after January 1, 1947.

D. Nothing in this Article shall prejudice the rights or obligations of Parties with respect to Part III of the Paris Agreement on Reparation.

Article 3. Negotiable Instruments.

Where a negotiable instrument (such as a bill of exchange, promissory note, cheque or draft) not covered by Article 4, owned by a German enemy, is in the territory of a Party and the principal obligor is domiciled in the territory of another Party, the instrument shall be released to the latter Party.

345752

DECLASSIFIED	RG	59
Authority <u>NND 760050</u>	Entry	<u>Dec-Files</u>
By <u>EK</u> NARA Date <u>7/8</u>	File	<u>1945-46</u> <u>800.5154-1147-</u> <u>4-1147</u>
	Box	<u>4226</u>

-3-

Article 4. Bills of Lading and Warehouse Receipts.

Where a bill of lading, warehouse receipt or other similar instrument, whether or not negotiable, owned by a German enemy, is in the territory of a Party but the property to which it relates is located in the territory of another Party, the instrument shall be released to the latter Party.

Article 5. Foreign Currency Accounts.

A. A foreign currency account ("primary account") maintained in favour of a German enemy by a financial institution in the territory of a Party ("primary country") covered in whole or in part by an account ("cover account") with a financial institution in the territory of another Party ("secondary country") shall be treated as follows:

- i) The cover account shall be released. The claim of the German enemy to the primary account shall be controlled by the primary country which shall reimburse the secondary country in an amount equal to 50% of the realised value of the German enemy's claim. Such reimbursement shall be made in accordance with the terms of Article 4, Part III.
- ii) Where the secondary country has, prior to July 1, 1947, vested or otherwise taken under custodian control the income from German enemy property situated in the secondary country, such income may be retained by the secondary country and sub-paragraph (i) of this Paragraph shall not apply thereto.

B. For the purpose of this Article, accounts shall include named, numbered or otherwise specially designated accounts or sub-accounts as well as undesignated accounts or sub-accounts.

Article 6. Partial Ownership.

Where property covered by this Part is owned partly by a German enemy and partly by a non-enemy, the method of segregating the respective interests and releasing the enemy interest shall be determined by agreement between the interested Parties. The enemy interests shall then be released to the Party which would have been entitled to the property if it had been wholly German enemy owned.

345753

DECLASSIFIED	RG	59
Authority NND 760050	Entry	Dec-Files
By EK NARA Date 7/8	File	1945-49 800.5154-1147- 4-1147
	Box	4226

-4-

PART IIDeceaseds' Estates, Trusts and other Fiduciary Arrangementsunder which a German Enemy has an InterestArticle 1. Deceaseds' Estates

A. Except as provided in paragraph B below, property within the jurisdiction of a Party, forming part of the estate of a non-enemy person who has died domiciled in the territory of another Party, in which estate a German enemy has an interest whether as a beneficiary or creditor, shall be released from control of the custodian authorities of the former Party with a view to facilitating normal administration of the estate in the territory of the latter Party. Property so released shall be subject to the application of the laws of the releasing Party governing administration and distribution of deceaseds' estates. When under such laws distribution of the deceased's estate is made directly to the persons who have an interest in the estate, the releasing Party shall take appropriate action to assist in making available to the other Party the distributive share of each German enemy.

B. Where a non-enemy domiciled in the territory of another Party has died owning immovable property in the territory of another Party and an interest in the property devolves upon or is distributed to a German enemy under the will of the deceased or under the applicable laws of descent, the interest may be retained by the latter Party, subject to the rights of non-enemy creditors of the deceased or of non-enemy heirs to whom, under applicable law, a portion of the immovable property is reserved.

C. This Article shall not apply to any property in the estate of a deceased if the property was administered and distributed before the Party in whose territory the property was located instituted war-time emergency measures applicable to the administration and distribution of the property of the deceased.

Article 2. Trusts and Other Fiduciary Arrangements.

Property within the jurisdiction of a Party which is held under a bona fide trust or other bona fide fiduciary arrangement in which a German enemy has an interest as a beneficiary or otherwise, and which is being administered under the laws of another Party, shall be released from the control of the custodian authorities of the former Party, except that such Party may retain any interest of a German enemy in immovable property located in its territory. Such release shall not be obligatory, however, in cases where the trust or other fiduciary arrangement was established by a person resident in Germany, or a German enemy, or a person who subsequently became a German enemy.

Article 3. Rights of Non-Enemies.

The Party in favour of which property is released under this Part shall recognise the rights of non-enemies in the estate, trust or other fiduciary arrangement.

345754

DECLASSIFIED	RG	59
Authority: <u>NND 760050</u>	Entry	<u>Dec-Files</u>
By <u>EK</u> NARA Date <u>7/8</u>	File	<u>800.5154-1147-</u> <u>4-1147</u>
	Box	<u>4226</u>

-5-

PART III.Property Owned by Enterprises Organised under the Laws of a Party.Article 1. Application.

A. This Part shall apply to property situated within the jurisdiction of a Party and owned by an enterprise organised under the laws of another Party in which enterprise there was a direct or indirect German enemy interest on the material date. The Party within whose jurisdiction the property is situated shall be referred to as the "secondary country" with respect to that property. The enterprise owning the property shall be referred to as the "primary company" with respect to that property. The Party under whose laws the enterprise is organised shall be referred to as the "primary country" with respect to that property. The terms "enterprise" and "company" shall include any proprietorship, firm or body, whether corporate or incorporate. Property of a business enterprise in the form of a trust, and property of a banking or financial institution other than the foreign currency accounts governed by Article 5, Part I, shall be dealt with in this Part.

B. An enterprise shall be deemed to be German controlled if at the material date German enemies held directly or indirectly 50% or more of the voting rights or if at the material date German enemies directly or indirectly controlled the policy, management, voting power or operations of the enterprise. The property in the secondary country shall be deemed to be German controlled if at the material date German enemies directly or indirectly controlled the policy, management, use or operation of the property.

Article 2. Release and Reimbursement.

Except as otherwise provided in this Agreement, all property in a secondary country owned by a primary company shall be released by the secondary country and the secondary country shall be entitled to receive reimbursement from the primary country in an amount representing that proportion of the value of the property in the secondary country which corresponds to the percentage of direct and indirect German enemy interest in the primary company on the material date. Release shall take place as soon as agreement has been reached between the countries concerned on whether either the property in the secondary country or the primary company shall be treated as German controlled and on the general limits of, and method of calculating, "the percentage of direct and indirect German enemy interest in the primary company on the material date". If the property in the secondary country and the primary company are not German controlled, the property shall be released forthwith without reimbursement.

Article 3. Release Otherwise Than in Kind.

A. Release of property in a secondary country shall be made in kind unless:

- (i) the property has been liquidated by the secondary country prior to the effective date of this Agreement; or
- (ii) the primary and secondary countries concerned agree that release in kind would not be practicable; or
- (iii) the property in the secondary country is a production enterprise or a substantial interest therein, and such property or the primary company concerned is German controlled and, after full consideration of the economic interests of the primary country, the secondary country determines in exceptional cases that its national economic security nevertheless requires retention of the property and gives notice to the primary country to that effect.

B. Where release is not made in kind, the secondary country shall release in substitution the proceeds of the sale or liquidation of the property which would otherwise have been released in kind. If such property has not been sold or liquidated within one year after the determination on the retention of the property in kind, or within an agreed extension beyond that period, the value of the property retained as determined by accepted principles of valuation shall be released.

345755

DECLASSIFIED	RG	59
Authority NND 760050	Entry	Dec-Files
By EK NARA Date 7/8	File	1945-49 800.575 4-1147- 4-1147
	Box	4226

345756

-6-

Article 4. Terms of Reimbursement.

Reimbursement shall be paid to the secondary country by the primary country in the currency of the secondary country within two years after the date of release of the property. Payment may be delayed, however, in accordance with foreign exchange restrictions applicable generally to payment of capital obligations from time to time in effect in the primary country, provided that such restrictions have the approval of the Governors of the International Monetary Fund. Interest at the rate of 2 percent per annum shall be paid to the secondary country by the primary country on such balance of reimbursement as remains unpaid at and after the end of the two year period..

Article 5. Agreement on Retention.

Where administrative difficulty to the secondary country requires it or the state of liquidation of the primary company permits it, the secondary and primary countries concerned may agree that the secondary country shall retain that proportion of the value of the property in the secondary country to which it is entitled under the provisions of Article 2. In such event, the secondary country shall release the excess of the property above the amount to which it is entitled and such excess shall inure to the benefit solely of the non-enemy interests in the primary company.

Article 6. Dummy and Certain Holding Companies.

Where the primary company is a dummy company or is a holding company whose outstanding stock is closely held or is not regularly traded in a recognised financial market, the secondary country, notwithstanding the provisions of Article 2, may retain that proportion of the property in the secondary country which corresponds to the percentage of direct and indirect German enemy interest in the dummy or holding company on the material date. In such event, the secondary country shall release the excess of the property above the amount to which it is entitled and such excess shall inure to the benefit solely of the non-enemy interests in the primary company.

Article 7. Non-Enemy Interests.

It is contemplated that the proportion of the value of the property in the secondary country which corresponds to the percentage of the direct and indirect non-enemy interests in the primary company shall inure to the benefit of such non-enemy interests. In arrangements for release and reimbursement made under this Part between two or more Parties, the Parties shall make reasonable provision to avoid injury to interests in the primary company of non-enemies who are nationals of a third Party.

Article 8. Chain of Companies.

In applying the rules of this Part to a case involving a chain of corporations, releases of property and reimbursement payments shall be made between secondary countries and their respective primary companies and countries. On the other hand, in taking account of indirect interests in successive primary companies, German enemy interests shall be traced through the entire corporate structure.

Article 9. Relationship to Part IV.

A corporation or other organisation organised under the laws of Germany shall be considered as wholly German enemy for the purpose of administering this Part, but property which is received in reimbursement or retained by any country under this Part shall be available for the protection of non-enemy interests in such corporation or other organisations, in accordance with the provisions of Part IV.

Article 10. Relationship to Part I.

For the purpose of Part III and with respect to the types of property covered by Part I, that country shall be regarded as the secondary country which would be entitled to obtain release of property under the principles of Part I.

(NOTE: The Delegation of the United States have expressed their intention to reserve the case of the General Aniline & Film Corporation, New York, N.Y., from this Agreement.)

DECLASSIFIED	RG	59
Authority <u>NND 760050</u>	Entry	<u>Dec-Files</u>
By <u>EK</u> NARA Date <u>7/8</u>	File	<u>800.5754-1147-</u>
	Box	<u>4-1147</u>
		<u>4226</u>

-7-

PART IV.Property Owned by Enterprises Organised Under the Laws of Germany.

- A. This Part shall apply to property within the jurisdiction of a Party owned by an enterprise organised under the laws of Germany in which an interest is, and on September 1, 1939, was, owned directly or indirectly by non-enemy nationals of Parties.
- B. For the protection of the interests in the enterprise of non-enemy nationals of Parties, such property shall be released to the extent of those interests and pursuant to arrangements to be made between the Parties concerned, if:
- (i) Non-enemies directly or indirectly (a) own 48% or more of the shares in or (b) control the enterprise; or
  - (ii) Non-enemies directly own 25% or more of the shares in the enterprise.
- C. No Party shall be obliged to release property under this Part, in respect of which no claim, sponsored by a Party, has been received by the former Party before 30th June, 1948. Before sponsoring a claim a Party shall be satisfied by a claimant, being one of its nationals, that Paragraph B applies.
- D. Where the property to be released under this Part is a production enterprise or substantial interest therein, and such property or the enterprise organised under the laws of Germany is German controlled, the Party in whose territory the property is located may retain the property if, after full consideration of the economic interests of the other Party concerned, it determines in exceptional cases that its national economic security nevertheless requires retention of the property and gives notice to that effect to the Party requesting release. In such event, the proceeds of liquidation or the value of the property retained, shall be released to the extent required under this Part.
- Where release is not made in kind, there shall be released in substitution the proceeds of the sale or liquidation of the property which would otherwise have been released in kind. If such property has not been sold or liquidated within one year after the determination on the retention of the property in kind, or within an agreed extension beyond that period, the value of the property retained as determined by accepted principles of valuation shall be released.
- E. For the purpose of Part IV and with respect to the types of property covered by Part I, property shall be regarded as being within the jurisdiction of the Party which would be entitled to obtain the release of such property under the principles of Part I.

345757

DECLASSIFIED	RG
Authority <u>NND 760050</u>	Entry <u>59</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>Dec-Files</u>
	<u>1945-49</u>
	<u>800.5154-1147-</u>
	<u>4-1147</u>
	Box <u>4226</u>

-8-

PART VInterpretation and ApplicationArticle 1. Conditions of Release.

- A. A Party shall not be obliged to release an enemy interest in property to another Party or to an enterprise organised under the laws of that other Party except to the extent that such interest will be treated by the recipient Party as German enemy.
- B. A Party obliged under this Agreement to release property shall not be required to reverse any act of liquidation which has been carried out by sale, redemption or otherwise. The vesting, sequestration or confiscation of property shall not be regarded as constituting liquidation for the purposes of this Agreement.
- C. Except as otherwise expressly provided in this Agreement a Party obliged to release property shall, if the property has been liquidated, release the proceeds of such liquidation.
- D. Except as otherwise expressly provided in this Agreement a Party obliged to release property shall release all income or other benefits (in cash or otherwise) which have been received by it or by any person in its territory acting under its authority in respect of that property.
- E. The Party to which property is released under this Agreement shall fully recognise bona fide liens or pledges thereon legally obtained within the territory of the releasing Party which became effective prior to the date when the Recipient Party took war-time emergency measures to prevent the acquisition of liens or pledges with respect to such property and were valid under the laws of the recipient Party in effect prior to such date. A releasing Party shall not be obliged hereby to take any measures to set aside any bona-fide lien or pledge valid under its laws which arose or was created either (a) prior to the date on which the releasing Party took war-time emergency measures to prevent the acquisition of such liens or pledges with respect to the property involved, or (b) after such date under licence or other authorisation by such Party.
- F. Administrative charges and expenses of conservation and liquidation shall be borne by the recipient Party unless that Party requests the releasing Party to bear a portion thereof. In such event the obligation of the releasing Party shall be limited to the amount of the income or other benefits (if any) which the recipient Party establishes were received by the releasing Party or by any person in its territory acting under its authority with respect to the specific property released.
- G. Where property is subject to release under this Agreement the method of delivery and the payment of any delivery costs shall be arranged between the Parties concerned.
- H. (i) A Party shall not be required under this Agreement to make a release of property so long as there is pending any judicial or administrative proceeding in the territory of:
- (a) the releasing Party, if the proceeding requires retention of the property by that Party;
  - (b) the recipient Party, if the proceeding may result in a determination that the property is not directly or indirectly German enemy owned or controlled and may thus prevent that Party from treating the released property as German enemy.
- (ii) If, after property is released under this Agreement:
- (a) the recipient Party is obliged as a result of litigation

345758

DECLASSIFIED	RG
Authority <u>NND 760050</u>	Entry <u>Dec-FILES</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>800.515 4-1147-</u>
	Box <u>4226</u>

-9-

in its territory to surrender custodian control of the property, the releasing Party may reassert its custodian control over the property in order to make an independent test of the litigated issue;

- (b) the releasing Party is obliged as a result of litigation in its territory to make a disposition of the property which release has prevented it from making, that Party may reassert custodian control over the property in order to comply with the obligation imposed by the litigation.

If reassertion of custodian control by the releasing Party is required under this sub-paragraph, the recipient Party shall take appropriate action to facilitate such reassertion.

- (iii) At the request of the releasing Party, appropriate arrangements shall be made by the recipient Party prior to the release of any property:
- (a) assuring the releasing Party that it will be able to regain custodian control over the property or of the proceeds of sale or liquidation or of the value thereof, if required under the terms of sub-paragraph (ii) above;
- (b) for indemnification of charges or expenses which may be incurred by the releasing Party with respect to the released property after the date of release.

I. The release of property under the provisions of this Agreement shall not terminate or otherwise affect the dedication of patents to the public, the placing of patents in the public domain or the grant of licenses to patents with or without royalty, pursuant to the provisions of Article 1 or 2 of the German Patent Accord signed in London July, 1946 or other agreement, when such action is taken prior to the release of the property.

J. A Party shall be entitled at its discretion to refuse to accept a release under the provisions of this Agreement and in such event shall not be liable for payment of the charges and expenses referred to in Paragraphs F and G and sub-paragraph (iii) of Paragraph H of this Article.

#### Article 2. Definition of Property.

The term "property" shall include all rights, titles and interests in property.

#### Article 3. Date of War-Time Emergency Measures and Material Date.

The material date and the date of war-time emergency measures in any case or cases shall be determined by negotiation between the Parties concerned.

#### Article 4. Non-Recognition of Certain Transfers.

Nothing in this Agreement shall oblige any Party to recognise:

- (i) any transfer of, or other transaction relating to, a German enemy interest, occurring after the institution of war-time emergency measures by that Party or after the invasion of the territory of that Party by Germany;
- (ii) any transfer of or dealings with property, referred to in the Inter-Allied Declaration of January 5, 1943 against Acts of Dispossession;
- (iii) any transfer of non-enemy property in Germany to German enemies, or any assumption by German enemies from non-enemies of control over property in Germany, which was forced by action of the Government of Germany whether before or after September 1, 1939.

345759

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8

RG

59

Entry

Dec-Files

File

1945-46  
800.5154-1147-  
4-1147

Box

4226

345760

-10-

Article 5. Cloaks, Nominees and Agents.

Property which is held for the benefit of a German enemy by any individual, corporation or other body of persons, as a cloak, nominee or agent, shall be regarded as directly owned by that German enemy except to the extent of the value of the interest of such holder in the property.

Article 6. Effect of Custodian Control over Property.

The assertion of custodian control over a German enemy interest in property within the territory of one Party shall not be deemed to have destroyed the German enemy interest in property within the territory of another Party.

Article 7. Branches and Partnerships.

A branch or other similar office within the territory of a Party of an enterprise organised under the laws of another Party shall be regarded as a separate entity located within the territory of the former Party. A partnership having its principal office in the territory of any Party shall be regarded as an enterprise located in that territory regardless of the residence or domicile of the partners.

Article 8. Committees for Complex Corporate Organisations.

Where under this Agreement special problems arise respecting a complex corporate organisation having subsidiary or affiliated organisations with properties within the territories of several of the Parties, a committee composed of representatives of each of the interested Parties may be constituted to consider the problems and make recommendations for their solution.

Article 9. Implementation and Co-operation.

Parties shall take such action to give effect to this Agreement as may be necessary and reasonable, and shall exchange information and otherwise co-operate for this purpose; provided, however, that information given pursuant hereto shall be regarded as confidential by the Party receiving it which undertakes to use it exclusively for the purpose of implementing this Agreement and the Paris Agreement on Reparation.

Article 10. Conciliation and Arbitration.

A. If a dispute with respect to the interpretation or application of this Agreement is not resolved by discussion between the Parties to the dispute, the Parties shall select a mutually acceptable conciliator with such powers as they may agree.

B. If the Parties do not agree upon a reference to a conciliator, a Party may request the Secretary General of the I.A.R.A. to designate as conciliator a disinterested expert who shall have power to hear the Parties, to examine the facts and to formulate within a reasonable time a solution consistent with the spirit of this Agreement. While the recommendation of the conciliator shall not be binding upon the Parties unless they have agreed to be bound thereby, it is understood that the Parties will give great weight to such recommendation. If the recommendation of the conciliator is not accepted by the Parties, he shall report the issues and the recommendation to the Secretary General.

C. Any disputes between the Parties which have not been settled by conciliation within two months after the date on which a recommendation has been made by the conciliator, or which the Parties agree not to submit to conciliation, shall be settled by arbitration. If the Parties do not agree on the selection of an arbitrator, a Party may request the Secretary General of the I.A.R.A. to select a disinterested person. The decision of a secondary country to retain property under Paragraph A sub-paragraph (iii) of Article 3 of Part III and Paragraph D of Part IV shall not be arbitrable.

Article 11. Private Prosecution of Claims.

Nothing in this Agreement shall be construed to confer any right on an individual or body of persons, corporate or unincorporate, to prosecute a claim against a Party, including his own Government, in either the courts or administrative

DECLASSIFIED	RG
Authority <u>NND 760050</u>	Entry <u>59</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>Dec-Files</u>
	<u>1945-49</u>
	<u>800.5154-1147-</u>
	<u>4-1147</u>
	Box <u>4226</u>

-11-

tribunals of the Party. Nor shall this Agreement be construed to impose any obligation on any individual or body of persons, corporate or unincorporate, but only on Parties hereto.

Article 12. Prior Agreements.

This Agreement shall not be deemed to supersede any prior agreements concluded between any of the Parties, or between a Party and another Government. No such agreement, however, shall affect the rights of another Party to this Agreement not party to the prior agreement, or its nationals.

Article 13. Governments Not Members of I.A.R.A.

This Agreement shall not become effective in whole or in part between a Party and a Government not a member of the I.A.R.A. unless that Party agrees.

345761

DECLASSIFIED

Agency NND 760050  
by JK WAR 7/25/00

RG 59  
Entry DF 1945-49  
File 800.515/1-25-47  
Box 4222

OUTGOING TELEGRAM

CLASSIFICATION

INDICATE

Collect

Charge Department

Department of State

~~CONFIDENTIAL~~

Charge to

Washington

US URGENT

3873

IS POLAD

**CONFIDENTIAL**

APR 16 1947

BERLIN

814

Reurtel 221 Jan 27. Extensive consideration has been given your questions and OMGUS cable CC7904 Feb 3. Discussions on points raised were held with Bennett during his visit here and Abba Schwarz of IGCR.

Part I

Draft paper now in SWNCC will answer CC7904 substantially as follows:

Re par 2A CC7904. Monetary gold to gold pot. Gold coin having primarily numismatic value and meeting conditions WX85682 will go IGCR.

Re par 2B. All coins included W90078 except gold coins and numismatic coin.

Re par 2C. Under W90078 no claims to be accepted from occupied countries for currencies unoccupied countries. Such claims to be settled between countries concerned.

Re par 2D. WX85682 generally not exception to restitution directives, since it covers only property where restitution cannot be made under present practice and concepts. WX85682 is directive for one type property only, i.e.

that of victims nazi persecution if it cannot be returned to govt or if heirless. Therefore basically no conflict with restitution directives. Re currencies securities para 4 W90078 and par 3c(1) WAR88566 changed to provide merely OMGUS retention currencies, securities which presumed looted from nazi victims and national origin of which in strict sense (country from which removed) unknown. Further instructions these currencies, securities

to be transmitted on receipt detailed info from OMGUS re amounts, types, values.

DISTRIBUTION DESIRED (OFFICES ONLY)

OR CLEARANCE

800.515/1-2747

CS/A 800 515/1-2747

DECLASSIFIED

Authority NND 760050  
 By JK Date 7/25/00

RG 59  
 Entry DF 1945-49  
 File 800.515/1-25-47  
 Box 4222

OUTGOING TELEGRAM

CLASSIFICATION

Department of State

*Confidential*

Charge Department

Washington

Charge to

- 2 -

Re par 2E. Reply will authorize unilateral disposition per directives of identifiable looted securities and of currencies with exception noted 2D. Disposition non-mon gold and currencies unilaterally not in conflict ACC restitution definition because neither type property is identifiable in sense ACC of ~~ACC~~ definition, therefore not covered by latter.

Re par 2F. Securities falling within WX85682 to be retained pending full info amounts types values involved. However, disposition thereof to IGCR not considered contrary US position ACC inasmuch as they are for most part not Ger assets or identifiable loot subject to usual restitution procedure.

Re par 3. No directives disposition this type property (except monetary gold) can be issued until there is full info re amounts available, categories, value, source (if known) etc. Such info and OMGUS recommendations requested. Re WX85682 it clearly applies only to property presumed to be loot, excluding all other property though it may be of same kind.

Part II

Foregoing covers also points you raised unrel 221, pars 1A, B, 2, 4, 8.

Reur par 3. This point cannot be decided pending receipt further info.

Generally identifiable looted property is restitutable. Question arises, packets however, whether concentration camp packets can be identified for restitution purposes without creating impossible administrative problems. Can national packets? origin be determined from packets. If not, can such origin be determined easily by matching names with available lists of victims? Suggestion has been made to by-pass this whole problem through IGCR agreement to set aside certain funds for settlement of any claims that may be submitted this type of loot. Request you or OMGUS supply all pertinent data this problem together

DISTRIBUTION  
 DESIRED  
 (OFFICES ONLY)

CR CLEARANCE

DECLASSIFIED

Activity NND 760050  
JK ESRA 7/25/00

RG 59  
Entry DF 1945-49  
File 800.515/1-28-47  
Box 4222

OUTGOING TELEGRAM

CLASSIFICATION

Department of State

*Confidential*

Charge Department

Washington

Charge to

- 3 -

with recommendations for solution.

Reur par 5. IGCR should definitely not have restitution function. However, it may be desirable give IGCR any info re identity of previous owner of property given them if arrangement for settlement of claims is made by them.

Reur par 6. WX85862 was not intended to deal with concentration camp loot only, but with all "non-mon gold" presumed to be looted from Axis victims which cannot be restituted. Therefore SS and similar loot would presumably be included.

Reur par 7A. Under instructions now pending SWGCC currency and securities ~~falling~~ falling under provisions of WX85682 will be retained by OMCUS pending transmittal full info thereon. Monetary gold, but not numismatic gold coin, considered ineligible for transfer to IGCR. Disposition to IGCR all other property eligible under WX85682 not considered conflict other directives.

Reur par 7B. Ur recommendation sound, but no conflict with other directives is apparent after issuance of pending instructions.

Reur par 9. Monetary gold should go to gold pot; non-monetary gold qualifying as non-monetary gold-see "reur (except currencies and securities) should go to IGCR, foreign currencies (Par 7A")

and identifiable looted securities should be disposed of accordance instructions.

Considered that existing directives with contemplated additional instructions are clear for bulk this material.

DISTRIBUTION DESIRED OFFICES ONLY

OR CLEARANCE

APR 16 1947

GA:AKiefer:mpe

4/8/47

*ES*

Le/E

*AM*

*Johnson, Arthur G (CTO)*

CE

*AM*

A-H

*HH*

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.515/4-2447  
Box 4226

OUTGOING TELEGRAM

CLASSIFICATION

FORM NO. 322  
7-18-46

INDICATE

Collect

Charge Department

Charge to

Department of State

Washington

2066

CONFIDENTIAL

US URGENT

AMEMBASSY

LONDON

2023

800.515/4-2447

Disposition of non-monetary gold and other assets in Germany and Austria is subject.

Ref is No. 1547 fr Moscow to SecState, rptd London as 188, Berlin as 133, rptd fr Dept to Paris as 177, Vienna as 58.

During discussions Moscow agreement reached between UK, Fr, and US reps that, in addition non-mon gold covered by Art 8, Paris Act, all valuable personal property, representing loot seized or obtained under duress fr political, racial, or religious victims Nazi Govt or satellite govts or nationals thereof which was or may be found, seized, or confiscated by Military Commanders Germany or by local authorities acting under their direction, will be made available to IGCP or its successor (IRO) by Zone Commanders; provided, however, that external or internal restitution such property impossible because determination national origin not practical or because owner has died without heirs or ownership cannot be determined, respectively.

It was understood this agreement not predicated upon interpretation Art 8, Paris Act. Although

CONFIDENTIAL

7/8 1947

800.515/4-2447

CS/IV

800.515/4-2447

DISTRIBUTION DESIRED (OFFICERS ONLY)

CR CLEARANCE

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8  
RG 59  
Entry Dec-Files  
1945-49  
File 800.575/4-2447  
Box 4226

OUTGOING TELEGRAM

CLASSIFICATION

Collect  
 Charge Department:  
Charge to

Department of State

CONFIDENTIAL

Washington

-2-

Although point not discussed Moscow, assumption this Govt that IGCR will use in same manner as non-monetary gold delivered pursuant Art. 8 ~~Paris Reparations Agreement~~

*JAT  
AK*

Agreement also reached Moscow that assets in hands of occupation authorities in Austria of type outlined above (valuables and non-mon gold) to be treated in same way as assets described above will be treated in Germany, except that disposition may be made under Art. 44 (2) Draft Treaty Austria for such assets as are of purely Austrian origin or where understanding existed over such assets with Austrian Govt.

Request you seek confirmation these arrangements from Brit, Fr Govts, such confirmation to be regarded as adequate reply to notes delivered by you this subject Nov 20, 1946. You shld also request fr Brit and Fr govts. statement re implementation agreements. Understood Moscow that Brit and Fr govts wld simply send relevant instructions their commanders Germany, Austria such implementation and deliver any assets within agreement which have been removed.

*JAT  
AK*

Foregoing arrangements considered render unnecessary further negotiations re proposed Fr-FonOff note rptd Paris Embtel 1687, rptd London as 329.

Request

DISTRIBUTION DESIRED  
(OFFICES OR)

CR CLEARANCE

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.575/4-2447  
Box 4226

OUTGOING TELEGRAM

CLASSIFICATION

Collect  
Charge Department:  
Charge to

Department of State

CONFIDENTIAL

Washington

-3-

Request Emb Paris ask Fr govt final decision ~~re section~~  
re section Hungarian gold train Fr Zone Austria.

Sent to AMEMBASSY London as 2023, AMEMBASSY Paris as 1695  
for action. ~~Botd~~ Botd to USPOLAD Berlin as 1032, AMLEGATION  
Vienna as 304, AMEMBASSY, Brussels for Daspit as 648 for  
info.

*Marshall*  
*(CPK)*

*GA:AFK:efar:mlg*  
*5/1/47*

*ES*

*FN*

*CK*  
*CE*

*WE*  
*W*

*BC*

*A-H*

TELEGRAPH  
RELEASE DESK

MAY 8 PM 7 1/8

DC/T

DISTRIBUTION  
DESIRED  
(OFFICES ONLY)

CR CLEARANCE  
*947 P M*

DECLASSIFIED  
Authority NND 760050  
By EK WARA Date 7/8

RG 59  
Entry Dec-Files 1945-49  
File 800.575/4-2447  
Box 4226

FORM DS-922  
7-18-46

~~CIPHER~~  
**OUTGOING TELEGRAM**

CLASSIFICATION

INDICATE

Collect

Charge Department

Charge to

**Department of State**

Washington

CONFIDENTIAL

2066

US URGENT

DISPOSITION OF NON-MONETARY GOLD AND OTHER ASSETS  
IN GERMANY AND AUSTRIA IS SUBJECT

AMEMBASSY  
LONDON

~~AMERICAN DIPLOMATIC AND CONSULAR OFFICERS~~

Ref is No. 1547 fr Moscow to SecState, rptd London as 188; Berlin as 133, rptd fr Dept to Paris as 177, Vienna as 58.

During discussions Moscow agreement reached between UK, Fr, and US reps that, in addition non-mon gold covered by Art 8, Paris Act, all valuable personal property, representing loot seized or obtained under duress fr political, racial, or religious victims Nazi Govt or satellite govts or nationals thereof which was or may be found, seized, or confiscated by Military Commanders Germany or by local authorities acting under their direction, will be made available to IGCR or its successor (IRO) by Zone Commanders; provided, however, that external or internal restitution such property impossible because determination national origin not practical or because owner has died without heirs or ownership cannot be determined, respectively.

It was understood this agreement not predicated upon interpretation Art 8, Paris Act.

Although  
~~SECRET~~

DISTRIBUTION  
DESIRED  
OFFICES ONLY

CR CLEARANCE



JUN 11 1947

In reply refer to  
FA  
~~SPD~~ SPD

My dear Mr. Rosenthal:

The receipt is acknowledged of your communication dated  
concerning property in Germany

April 25, 1947

The Department is not yet in a position to indicate what procedures may be adopted to deal with the establishment of rights asserted to property in Germany of which the claimants were deprived during the Nazi regime by forced sale or otherwise. It may become necessary for the interested persons to take action on their own behalf before the appropriate authorities in Germany when the necessary procedures have been established. Due publicity will be given in the press to any such measures which may be adopted.

To be of all possible assistance in this matter, however, the Department has transmitted the information which you have furnished to the United States Political Adviser at Berlin with a request that an investigation be made in an endeavor to ascertain the present status of the property in question

and to inform the appropriate military authorities of your interest therein. Upon receipt of the Political Adviser's report, I shall be glad to communicate with you again.

It appears from your letter that you were naturalized as an American citizen on August 13, 1946. With respect to claims arising prior to your naturalization, it may be pointed out that under international law and the generally accepted practice, claims may in general be advanced by

one

Mr. Bernhard Rosenthal,  
1172 President Street,  
Brooklyn 25, New York.

345770

SPD:JBRapp:im

5/28/47

Le/C

BA

DECLASSIFIED  
Authority NJD 96902  
By JN NARA Date 7/6

RG 59  
Entry CAF 1950 54  
File 258-1141  
Box 1026

RE  
HT  
C. Rosenberg

345770 - Rosenthal from [unclear] 4/25/47

ew  
arn  
d -  
in-  
erm-  
ny  
l im-  
000.  
f  
in  
heim  
m-  
erty

one country against another country on behalf of claimants or of nationals of the country presenting the claim only when the claim was in its inception, and remains continuously thereafter, that of a national of such country. The Department is not now in a position to state whether this situation may be modified in connection with the peace negotiations or otherwise.

The Department understands, however, that the question of pension claims is being studied by the Allied Control Council in Berlin but that no conclusion has, as yet, been reached as to whether such claims are to be recognized as valid.

It must also be emphasized that, to obtain an investigation of the present status of property in Germany, or to have such property taken under control by the Military Government, a substantial ownership interest on the part of the person now an American citizen must be demonstrated. While you have stated that you were a president of the Jewish congregation at Nordheim, it must be assumed that the interest in the property constituting the synagogue and its equipment was the joint interest of the congregation, and that your personal share must have been distinctly a minority interest. The Department must, therefore, decline to request an investigation of the present status of the synagogue and its equipment unless a substantial American interest is demonstrated.

Sincerely yours,

For the Secretary of State:

Francis E. Flaherty  
Acting Assistant Chief  
Special Projects Division

SPD:JERapp:im

5/28/47

Le/C

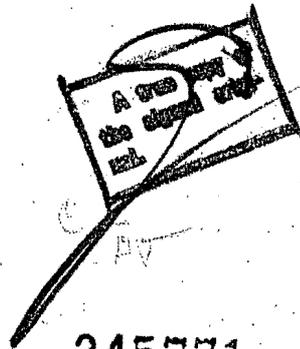
GA

SPD:JERapp:im

5/28/47

Le/C

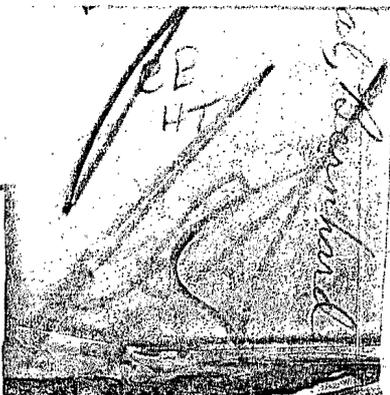
BA



345771

DECLASSIFIED  
Authority NND 96902  
By JA NARA Date 7/16

RG 58  
Entry CDF, 1950-54  
File 256.1141  
Box 1026



Spd

JUN 11 1947

362.115 ROSENTHAL, BERNHARD/4-2547

UNRESTRICTED

No. 6302

To the  
United States Political Adviser on German Affairs,  
Berlin.

The Secretary of State encloses herewith copies of a communication received from **Mr. Bernhard Rosenthal** concerning property in Germany.

The Political Adviser is requested to ascertain the present status of the property in question and inform the appropriate authorities **to Mr. Rosenthal's interest therein.**

The Political Adviser is further requested to submit a report for possible transmission to the inquirer.

ew  
arn  
d -  
in-  
erm-  
ny  
L im-  
000.  
f  
in  
heim  
m-  
erty

✓ Enclosures:

Three copies of Mr. Rosenthal's statement.  
Three copies of reply to Mr. Rosenthal.

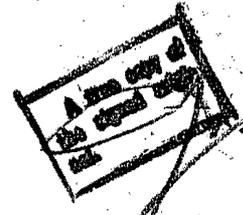
Lew  
20 1947

SPD:JBRapp:im

5/28/47

Le/C

BA



CS IV

345772

Administrative routing slip with fields for 'To', 'From', and 'Date', containing handwritten initials and dates.

FSL-6  
10-10

DECLASSIFIED  
Authority NND 96902  
By JN NARA Date 7/16

RG 50  
Entry CDF, 1050-04  
File 256:1141  
Box 1026

345773

America  
New York  
New York

April 25, 1947

SPECIAL PROJECTS  
DIVISION  
APR 29 1947  
DEPT. OF STATE

The Department of State,  
Division of Foreign Service Administration  
Washington 25, D.C.

Gentlemen:

SPC  
302.627/1147

May I take the liberty of respectfully submitting you the following report and request:

I, Bernhard Rosenthal, being duly sworn, depose and say:

I am living at 1172 President Street in Brooklyn 25, N.Y.

I was naturalized as an American Citizen on August 13, 1946 in the United States District Court for the Eastern District of New York (Naturalization Certificate No. 6664879)

I am Jewish. I was of German nationality.

I was the registered owner of the house No. 50, with courtyard, barn and stables, situated on the Hauptstrasse in the village of Nordheim before the Rhoen (mountains), circuit of Mellrichstadt, administrative district of Wuerzburg, state of Bavaria, country of Germany. I used that house as a dwelling and for the purposes of my business in clothes, dry-goods, toys etc.

I purchased that real estate in 1911; after having made several improvements, I estimate its real value more than Reichsmark 12 000.

Some years before I emigrated, I got an offer for the house of that amount, but I refused. But when the situation of the Jews in Germany grew worse, I asked repeatedly the Burgomaster of Nordheim Albert Bayer, to permit me, to sell my house, but he denied.

In the night from November 8th. to 9th. 1938 a gang of Nazistorn-troopers, especially from Ostheim, near Nordheim, raided my property

Very respectfully yours,  
Bernhard Rosenthal

Sworn and signed before me  
on this 26th day of April 1947

Jack Mayer

DECLASSIFIED  
Authority NND 98902  
By JA NARA Date 7/16

RG 59  
Entry CDF, 1950-54  
File 256.1141  
Box 1026

smashing the windows of the store and of the house, throwing the merchandises from the store to the street and into a near water, stealing a part of the merchandises, destroying the equipment of the store. Therefore I and my family must leave the house, and we must take shelter at a friendly Gentile family. On the next day I was arrested by the State police, and I was taken to the municipal prison in Neustadt on the Saale (river), where I had to stay for four days. In the meantime, the above named Burgomaster asked my wife, to sell the house, in my behalf; she refused.

On October 3.1940, we emigrated. In April 1941, Mr. Richard Mueller in Wierzburg, formerly an attorney-at-law, later on a licensed counselor for Jewish people, informed me, by letter, that in my absence the house has been sold to a certain Mr. Franz Hippele in Nordheim for a cost of as little as RM.4 000, while the same Franz Hippele had offered me for the house a cost of RM.6 000. It is unknown to me, who sold the house in my behalf; for I hadn't authorized anyone to do so. Moreover, I didn't get even a penny of the money.

Furthermore, I was the registered owner of three lots of arable land, situated in the same community of Nordheim. According to the above mentioned letter of Richard Mueller, those three lots, too, were sold, in my absence and without my consent, as follows:

- a) to Alfred Hauk for a cost of RM.200,00
- b) to Otto Breunig " " " 180,00
- 3) to Rudolf Heurung " " 80,00

My own cost price for those 3 lots was, some years before, RM.500, but the real value, at the time of the sale, was about RM 1 100.

I claim restitution of the property of both the house and of the 3 lots of arable land, furthermore reparation for all emoluments, the present owners were and will be taking of the real estates.

I claim indemnification for any damage against the former "Bauern-fuehrer (leader of the peasants) Rother, living at Bahra, near

Nordheim, who has managed the sale of the 3 lots, according to his own postcard.

DECLASSIFIED  
 Authority WJD 96902  
 By JA NARA Date 7/16

you, to tak  
 for/bia, t  
 is, to orde

RG 59  
 Entry CDF, 1950-54  
 File 256.1141  
 Box 1026

to protect my claim, esp-  
 all or to mortgage the  
 to pay

of the realestates, finally, to appoint an offic

the present owners were and will be taking of the real estates.  
I claim indemnification for any damage against the former "Bauern-  
fuehrer (leader of the peasants) Rother, living at Bahra, near

Nordheim, who has managed the sale of the 3 lots, according to his  
own postcard.

I request you, to take all steps, necessary, to protect my claim, esp-  
ecially to for/bid, the present owners, to sell or to mortgage the  
real estates, to order, that the owners have to pay rent for the use  
of the real estates, finally, to appoint an official administrator,  
for which activity I propose the present Burgomaster Leo Strauss  
in Nordheim.

As a veteran of World War I I am entitled to a pension of RM. ~~10.45~~  
a month. That pension was paid, till June 1941, to a blocked bank acc-  
ount with Bayerische Hypotheken-und Wechselbank, Branch Bad Neu-  
stadt a/S; the amount of that bank account is RM. 185,05. I claim  
that amount against the above named Bank, and I claim payment of  
the pension since July 1, 1941 for life, against the responsible  
German authority.

of which  
In Nordheim there was a Jewish congregation, a president I was; the  
congregation owned a synagogue with the usual equipment. In Novem-  
ber 1938 the synagogue was demolished by the mob in Nordheim, and  
the equipment, as holy scrolls (Thorarollen, silverware etc.) were de-  
stroyed and stolen.

I request you, gentlemen, to appoint an administrator for the sail,  
owned by the congregation, and for the equipment, as far as it still  
exists.

I request you, to forward this my report to the proper authority  
of the Military Government in Germany.

Many thanks in anticipation for your cooperation.

3 copies are enclosed.

Very respectfully yours

*Bernhard Rosenthal*  
Bernhard Rosenthal

Sworn and signed before me  
on this 26<sup>th</sup> day of April 1947.

*Jack Mayer*

DECLASSIFIED
Authority <u>NJD 91902</u>
By <u>JN</u> NARA Date <u>7/16</u>

RG	<u>59</u>
Entry	<u>CDF, 1950-54</u>
File	<u>256.1141</u>
Box	<u>1026</u>

345775

RG	<u>59</u>
Entry	<u>CDF 1945-49</u>
File	<u>362.3651-5b</u>
Box	<u>1816</u>

*1/2*

~~STD~~

DC/R

*File*

*G*

362.625 BAER, KLARA/6-2047

OS/JRC

362.625 Baer, Klara/6-2047

*New*

FEB 16 1949

FILED

345776

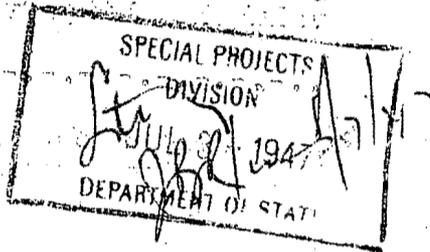
RG	59
Entry	CDF <sup>1945</sup> / <sub>49</sub>
File	362.3651-56
Box	1816

*Registered 2050*

Klara B a e r  
c./o. Fritz Dittmann  
194 Oxford Street  
Rochester N.Y.

20. June 1947

Department of State  
Justice Department  
Washington 25 D.C.



Dear Gentlemen:

I was deported 1940 from Mannheim, Germany to France and was in several Concentration Camps for over 5 years.

I have already my first papers Certification No. 0703-K-1051.--

During Nazigovernment confiscated all my property:

Judenabgabe Rath (Jewish Contribution) seized by Governement paid to Finanzamt Mannheim Stadt Germany 1939/1940 about \$ 5500.-- accrued interest since 1939 \$ 2000.--

Jewelry seized by Governement, Staedt. Leihamt, Mannheim 1939 \$ 10000.--

Building Q 4,12, Mannheim, seized by Governement 1940 value \$ 45000.-- accrued rent since 1940 \$ 8860.--

Rheinische Hypothekenbank, Rheinische Hypothekenpfandbriefe seized by Governement

\$ 3950.-- accrued interest \$ 850.--

Sparkasse , Mannheim, seized by Governement \$ 500.-- accrued interest \$ 110.--

Commerz und Privatbank, Mannheim, ~~seized~~ seized by Governement \$ 1900.-- interest accrued \$ 300.--

Commerz und Privatbank, Mannheim,, seized ~~by~~ by Governement stocks, bonds,

My home, Mannheim, Waldparkstrasse 23, 5 rooms seized by Governement value, \$ 10000.--

Mr. and Mrs. Adolf May, Mannheim, Waldparkstrasse 23 have to give back to me \$360.-- money, fur, mink and other valuable things value \$ 220.--

*AKA*

345777

RG	59
Entry	CDF <sup>1945</sup> 49
File	362.3651-56
Box	1816

Mr. and Mrs. Graf, Mannheim, Waldparkstrasse 23 have to give back to me money \$ 30.-- furs, ~~ink~~, skunk and other valuable things value \$ 220.--

X Rheinische Hypothekenpfandbriefe (Depot Rheinische Hypothekenbank)

I. Reihe 44 Buchstabe F No 1259-60-61

II. " 44 " E " 4260 -61

III. " 44 " D " 3858

IV. " 44 " B " 9593-94

Please help me, obtaining back my confiscated property

Thank you very much

Very truly yours

*Ilana Baer*

*Subscribed and sworn to  
before me this 25<sup>th</sup> day of June 1947*

*Charles Valovitch  
Notary Public*

CHARLES VALOVITCH  
Notary Public  
Monroe County  
Number 3182  
March 24 1948

RG	<u>59</u>
Entry	<u>CDF</u> <sup>1945</sup> / <sub>49</sub>
File	<u>362.3651-5b</u>
Box	<u>1816</u>

345779

AUG 7 1947

In reply refer to  
DS 362.625 Baer, Klara/6-2047.

My dear Miss Baer:

The receipt is acknowledged of your sworn statement in quadruplicate, dated June 20, 1947, with reference to your property interests in Germany.

You will readily appreciate that the services of this Department in connection with the investigation of the present status of property abroad are restricted to the interests of American citizens. However, you may, if you so desire, communicate directly with the Office of Military Government for Germany (U.S.), A.P.O. 742, care of Postmaster, New York, New York. Three copies of your sworn statement are returned herewith for possible use in communicating with that office. There is also enclosed a copy of a General Information Sheet Concerning American Property in Germany with several paragraphs indicated in the margin since these may be of special interest to you.

Sincerely yours,

For the Secretary of State:

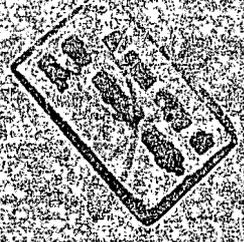
Francis E. Flaherty  
Acting Assistant Chief  
Special Projects Division

Enclosures:  
General Information Sheet.  
Three copies of sworn statement returned.

Miss Klara Baer,  
c/o Fritz Dittmann,  
194 Oxford Street,  
Rochester, New York.

DS:JBRapp:im

8/5/47



DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.515/6-2647  
Box 4231

DIVISION OF  
COMMUNICATIONS AND RECORDS  
TELEGRAPH BRANCH

DEPARTMENT OF STATE  
INCOMING TELEGRAM

ACTION COPY

3-X

CONFIDENTIAL

Control 9162

Rep'd June 26, 1947  
6:27 p.m.

Action: ~~ESP~~  
Info:  
S/S  
UE  
A-H  
EUR  
LE  
DCD  
CIG  
DC/L  
OFD  
FC  
OIC  
DC/R

FROM: Berlin  
TO : Secretary of State  
NO : 1554, June 26, 10 p.m.

	ACT	INF
ESP		✓
ES		2
GA	✓	2
JK		

Reference Department's telegram 1322, June 24.

Below is text of cable which OMGUS is sending War today.

REURADS WX-94503 and WX-99226 as amended. Restitution to ex-enemies is subject.

British have introduced paper on restitution to ex-enemies CORC/P(47) 147 which has been placed on CORC agenda for 25 June and is quoted in full as follows:

"British memorandum on the eligibility of additional nations for restitution.

One. A United States proposal on the above mentioned subject CORC/P(46) 221 was considered by the coordinating committee at its 61st meeting on 26 June 1946. The subject requires review in the light of the peace treaties signed with Italy, Rumania, Bulgaria, Hungary and Finland in Paris on 10 February 1947.

Two. It is defined in CORC/P(46) 143, paragraph 3 dated 17 April 1946 that "no nation shall be eligible for restitution unless its territory was occupied in whole or part by the German armed forces or the forces of their allies and unless it is a United Nation or shall have been specified by the Allied Control Council".

Three. By the provisions of the peace treaties with the ex-enemy countries, Italy, Rumania, Bulgaria,

Hungary

CONFIDENTIAL

PERMANENT RECORD COPY: THIS COPY MUST BE RETURNED TO DC/R CENTRAL FILES WITH NOTATION OF ACTION TAKEN.

800.515/6-2647

NS

345780

DECLASSIFIED  
 Authority NND 760050  
 By EK NARA Date 7/8

RG 59  
 Entry Dec-Files  
1945-49  
 File 800.515/6-2847  
 Box 4231

## CONFIDENTIAL

-2-, #1554, June 26, 10 p.m., from Berlin.

Hungary and Finland become eligible for restitution which is to be effected 'in accordance with measures which will be determined by the powers in occupation in Germany'. (See Article 77, paragraph 3 of the peace treaty with Italy. This paragraph is common to the additional nations mentioned above.)

Four. As the provision in the peace treaty quoted in the preceding paragraph envisages quadripartite action, it is proposed that the coordinating committee:

(A) Amplify CORC/P(46) 143, paragraph 3 to specify by name the following five additional nations as eligible for restitution from the date of ratification of the respective peace treaties: Italy, Rumania, Bulgaria, Hungary, Finland;

(B) Restrict restitution in respect of these nations in accordance with the peace treaties to the extent that: (I) restitution should be limited to identifiable property removed by force or duress, (II) removals should have taken place after the following dates:

Italy from 3 September, 1943  
 Rumania from 12 September, 1944  
 Bulgaria from 28 October, 1944  
 Hungary from 20 January, 1945  
 Finland from 19 September, 1944

(See Article 77, paragraph 2 of the peace treaty with Italy and common to the additional nations mentioned above.)

Five. As the peace treaties provide (e.g. peace treaty with Italy, Article 75, paragraph 6 which is common to the other ex-enemy countries mentioned above) that Allied Nations shall submit claims for restitution to these ex-enemy states during a period limited

to six

CONFIDENTIAL

345781

DECLASSIFIED  
 Authority NND 760050  
 By EK NARA Date 7/8

RG 59  
 Entry Dec-Files  
1945-49  
 File 800.515/6-2647  
 Box 4231

CONFIDENTIAL

-3-, #1554, June 26, 10 p.m., from Berlin.

to six months from the coming into force of the treaties, it is considered that a six months time limit for claims should also be imposed on these additional nations claiming restitution from Germany, starting from the date on which they are admitted by the coordinating committee to be nations entitled to restitution.

Six. The political directorate will inform the Control Council of the ratification from time to time of the respective peace treaties.

Seven. Since the peace treaty with Austria, an ex-enemy nation, is still under negotiation; this country has not been included in this paper for consideration as an additional nation eligible for restitution."

British paper raises squarely conflict between your directives and provisions of peace treaties as well as quadripartite versus our unilateral action. It notes that peace treaties make these nations eligible for restitution, but reaffirms principle of quadripartite approval by Allied Control Council before actual admission of non-United Nations to restitution. As against this, we have as you know started unilateral restitution to ex-enemies pursuant to your WX-94503.

Restitutions are, in general, on more generous terms than provided in the peace treaties, and differ from the treaties as follows:

One. Dates set by WX-99226 as amended go further back than treaty dates to advantage of ex-enemies.

Two. Peace treaties limit restitution to property of ex-enemy nation or its nationals and require removal by force or duress by German forces or authorities. Under your directives we reconstitute any property irrespective of ownership and are satisfied if removal

was by

CONFIDENTIAL

345782

DECLASSIFIED  
 Authority NND 760050  
 By EK NARA Date 7/8

RG 59  
 Entry Dec-Files  
1945-49  
 File 800.515/6-2847  
 Box 4231

## CONFIDENTIAL

-4-, #1554, June 26, 10 p.m., from Berlin.

was by general direction of ex-enemy's government or without compensation, or even removal by owner himself without compensation as in case of Hungarians.

Three. Whereas British paper interprets treaty clause 'in accordance with measures which will be determined by the powers in occupation in Germany' to envisage quadripartite action, we are proceeding on the theory that each zone commander is authorized by this treaty clause to determine such measures unilaterally for his zone.

Four. Hungary in particular has received and continues to receive preferential treatment upon your specific direction (see your WX-94503) irrespective of peace treaty and possibly going beyond even directive WX-99226 as amended.

Five. You outlined in WX-97388 as one of the basic principles of restitution to Hungary that Hungary is also to receive property removed from Transylvania prior to 23 August 1944 although United States Government considers Vienna award null and void and although such property therefore constitutes part of Rumanian patrimony. As against this insistence on a strict application of WX-99226 as amended, you suggest in WX-80586 that art treasures be returned to Italy even though removed prior to date set by WX-99226, as amended by WX-92218 or peace treaty date.

Six. You state in WX-94503 that peace treaties merely spell out certain minimum rights in regard to restitution and that you are free to exceed such minimums. On the other hand, under paragraph 6, WX 99226 the German economy is accorded a certain priority. Where such priority is granted, restitution will be less than what you interpret to be peace treaty minimum.

Seven. The

CONFIDENTIAL

345783

DECLASSIFIED	RG
Authority <u>NND 700050</u>	Entry <u>Dec-Files</u> <u>1945-49</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>800.515/6-2647</u>
	Box <u>4231</u>

## CONFIDENTIAL

-5-, #1554, June 26, 10 p.m., from Berlin.

Seven. The paper we originally initiated granted restitution to Austria and we are now making such restitution unilaterally. British paper specifically excludes Austria from restitution for the time being upon the ground that peace treaty with this ex-enemy nation is still under negotiation.

Moreover, we are applying for Austria date of 12 March 1938 although USSR representative in CORC categorically stated at 75th meeting 7 September 1946 (CORC/P) 46 (46) that this date was not acceptable to him.

Eight. British paper proposes in paragraph 5 to limit filing of restitution claims by ex-enemy nations to six months after their admission to restitution by CORC. This is an analogous application of peace treaty provisions concerning filing of restitution claims by Allied Nations against ex-enemies. Such limitation may easily conflict with your more generous restitution policy toward ex-enemy nations.

Obviously in view of various directives received from you we cannot agree to British paper. On the other hand we will be in difficult position opposing it and attempting to explain and defend a unilateral policy which is neither consistent in itself (in view of various exceptions to WA-99226 as amended which you allow or sponsor. Nor reconcilable with CORC/P(46) 221 which we ourselves introduced. Argument that peace treaty provisions which our government ratified are not binding in that they stipulate merely minimum restitution rights appears wide open to attack. On the economic side restitution from one zone necessarily affects the other zones. This is particularly true in case of bizonal arrangements US/UK. Thus, if we retribute over and above peace treaties, we are doing so not only at our own but also at British expense. This consideration may lead to counter-argument against us that peace treaties stipulate not minimum but maximum restitution. Phraseology of peace treaties may

further

CONFIDENTIAL

345784

DECLASSIFIED  
 Authority NND 700050  
 By EK NARA Date 7/8

RG 59  
 Entry Dec-Files  
1945-49  
 File 800.515/6-2647  
 Box 4231

## CONFIDENTIAL

-6-, #1554, June 26, 10 p.m., from Berlin.

further be invoked in support thereof for, if certain property is specified as being "eligible for restitution", it would follow that property not specified is not eligible.

Our delegate in CORC on 25 June 1947 will be unable to discuss the British paper pending receipt of instructions from Washington and may have to make such statement. Under circumstances clarification your policies, together with instructions for our CORC delegate on British paper, is urgently requested earliest. End text.

OMGUS dispatched above cable with full knowledge content of Department's 1322 and suggested that we bring our comments on subject to attention of Department directly.

In early June British element RDR asked this office for comments on their proposed paper. We agreed to support paper to the extent of A, recommending to American member RDR that he approve paper and B, recommend approval to the Department with request that OMGUS be instructed accordingly. Our 1405, June 10, was dispatched with full knowledge and concurrence of OMGUS. It was assumed that if Department approval recommended action, OMGUS would agree. If OMGUS had objection to British proposal, this should have been voiced at that time. See no conflict between treaty provisions or provisions of British paper and OMGUS directives since WX-94503 stated that treaty provisions were minimum and not maximum rights. Also believe that question of interpretation of treaty as to whether it means quadripartite or unilateral action is not at issue since we can approve British paper with reservation that our present directives providing a more generous treatment in United States zone are not thereby affected.

Interpretation of meaning of "removal by force" is under all circumstances subject to considerable

latitude.

CONFIDENTIAL

345785

DECLASSIFIED  
Authority NND 760050  
By EK WAPA Date 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.515/6-2647  
Box 4231

CONFIDENTIAL

-7-, #1554, June 26, 10 p.m., from Berlin.

latitude since it must be interpreted in the final analysis by the zone commander. Hence the difference between treaty provisions and OMGUS directives on this point seems unimportant and should surely not affect our acceptance of British proposal.

MURPHY

EEC:PPM

CONFIDENTIAL

RG	59
Entry	CDF <sup>1945-</sup> 49
File	362.3651-5b
Box	1816

*Isserman, Isserman & Kapelsohn*  
*Counsellors at Law*

MORRIS ISSERMAN  
 SOL D. KAPELSOHN  
 JACK LERNER  
 IRVING LEUCHTER  
 ALEX TURAK

FEDERAL TRUST BUILDING  
 NEWARK 2, NEW JERSEY  
 MITCHELL 2-0885

July 17, 1947.

Division of Financial Affairs,  
 Department of State,  
 Washington, D. C.

Gentlemen:

I represent Mrs. Laura H. Bauer of Jackson Heights, New York, in her claim for "debts due from enemy". Mrs. Bauer had been resident in Germany and was deprived of a considerable amount of money, property and securities, by the former government there. Mrs. Bauer has not yet become a citizen of the United States. She had previously made a return of her assets in Germany to the "Trading With The Enemy Department" in London, England, but subsequently thereto she became resident in the United States, and is becoming a citizen. Consequently, she desires now to make her claim to the United States State Department. Will you please advise what procedure is necessary.

I would appreciate anything that you may be able to do to facilitate this matter.

Very truly yours,

*Alex Turak*  
 ALEX TURAK.

AT:icw

DEC 31 1947

RECEIVED  
 DEPARTMENT OF STATE

1947 JUL 10 33

RECORDS BRANCH

VICINITY OF FINANCIAL AFFAIRS  
*reply drafted*  
 FN JUL 21 1947 file  
 "1/24 ISS: [initials]"  
 DEPARTMENT OF STATE

*FX*

*DC/R*

362.625 BAUER, LAURA H.

FILED

CS/V

17-1747

362.625 BAUER  
 Laura H. 17-1747

RG 59  
Entry CDF <sup>1945</sup>/<sub>49</sub>  
File 362.3651-56  
Box 1816

345788

RECEIVED  
MEMORANDUM FOR THE SECRETARY  
AND CHIEF OF BUREAU

DEC 31 1947

In reply refer to  
FN 362.625 Bauer,  
Laura H./7-1747

My dear Mr. Turak:

Reference is made to your communication dated July 17, 1947, concerning the desire of Mrs. Laura H. Bauer to file a claim based on certain property of which she was deprived during the Nazi regime.

You inquire as to the procedure to be followed to enable Mrs. Bauer to register her claim with the Department of State. There are no facilities for the filing with this Department of claims based on such property interests. The United States Office of the Military Government for Germany has, however, promulgated a law to effect the restitution of identifiable property taken from its rightful owners who were wrongfully deprived of such property by the German Government. There is enclosed for your information a copy of a press release announcing the restitution law. Your attention is invited to the fact that Military Government Law No. 59 affects only identifiable property now located in the American zone of occupation, excluding the United States sector of Berlin. No procedure has been established as yet for the filing of claims for the restitution of funds confiscated in favor of the German Government nor have the British, French or Soviet occupying authorities yet approved any legislation dealing with the restitution of property now located within their respective zones of occupation. Both of these matters must await further legislation and you may be assured that due publicity will be given in the press to any measures that may be adopted to enable individuals to submit their claims in the proper form and to the proper claims agency.

Sincerely yours,

For the Acting Secretary of State:

*WJ*  
William J. Stibrav  
Assistant Chief  
Division of Financial Affairs

Enclosure:  
Press Release.

Mr. Alex Turak,  
Federal Trust Building,  
Newark 2, New Jersey.

the signed copy  
incl  
FAK

DECLASSIFIED

Authority NND 760050By EK NARA Date 7/8

RG

59Entry Dec-Files1945-49File 800.55/943-47Box 4235

SECRET

-2-#1403, September 13, 4 p.m., from Brussels

substantial quantities principally coins. For commission to rely on possibly inaccurate balances in preparing shares for shipment to claimants would appear to invite criticism objections to signing receipts and could result in claims for corrections; (D) need for personnel skilled in handling gold in order to assemble shares according to directions from Gold Commission. These functions in judgment of Commission experts cannot be performed satisfactorily under conditions prevailing and with personnel available in Frankfurt; (E) if gold in vaults of central bank, transfer of shares can be effected by earmark while transfers from Frankfurt would entail physical shipment individual shares. Prospect meeting October 15 deadline enhanced therefore if all Frankfurt gold moved initially to a central bank.

3. Appears principal objections to moving gold from Frankfurt as follows: (A) Probable French insistence it be moved to Paris (B) loss by US of control of gold and thus of final power of decision and of effective means of assuring signature of proper receipts and prompt fair distribution; (C) possibility of legal action by dissatisfied claimant to attach gold.

4. In view possible disagreement regarding handling Frankfurt gold, Dept may wish consider avoiding delay by taking position custody this gold US responsibility until distributed or turned over to Gold Commission. US could then have gold moved to Belgian Bank Brussels and held there subject to US orders. Retention of gold for account US would in considerable measure avoid problem raised paragraph three (B) above and might somewhat minimize risk of attachment by dissatisfied claimants. Problem would remain of securing Commission agreement to payment of transportation, custody and handling charges pending distribution or delivery to Gold Commission. British Delegation has informally stated custody of gold not a matter for Gold Commission but for govts holding gold. This unrealistic in view interrelation of custody and distribution problems but acceptance such view by Commission would be useful if Dept wished move Frankfurt gold to Brussels on US responsibility. If Dept does not favor unilateral action regarding movement

Frankfurt

SECRET

345789

DECLASSIFIED	RG 59
Authority <u>NND 760050</u>	Entry <u>Dec-Files</u> <u>1945-49</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>800.55/943-47</u>
	Box <u>4235</u>

SECRET

-3-, 1403, September 13, 4 p.m., from Brussels

Frankfurt gold believe strong case could be made for selection Brussels by Commission in view low transportation charges and obvious convenience of custody of Commission.

5. Unable say definitely but all prior indications are that gold could be handled Brussels. Making guarded inquiries to establish adequacy of facilities.

6. In deciding whether to move Frankfurt gold, feel immediate consideration necessary of legal question whether sovereign immunity doctrine would protect against attachment of gold by dissatisfied claimant if (A) in name of Commission in Federal Reserve Bank; (B) in name of Commission in Belgian National Bank, Bank of France, Bank of England; (C) in name of US in above central banks.

In considering above legal points the following considerations should be noted: First, Frankfurt gold and possibly that in Federal Reserve Bank contains bars which might be specifically identified as property of certain claimants; second, banks of France and England have been nationalized; third, one disappointed claimant Poland is not a signatory of Paris-Potsdam agreements; fourth, suit asserting adverse claim of title would be against central bank not directly against Commission or US; fifth, fact that central bank holds as fiscal agent for either government or Commission.

Question of attachment not merely theoretical since after exclusion clearly invalid claims only 1/2 of remainder fall in clearly valid category. Hence amount which must be retained for some months after preliminary distribution announced will be substantial.

7. Assuming Belgian bank facilities adequate and legal risk nonexistent or not excessive, inclined to recommend Frankfurt gold be removed to National Bank Belgium to be held for account US.

8. Date requested Department's 1259, paragraph 10, now being compiled and will be cabled soonest. Have probably now received all claims though will not know until 15th

whether

SECRET

345790

DECLASSIFIED

Authority NND 760050By EK NARA Date 7/8

RG

Entry 59  
Dec-Files  
1945-49File 800.55/9-13-47Box 4235

SECRET

-4-, 1403, September 13, 4 p.m., from Brussels

whether claimants particularly Poland, Greece will supplement claims already filed. Total 719915 kg of which 140803 or 20% considered invalid; 298076 or 41% considered valid and 281035 or 39% considered possibly valid. Even allowing for some shift from possibly valid to valid category before preliminary distribution on it is apparent that reserve of at least 40% will have to be retained to meet possibly valid claims. Exclusion of Prussian mint bars would reduce total of Frankfurt gold from 233,000 to approximately 169,000 kg or by less than 28%. Apparent therefore that preliminary distribution can be made from coins and fully authenticated bars. Identification and determination fineness doubtful bars can then proceed simultaneously with consideration doubtful claims. Distribution to intermediate countries will raise political problem concerning Yugoslavs whose only substantial clearly valid claim is for gold looted by Italy and Poland which has no clearly valid claim.

9. View urgency and extreme tightness schedule here request assistance of Department in drafting form of receipt which Commission would require receiving countries to sign. Suggest it contain interalia-type waiver described paragraph 3, DEPTTEL 997, July 16. Commission should also be protected regarding deliveries to intermediate countries as provided in paragraph DEPTTEL 1259. Feel that at time of initial delivery receiving countries should be required to ratify action of tripartite powers in negotiating gold settlements with third countries.

10. Request immediate instructions all above points earliest.

11. Gold Commission meeting 15th.

Repeated London 93.

KIRK

NCB:RB

SECRET

345791

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.515/9-13-47  
Box 4235

FORM DS-322  
7-18-46

**OUTGOING TELEGRAM**

CLASSIFICATION  
**4348**  
**SECRET**

INDICATE  
Effect  
*[Handwritten initials]*

Charge Department:  X  
Charge to: Washington

**Department of State**  
Washington

**SEP 19 1947**

U.S. URGENT

**SECRET**

*H-jem*

AMEMBASSY,

BRUSSELS.  
1325  
FOR DOPR:

1. Dept and Treas opposed to movement of Frankfurt gold prior to preliminary distribution (reurtels 1403, Sept 13 and 1417 Sept 17). Believe preliminary distribution can be made from Frankfurt.

2. Following comments relate to factors listed para 2, urtel 1403:

(A) Although Howard inventory made under difficult conditions, report concludes that work is substantially accurate. Dept and Treas satisfied with Report as basis for preliminary distribution.

(B) Not necessary to move gold to determine which bars lack authentic assay record. In any event, we assume not many bars in this category.

(C) No necessity for verifying weights of Howard Report. All gold was weighed on US Assay Office scales by US Mint expert who weighs US gold. Not clear your reference confirming records. Schedules of gold coin were prepared and should be available in Frankfurt.

(D) Location chart and schedules of Frankfurt gold should permit selection of gold desired for preliminary distribution by non-export personnel. If temporary assignment to Commission on reimbursable basis of US Mint trained man familiar with Frankfurt Gold would expedite handling

800.515/9-1747

CS/A

800.515/9-1747  
**SECRET FILE**

DISTRIBUTION  
DESIRED  
(OFFICES ONLY)

CR CLEARANCE

DECLASSIFIED  
Authority: NND 760050  
By: EK NARA Date: 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.515/9-13-47  
Box 4235

**OUTGOING TELEGRAM**

CLASSIFICATION

Collect

Charge Department X

Charge to

**Department of State**

Washington

**SECRET**

- 2 -

handling and prompt distribution please advise and Dept and Treas will consider dispatch such man.

(E) Distribution from Frankfurt involves one shipment. Movement from Frankfurt and distribution thereafter may require additional shipments. Accordingly, do not believe latter would expedite preliminary distribution.

3. Paras 3, 4, 5 and 6 urtel 1403 and urtel 1417 confirm Dept and Treas views that movement of gold from Frankfurt before preliminary distribution would result in substantial delay which is not warranted by benefits gained.

4. We agree preliminary distribution should be made first from gold held at Federal New York and gold coin and clearly valid bars at Frankfurt. If as you indicate amount of Prussian mint bars and other doubtful bars would not exceed required reserve, Dept and Treas agree Prussian bars should be held for later distribution. Suggest pro rata distribution of each type of coin by weight. Risk of claims of counterfeits does not appear grave enough to warrant expert examination of all coin before distribution.

5. After preliminary distribution Dept would be prepared to approve the movement of doubtful values from Frankfurt for either resmelting or assay by appropriate institution.

6. Last

DISTRIBUTION  
DESIRED  
(OFFICES ONLY)

CR CLEARANCE

DECLASSIFIED  
Authority NND 700050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-49  
File 800.515/9-13-47  
Box 4235

### OUTGOING TELEGRAM

CLASSIFICATION

Collect

Charge Department

## Department of State

**SECRET**

Charge to

Washington

- 3 -

- 6. Last sentence para 8 urtel 1403 will be ~~also~~ commented on shortly.
- 7. Text waiver being prepared and will follow shortly.
- 8. Brit EMB Washington telegraphing request info required urtel 1406, Sept 15.

*Lovett (acting)*  
*0 7 7*

CODE ROOM:  as 3581  
Repeat Paris/and London ~~also~~ for Gunter as 4067

ACCELANCE DESK

V/SEP 19 PM 4 38

DCT

DISTRIBUTION  
DESIRED  
(OFFICES ONLY)

Classification approved:

*0 7 7*

CR CLEARANCE

FM:OFFletcher:ch

*MOE*  
*eto*

EUR

JWA

SECRET

*cleared with*  
*Mr. McNeil*  
Treas

SEP 19 947

RG	<u>59</u>
Entry	<u>CDF</u> <sup>1945</sup> <sub>49</sub>
File	<u>362.3651-56</u>
Box	<u>1816</u>

GERMAN INFORMATION SHEET, MEMORANDA ON  
 RESTITUTION U.S. ZONE OF GERMANY AND,

DECONTROL SENT ON 11-24-47  
 (date)

*JSR*

RG	<u>59</u>
Entry	<u>CDF</u> <sup>1945</sup> / <sub>49</sub>
File	<u>362.3651-56</u>
Box	<u>1816</u>

350

UNCLASSIFIED

FOREIGN SERVICE OPERATIONS MEMORANDUM

TO : DEPARTMENT OF STATE, WASHINGTON, D.C. October 23, 1947

FROM : AMERICAN CONSULATE GENERAL, BERLIN, GERMANY

SUBJECT : AMERICAN PROPERTY: Mrs. Klara Baer

REFERENCE:

We enclose report dated October 22, 1947, received from the Chief, Property Control Branch, Finance Division, Office of Military Government for Germany (U.S.) for transmittal to Mrs. Klara Baer c/o Fritz Dittmann, 194 Oxford Street, Rochester, New York if there is no objection thereto.

Enclosure:

As stated.

REStockbridge/ams

UNCLASSIFIED

345796

RG	59
Entry	CDF 1945-49
File	362.3651-56
Box	1816

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
 Finance Division  
 APO 742

Berlin, Germany  
 22 October 1947

Mrs. Klara Baer  
 c/o Fritz Bittmann  
 194 Oxford Street,  
 Rochester, New York

Dear Mrs. Baer:

Your letter of 25 June 1947 in regard to property located in Germany has been received in this office.

The appropriate Military Government office has been requested to take necessary protective action, if warranted.

A report on the property will be sent to you as soon as information is received regarding the action taken.

Sincerely yours,

E. N. REINSEL  
 Chief, Property Control Branch

RG	<u>59</u>
Entry	<u>CDF <sup>1945-</sup> 49</u>
File	<u>362.3651-56</u>
Box	<u>1816</u>

GERMAN INFORMATION SHEET, MEMORANDUM

RESTITUTION U.S. ZONE OF GERMANY AND

DECONTROL SENT ON NOV 25 1947  
(date)

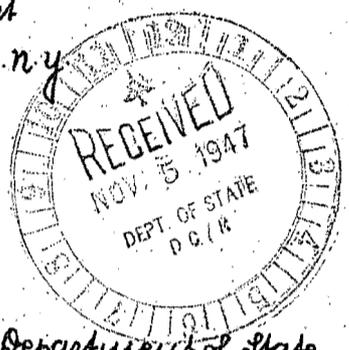
RECEIVED

DEC 1 1947

DEPARTMENT OF STATE

RG 59  
Entry CDF 1945-49  
File 362.3651-5b  
Box 1816

Greta Baer Apt. 23.  
612 West 188 Street  
New York City 33. N. Y.



The Department of State  
Washington 25, D. C.

November 3<sup>rd</sup> 1947

DIVISION OF PROTECTIVE SERVICES  
NOV - 6 1947  
DEPARTMENT OF STATE

362.625 BAER, GRETA / 11-3-47

Dear Sirs,

Re: Jewish property in Germany (U. S. zone)

I, Greta Baer of 612 West 188 Street Apt. 23, N. Y. C. 33, wish to inform you as follows:  
The property concerned is <sup>my</sup> another's house, garden and adjoining forest in BIRKENAU (i. Odenwald, near Weinheim, in the county of Hesse, now U. S. zone of occupation) 189, Hauptstrasse (called so before 1933) and then named Adolf Hitler Strasse.  
My father died in 1931 (his name was Bernhard Baer).  
Shortly after that terrible 10<sup>th</sup> November day in 1938 we (my mother Tina Baer, my two brothers, Kurt and Heinz Baer and myself) were forced to move out at a moments notice (for the reason "jews can not be allowed to live in Adolf Hitler Strasse") and compelled to live in the Jewish quarter of the village, destined by the Nazis, where we had to live in two rooms.  
We have never received any money or compensation whatsoever and the property concerned was absolutely stolen from us.  
I have left my home-town Birkenau (where I was born) in July 1939 for England however my family was deported by the Nazis in 1941, to an unknown destination and has never been heard of since.  
I stayed in England for seven years and came to this States only last year.

FILED  
NOV 11 1947

RG	59
Entry	CDF <sup>1945-</sup> <sub>49</sub>
File	362.3651-56
Box	1816

II.

As only survivor of my family, I have now written to the mayor of Birkenau, who confirmed the above mentioned and added, that the horse is now in the possession of the "Nazi-Sturmführer Peter Jakob". The present mayor however failed to give any further help nor action thereof.

Will you please convey this to the appropriate department, so that the above named Nazi is removed from our house as soon as possible and the stolen property concerned confiscated by the American authorities in Germany and returned in due course to the original owner, who is (as my mother and brothers have been deported and never been heard of since) myself.

Yours very truly

Greta Baer.

RG 59  
Entry CDF <sup>1945</sup>/<sub>49</sub>  
File 362.3651-56  
Box 1816

~~DS~~

RETURN ADDRESS

*Suecia Rosen Apt 213*

*612 West 188 Street New York City 33 N.Y.*

POST OFFICE  
STATION



To

*The Department of State*

*Washington, 25 D.C.*



DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec Files  
1945-49  
File 800.515/11-1547  
11-2347  
Box 4179

*DC/R File*  
NOV 20 1947  
DIVISION OF OCCUPIED AREAS  
ECONOMIC AFFAIRS  
DEPARTMENT OF STATE  
MURRELL BLDG.  
PHONE 820

GEORGE G. FIESINGER  
ATTORNEY AND COUNSELOR  
LITTLE FALLS, NEW YORK

WILLIAM J. DURIBEK  
ASSOCIATE

November 18, 1947

Mr. Donald W. Brown  
German-Austrian Economics Affairs Office  
State Department  
Washington, D.C.

Dear Mr. Brown:

I have just finished talking with you and wish to thank you very much for your courtesy in the matter which I am handling in the American Zone in Germany.

I explained the situation of Erich Kupfer, the gentleman that I represent. He is the sole heir of Maria and Joseph Weierman, Julius Weierman and Carl and Selma Kupfer, who owned approximately one third of the shares of a shoe factory in Bergenstadt.

As I understand the matter, the issuance of additional stock by a corporation is not under the restitutorial law promulgated 16 November 1947, but will be a matter for the German Courts to decide. The taking of stock from Jewish stock holders by individuals and corporations without adequate compensation, however, will be a matter to be taken up under the restitutorial law, as will be the taking by the Reich of bank deposits.

I wish to again state that the military government of Bavaria has done a splendid job so far as the Joseph Wierman shoe factory is concerned and has protected us in every way. When you are deluged with complaints regarding the military government, always think of this praise which I sincerely mean.

Again thanking you for your courtesy, I am,

Very truly yours,

*George G. Fiesinger*

ggf:ml  
Anal  
Mer  
Car  
Dist

800.515/11-1847

CS/IV

800.515/11-1847

DECLASSIFIED  
 Authority NND 760050  
 By EK NARA Date 7/8  
 RG 59  
 Entry Dec Files 1945-49  
 File 800.515/1-548  
 Box 4239



UNITED STATES POLITICAL ADVISER FOR GERMANY

D-499

*Kiefer* *Dulac*

Berlin, January 5, 1948

DIVISION OF OCCUPIED AREA,  
ECONOMIC AFFAIRS

JAN 22 1948

**SECRET**

DEPARTMENT OF STATE

No. 7

SUBJECT: SHIPMENT OF LOOTED VALUABLES TO THE U.S.  
THROUGH MILITARY PORT OF BREMERHAVEN.

ACTION  
 COPIES  
 TO CE  
 2-CE  
 2-FC  
 1-DGR  
 1-F.B.  
 1-A-S  
 1-075  
 3-TBE  
 3-OCED  
 1/19/48  
 CP  
 per  
 cm

The Honorable  
The Secretary of State,  
Washington, D. C.

Sir:

I have the honor to refer to Bremen's secret un-  
numbered despatch of December 11, 1947, and to Bremen's  
secret telegram of December 9, 1947, both concerning  
rumors of the shipment of gold, silver and jewels from  
Germany, and to enclose herewith a memorandum sent by  
this office to the Consulate General in Bremen in reply  
to the reference despatch and telegram.

Respectfully yours,

*Robert Murphy*  
Robert Murphy

Enclosure: *att*

Memorandum to Bremen, January 5, 1948

Original and valid to the Department.

Copies for CE - Mr. Beam  
OE - Mr. Martin  
American Consulate General,  
Bremen, Germany

DEPARTMENT OF STATE  
 B-19 JAN 19 1948  
 DC/L  
 LIAISON OFFICE

WCharaldson/rr

**SECRET**

800.515/1-548

CS/A

**SECRET FILE**

JAN 27 1948

**FILED**

345803

*WHR*

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8RG 59  
Entry Dec-Files  
1945-49  
File 800.515/12 2747  
1-748  
Box 4239**SECRET****SECRET**

Berlin, January 5, 1948

Dear Mr. Altaffer:

Reference is made to your unnumbered despatch of December 11, 1947, and to your telegram 360 of December 9, 1947, both concerning rumors which were rife in Bremen on the shipment of gold, silver, and jewels which were found in the salt mines in the American Zone of occupation and which were being shipped to the U. S.

There was nothing secretive or illegal about the shipment in question and I am surprised that Military Government at Bremen was not in possession of the facts of the matter and thus in a position to combat these wild rumors. Unless I am mistaken, the Department did issue a press release in Washington explaining the matter in considerable detail.

The Paris Conference on Reparations agreed, among other things, that all "non-monetary gold" found in Germany should be allocated for the rehabilitation and resettlement of non-repatriable victims of German action (Article 8, Final Act). Subsequently representatives of the U. S., France, Great Britain, Czechoslovakia and Yugoslavia met in Paris, pursuant to the Paris Reparations Act, and formulated an agreement on a plan for the allocation of a reparation share to non-repatriable victims of German action. This agreement provided that 90% of the proceeds of the sale of non-monetary goods should be turned over to the Inter-governmental Committee on Refugees or its successor organization for the rehabilitation of Jewish victims, the remaining 10% to be used for the rehabilitation of non-Jewish victims.

"Non-monetary gold" has been defined by the U. S. to include all valuables found in concentration camp caches, other valuables proved to be Nazi loot, e.g. certain SS caches, and all gold uncovered by the U. S. Army which was definitely not of monetary origin. The monetary gold, as you perhaps know, was collected in Frankfurt and is being pro-rated to the countries from which Hitler stole this gold, on the basis of their respective losses.

Part of this Nazi loot was the so-called "Hungarian gold train". This train contained valuable items which formerly belonged to the Budapest Jewish colony - furs, jewelry, furs, coins, etc. Retreating from Budapest westward, the Nazis and their Hungarian sympathizers sent this train into either Austria or Bavaria, I have forgotten which, where it was captured by the American Army. Part of the train, under circumstances which I

no

Maurice W. Altaffer,  
American Consul General,  
American Consulate General,  
Bremen, Germany.

**SECRET**

345804

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8

RG

Entry

File

Box

59  
Dec-Files  
1945-49  
800.515/12.2747  
1-548  
4239SECRET**SECRET**

-2-

no longer recall, managed to get into the lower part of Austria, where it was either captured by the French or ultimately fell under French authority.

During the early negotiations for restitution to Hungary, the Hungarian authorities waived their rights to restitution of this gold train when they were informed that it would be used for purposes of Jewish rehabilitation. Subsequently, however, the Hungarian Government did request its restitution, but this request was denied. That part of the train which was under American authority was originally sent to Frankfurt for cataloging and evaluation. All items of any value were turned over to the IRO, it being the successor organization of the Inter-governmental Committee on Refugees. The IRO accepted receipt of these valuables and, pursuant to the Paris Reparations Act, is to liquidate the property in question and use the funds as stipulated in the latter five-power agreement.

I do not know what plans the IRO has for the liquidation of these assets, but presumably they plan to take them to the U. S. and sell them there.

Two aspects of the problem are important, I think, in so far as the reported rumors are concerned. First, the property for the most part never belonged to Germany rightfully. All of it was taken by the U. S. authorities under circumstances which indicated that it had clearly been looted from the victims of Nazism, for example, melted-down gold fillings, personal jewelry, silverware, etc. Secondly, the U. S. did not in any way benefit by the removal of these assets from Germany. Whatever money is received from their liquidation will be turned over to the IRO for rehabilitation purposes.

Very truly yours,

Wesley C. Haralson

**SECRET**

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec Files  
1945-49  
File 900.515/1-2048  
1-27-48  
Box 4241

Circle 5-7775

American Federation of Jews from Central Europe, Inc.  
1674 BROADWAY  
Room 808-809  
New York 19, N. Y.

Max M. WARBURG  
Rudolf CALLMANN  
Co-Chairman of the Board  
  
Nathan STEIN  
President  
  
Herman MULLER  
Exec. Vice President

EXECUTIVE COMMITTEE  
Ludwig ARON  
Rabbi Leo BAERWALD  
Frederick H. BRUNNER  
Kurt M. FLEISCHHACKER  
Manfred GEORGE  
Kurt H. GRUNEBAUM  
Treasurer  
Rabbi Hugo HAHN  
Hugo HECHT  
Rabbi Jacob HOFFMAN  
Fritz KAUFMANN  
Asst. Treasurer  
Leopold LANDENBERGER  
Sol LEVY  
Asst. Treasurer  
Hans J. MEYER  
Alfred PRAGER  
Secretary  
Martin ROSENBLUTH  
Dr. Fritz SCHLESINGER  
Hermann E. SIMON  
Fred S. WEISSMAN

UNDER SECRETARY  
JAN 21 1948  
DEPARTMENT OF STATE

January 20, 1948

The Honorable  
Robert A. Lovett  
Acting Secretary of State  
Department of State  
New York, New York

DIVISION OF PUBLIC LIAISON  
PVI  
1/22/48  
RE JAN 22 1948  
to LE  
DEPARTMENT OF STATE

800.515/1-2048

My dear Mr. Lovett:

Re: Agreement Relating to the Resolution  
of Conflicting Claims to German Enemy  
Assets.

We refer to the captioned Agreement attached to the press release #944 of December 4, 1947, especially to its article 21 which reads as follows:

"This Part shall apply to property within the jurisdiction of a Party owned by an enterprise organized under the Laws of Germany in which enterprise non-enemy nationals of Parties directly or indirectly have, and on September 1, 1939, had an interest. Non-enemy nationals of Parties referred to in this Part must have been nationals of Parties as of September 1, 1939."

As an organization the aim of which is to protect and safeguard the rights and interests of Jews from Germany who suffered tremendously during the Nazi regime we take the liberty of suggesting to you that Art. 21 of said Agreement be amended in such way that victims of Nazi oppression will also enjoy the protection of their non-enemy interests in enterprises organized under the laws of Germany and outside-Germany ~~of~~ assets of such enterprises.

The reason for this suggestion is obvious: in our opinion it is a matter of justice and fairness to

exempt

Handwritten initials and marks at the bottom left of the page.

CS/V  
800.515/1-2048

DECLASSIFIED  
 Authority NND 760050  
 By EK NARA Date 7/8

RG 59  
 Entry Dec-Files  
1945-49  
 File 900.51571-2048  
1-37-48  
 Box 4241

- 2 -

exempt groups and persons, who were persecuted by the Nazis and robbed by them in an unparalleled manner, from the measures applying to enemy property. The overwhelming majority of those who fled Nazi persecution and found a new home in this country were not in a position to acquire U.S. citizenship on or before September 1, 1939, because they left Germany only after the enactment of the Nuernberg Laws in 1935 when it became apparent that there was no chance for them to remain in Germany without danger for their existence and life. The waiting period of five years for acquiring U.S. citizenship had not yet elapsed on September 1, 1939 and therefore they do not meet the requirement of Art. 21 according to which "non enemy nationals must have been nationals of the Parties as of September 1, 1939" if they are to enjoy the benefits of Articles 23 and 24.

In this connection we would like to draw your attention to the Peace Treaties with Italy, Hungary and other Satellites which define in their clauses protecting the rights and interests of United Nations nationals the term 'United Nations Nationals' as follows:

"Individuals who are nationals of any of the United Nations... at the coming into force of the present Treaty, provided that the said individuals ..... also had this status .... at the date of the Armistice with Italy" (or with Hungary, Bulgaria, etc.)

No reason can be seen why this principle should not be applied also to property owned by enterprises organized under the laws of Germany. It is therefore our suggestion to phrase the second sentence of Article 21 of the Annex to said Agreement as follows:

"Non-enemy nationals of Parties referred to in this Part must have been nationals of Parties as of the date of the coming into force of this Agreement between the Party within whose jurisdiction the property is located, and the Party of which the non-enemy nationals are nationals, provided that the said non-enemy nationals had this status at the date of the Armistice with Germany".

May we be permitted to make an alternate suggestion in pointing to Public Law 671 of August 8, 1946 amending Section 32 of the Trading With the Enemy Act and permitting the return of vested property to

"an individual who, as consequence of any law, decree

or

345807

DECLASSIFIED

Authority NND 760050By EK NARA Date 7/8

RG

59

Entry

Dec Files  
1945-49

File

900-51571-2048  
1-3748

Box

4241

- 3 -

regulation of the nation of which he was then a citizen or subject, discriminating against political, social or religious groups, has at no time between December 7, 1941 and the time when such law, decree or regulation was abrogated, enjoyed full rights of citizenship under the law of such nation".

We feel that appropriate steps should be taken in order to have the agreement of December 4, 1947 governed by the same principle as the laws of this country are governed as far as the rights and interests of Nazi victims are concerned.

We would be greatly indebted to you if you took our suggestions into favorable consideration.

Respectfully yours,

*Nathan Stein*

Prof. Nathan Stein  
President

l:n1

345808

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)  
Finance Division  
APO 742

Berlin, Germany  
20 February 1948

Mr. Carl G. Grossmann,  
780 St. Marks Avenue,  
Brooklyn 13, New York, New York.

*Sent direct  
Com 2/24/48*

Dear Mr. Grossmann:

Re: Property Claimed by Hermine Woerrle

Reference is made to your inquiry concerning subject property in Germany.

You are advised that the real estate referred to therein, located at 13 Ulmenstrasse, Munich, has been properly requisitioned by the U.S. Forces and is under the administration of the branch of Military Government which is responsible for accommodations and housings of American occupation personnel. Upon derequisitioning of the property by the housing authorities it will be released to Mrs. Hermine Hofmann.

Any future inquiries on this matter should be referred to the Military Post Commander, Munich, APO 407, c/o Postmaster New York, New York.

Sincerely,

W. N. REINSEL  
Chief, Property Control Branch

*Hermine Hofmann*

DECLASSIFIED  
Authority NJD 96902  
By JN NARA Date 7/6

RG 59  
Entry CDF, 1850-34  
File 256.1141  
Box 1526

345809

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
File 900-57511-2048  
1-37-48  
Box 4241

FEB 5 1948

In reply refer to  
Le/E

My dear Mr. Stein:

Your letter with respect to Article 21 of the Agreement Relating to the Resolution of Conflicting Claims to German Enemy Assets has been referred to this office for reply.

In line with its general policy that reparations should not be taken from victims of the Nazis, the Department attempted to secure provisions in Article 21, and also Article 27(A)(11), of a more liberal nature, in regard to nationality, than now appears in the Agreement. However, since the protection of the interests of non-enemy nationals in assets owned through corporations organized in Germany, to which these Articles mainly relate, was a special kind of protection, the other countries were desirous of restricting its scope. It was, accordingly, not possible to negotiate more liberal provisions. However, it was explicitly stated that the Agreement did not affect the right of a government to make representations on behalf of its nationals through diplomatic or other channels.

You

Mr. Nathan Stein,  
President,  
American Federation of Jews from  
Central Europe, Inc.,  
1674 Broadway,  
New York 19, New York.

*Handwritten:* FW 800.515 / 1-2048

*Handwritten:* [Signature]

*Handwritten:* 5

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8RG 59  
Entry Dec-Files  
1945-49  
File 900.51571-2048  
1-3748  
Box 4241GA 4885

- 2 -

You may also be interested in knowing that in the accounting rules for German external assets approved by the Assembly of the Inter-Allied Reparation Agency November 21 there is a provision that a government need not account for assets which it releases belonging to a German national

"(1) who was deprived of liberty pursuant to any German law, decree or regulation discriminating against religious or racial groups or other organizations, and

"(2) who did not enjoy full rights of German citizenship at any time between 1 September 1939 and the abrogation of such law, decree or regulation, and

"(3) who has left Germany (or if he has not left Germany at the final accounting under the Paris Agreement, it is proved that he intends to leave Germany within a reasonable time thereafter) to establish his permanent residence outside Germany, and

"(4) who it is proved did not act against the Allied cause during the war, and

"(5) whose case merits favourable consideration."

The effect of this accounting rule is to remove pressure on countries which desire to release assets of such German nationals, since they may do so now without fear of having to account for them.

Very truly yours,

For the Secretary of State:

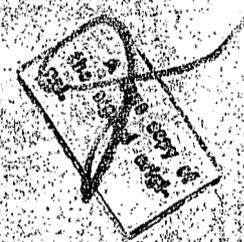
*sm*  
Ely Maurer  
Assistant to the  
Legal Adviser

*CRP*  
FEB 4 1948 P.M.

*sm*  
Le/E:EMaurer:nlo  
2-2-48

*NR*  
OE-Karasik

Le/c *BM*



345811

DECLASSIFIED

Authority NND 760050  
By WDP/NARA Date 8/10/00

RG

Entry

File

Box

59

Dec File 3  
1945-49  
800.515/4-15-49  
4-2249

4254

MAY 18 1949

In reply refer to  
EP 800.515/4-2249

My dear Mr. Eisenstaedt:

Reference is made to your letter of April 22 in regard to the possibility of recovering a ring which Dr. Hugo Fliess, a relative of yours by marriage, was forced to deliver to the Nazi authorities in 1939.

American military authorities did recover in Germany considerable quantities of gold, silver and jewelry which had been taken by the Nazis from their victims. Such property was also recovered by the respective military authorities in certain of the other Zones of Occupation.

In the American Zone of Occupation property of this type has been disposed of pursuant to restitution procedures, insofar as the property could be identified as to owner or, if looted outside Germany, the country of origin. Certain quantities of such property, being determined to be unidentifiable, have been turned over to the International Refugee Organization for the relief and rehabilitation of Nazi victims.

There is

Mr. Alfred Eisenstaedt,  
811 Eastwood Avenue,  
Chicago 40, Illinois.

800.515/4-2249

800.515/4-2249  
CS/H

RECORDED UNIT	
Encl B	
FILED	
DATE	
BY	

DECLASSIFIED  
Authority NND 760050  
By WDP/NARA Date 8/10/00

RG 59  
Entry Dec Files 1945-49  
File 800.515/4-1549  
4-3249  
Box 4254

- 2 -

There is no way by which it could be determined whether the ring belonging to Dr. Fliess was disposed of by American occupation authorities. Under the circumstances the Department regrets that it can be of no assistance in the matter.

Sincerely yours,

For the Secretary of State:

*cto*

Govey T. Oliver  
Acting Chief  
Division of Economic Property Policy

A true copy of the original file

OFD:EP:AFK:lefer:cd

5/11/49  
5/16/49

*cleared with Baker*  
GAE

 *1949*  
MAY 17 1949 P.M.

RG 59  
Entry Central Decimal File  
1945-1949  
File 800.515/6-1048  
Box 4246

DECLASSIFIED  
Authority NND 760050  
By WDP NARA Date 7/14/00



~~CONFIDENTIAL~~

WAR DEPARTMENT  
WAR DEPARTMENT SPECIAL STAFF  
CIVIL AFFAIRS DIVISION  
WASHINGTON 25, D. C.

*DC/*  
*gl*

CSCAD 387.6

10 June 1948

MEMORANDUM FOR MR. HULLICK, EXECUTIVE ASSISTANT TO THE ASSISTANT SECRETARY FOR OCCUPIED AREAS

SUBJECT: Compensation Law

1. Returned herewith is draft cable to OMGUS proposing a more comprehensive approach to the problem of compensation to individuals within Germany for various types of war losses. It is believed that this message should receive further study at this time as regards, (a) its timeliness and appropriateness in view of changes in the general situation and, (b) its adequacy as a response to the OMGUS position outlined in earlier cables, particularly CC 2520, December.

2. This matter has been discussed with Mr. Hemmendinger of your office.

*G. P. Lynch*  
G. P. LYNCH  
Colonel, GSC  
Acting Executive

- 1. Incl. State draft cable

800.515/6-1048

- (1) Loss of or damage to property caused as a result of Nazi persecution or of the war to Germans and non-Germans, compensation is provided by existing legislation in Germany.
- (2) Loss by Germans of property returned to them.
- (3) Loss or damage to property for personal injury or death suffered as a result of Nazi persecution.
- (4) Loss or damage to property caused to foreigners as a result of Nazi persecution.
- (5) Loss

BCR OPD UNIT  
Ancl. *PLH*

SEP 12 1949  
FILED

MEMO FOR RECORD  
Establishing factual background and recommendations for cable

800.515/6-1048  
CP/H

~~CONFIDENTIAL~~

781

RG 59  
Entry Central Decimal File  
File 1945-1949  
800.515/16-248-  
Box 4246 6-1148

DECLASSIFIED  
Authority NND 760050  
By WDP NARA Date 7/14/00

DATE: 3-31-48

PREPARED BY:

CLASSIFICATION: CONFIDENTIAL CRYPTO. SYSTEM(S): PRECEDENCE:

THEATER ADDRESS(ES): NAME: ACTION OR INFORMATION  
TO: OMGUS FOR: FOR: ACTION

CONTENTS OF THIS DRAFT: (CONCURRED IN BY: )  
(COORDINATED WITH )

DISTRIBUTION DESIRED: D/FO; OASW; CAD; CAD-STATE

NOTE: Submit this original in detail and one (1) tissue copy of text only. Double-spaced FROM CS/CAD.

Reurad WARX 96750, 28 February 1948, reurad CC 2520, 8 December 1947. Compensation Law is subject.

1. State still anxious obtain ~~quadrilateral~~ <sup>including as many zones</sup> legislation if possible, in any case <sup>as possible</sup> on ~~bilateral~~ basis, providing for compensation for German external assets, and for other losses mentioned hereafter.

2. State suggests following approach:

a. Passage of law providing for immediate registration of all claims based on following:

- (1) Loss of or damage to property located in Germany caused as a result of Nazi persecution or of the war to Germans and non-Germans, except as compensation is provided for by existing legislation in Germany.
- (2) Loss by Germans of German external assets.
- (3) Loss or damage to Germans for personal injury or death suffered as a result of Nazi persecution or war.
- (4) Loss or damage to property caused to Volksdeutsche as a result of forc

MEMO FOR RECORD:  
(Establishing factual transfers to Germany. background and necessity for cable)

(5) Loss

CONFIDENTIAL

345815

25-52539-2M

RG 51  
Entry Central Decimal File  
File 1945-1949  
800.515/16-248-  
Box 4246 6-1148

DECLASSIFIED  
Authority NND 760050  
By WDP NARA Date 7/14/00

- (5) Loss or damage to property located in Germany caused to Germans and non-Germans as result of reparation, demilitarization and decartelization.
- b. Simultaneous announcement that immediate legislation can only relate to registration of claims and to payment of compensation for losses of German external assets, while laws providing for payment of compensation for other claims must be deferred until acceptable evaluation formulae for such claims devised.

CONFIDENTIAL

RG 59  
Entry Central Decimal File  
1945-1949  
File 800.515/7-3148  
Box 4248

31. 7. 1948 . MB

ACTION  
is assigned to

*OFF* *OFF*

Cornelia v. Paur  
Westermühlstrasse 7  
Munich 15 (13b)  
Bavaria, Germany, U.S. Zone

Harry S. Truman  
President of the United States  
White House  
Washington, D.C.

DIVISION OF OCCUPIED AREAS  
ECONOMIC AFFAIRS

SEP 3 1948  
DEPARTMENT OF STATE  
SEP 22 1948  
DEPARTMENT OF STATE

LEGAL ADVISER

Dear Mr. President:

I beg to address this letter to you, as President of the United States of America.

Believing in real democracy I have no doubt that this letter will reach you. To give you some idea of our situation, I beg to tell you the following:

Myself, Cornelia v. Paur, am the daughter of the late privy councillor of commerce Julius Freundlich. My late father as well as my late mother were both Jewish. My father was before the Nazis came into power one of the leading personalities in Munich. Our family joint stock company, the Freundlich Brothers Ltd., was the leading lumber & timber trading company of the southern part of Germany.

My uncle, Wilhelm v. Borscht, married to my mother's sister was for over 35 years first Burgomaster of Munich. The present Mayor of Munich, Dr. Karl Scharnagel, is at all times able to verify my statements.

The reason why I have to ask you for assistance will be stated here after:

Under the Nazi government I was with my family subject of heavy persecutions. In the course of these persecutions on racial grounds my husband Dr. Rolf v. Paur was removed from his office as chairman of the board of directors of the Freundlich Brothers Ltd. by a Gestapo agent, the Captain (Hauptsturmführer) of the SS & SD Fritz Schlamp. Prominent members of the Nazi Party tried to get hold of the shares of our company. In order to achieve this goal my husband was thrown into prison and was as stated in his KZ Pass Nr. 1552 proves, for over one year and four months deprived of his liberty. Myself was imprisoned too and later was forced to work in a factory at the age of 57, where I developed a serious heart trouble. My son, Claus v. Paur, 32 years of age, was called in by the Gestapo and had to work in a mine, as his KZ Pass Nr. 1170 proves. My cousin Fritz Prager had the same fate, also being of Jewish origin.

On the whole 23 relatives of mine were murdered, three committed suicide of despair.

The Gestapo agent, Fritz Schlamp, who, since our liberation by the Allied Armies is interned in a detention camp, and who forced my husband to retire from his office in our own company ruined our business completely. Although being chairman of the board of directors he spent most of his time in Berlin doing service at the "Reichssicherheitshauptamt" (Gestapo headquarters) to avoid military service.

need

800.515/7-3148

800.515/7-31

RG 57  
Entry Central Decimal File  
1945-1949  
File 800.515/7-3248  
800.515.7-3148  
Box 4248

He gave his clerks a free hand in all business matters, who were either incapable or obeyed him servantly. He tried to force us to sell all our business interests to the Munich banking firm August Lenz & Co., which bought two other firms in Austria, after the annexion of Austria by Hitler Germany, and which appointed Schlamp as their managing director for these two newly acquired companies.

Thus it happened, that the greater part of our lumber stock and other valuable properties, such as motor-cars etc. were transferred from Munich to Austria; with the result, that our family joint stock company, the Freundlich Brothers Ltd., today has a considerable stock of lumber as well as considerable claims against this Austrian firm, which are now confiscated as foreign assets by Military Government.

Furthermore our private landed property in form of buildings is completely destroyed by the events of the war and our securities are in a collecting deposit in Berlin and cannot be restored.

Apart from the assets, which our family joint stock company owns in Austria, we furthermore had a sawing mill at Kirchberg in Tyrol (Austria, French Zone) established in 1905, as well as a lumber & timber trading company the "Holzcontor Ltd." at Zürich (Switzerland) which was established in 1921.

The above mentioned sawing mill at Kirchberg (Tyrol) together with the whole landed property was expropriated from us by decree of the "Gauleiter of Tyrol" to the 1st of January 1944 in order to be "aryarised". This plant was to a great part destroyed in January 1945 by events of war. Now owing to the Austrian law of restitution we have the chance to get the sawing mill as well as the landed property back, but then we run the risk to loose our property by being seized and then expropriated by the Allies as German property.

Our "Holzcontor" Ltd. Zürich, Bahnhofstr. 58 also a family joint stock company is under control, because it represents German property, indifferent if it is jewish property or not. All our property as well as a rest of securities which we still own at the "Swiss Creditanstalt" in Zürich and at the "Austrian Creditanstalt" at Innsbruck (Tyrol) are mine and my family's property. The greater part the inheritance of my late father Julius Freundlich - 1/4 belongs to my cousin Fritz Prager, son of the late jew Ludwig Prager, another quarter to Kurt Lieser, the brother of my late aunt Lilly Prager, who was deported by the Gestapo and then murdered. Kurt Lieser is also jewish, living in London and a citizen of the United Kingdom.

The property in Switzerland was supposed to have been sold by order of the German Reichsbank in order to supply the German war machinery with valuable foreign currency. Only under the greatest personal dangers of the concerned and their lawyer was it possible to avoid the sale.

I cannot believe, that the people of the United States, who fought for the defense of human rights and who avoided in the last minute the slaughter of the few jewish people left Germany, which was already ordered by the "Reichsführer SS" Himmler, can give the consent to the expropriation of the rest of jewish property located abroad. I tried to appeal to all kinds of authorities and organisations in this matter, but without success; every time I have been told, that no decrees of exemption concerning jewish property abroad have

been

RG 57  
Entry Central Decimal File  
1945-1949  
File 800.515/7-3848  
Box 4248 <sup>800.515/7-3148</sup>

Page 2

been issued up to now.

In the case a jewish person was fortunate enough to be able to leave Germany during the nazi government, as in our case Kurt Lieser and was furthermore lucky to have some property abroad, then he is to-day able to take care of it without any restrictions.

I cannot imagine that a jewish family, which was not so fortunate to leave Germany in time and who had to go through all the hardships under the constant danger of their lives should be treated worse and lose their property.

I have inquired at different U.S. offices also at the Department of Justice, Overseas Branch, Munich, Mauerkircherstr. 61 and was told, that the - Trading with the Enemy Act - law Nr. 671 dated August 8, 46 which enables persecutees of the nazi government to file a claim for the return of vested property in the U.S. only, but there is no law concerning properties of persecutees, in other allied & neutral countries.

For instance our properties in Switzerland, the family joint stock company " Holzcontor A.G. Zürich " Bahnhofstr. 58 which was established in 1921, could be instantly released from control of the Swiss office of foreign property control at Zürich, in regard to our personal circumstances, if the U.S. Government consents to the release. I have also been told, that in a similar case property of a german jewish citizen in Switzerland has been released from control of the Swiss office of foreign property control at the suggestion of the U.S. government .

I beg to apply to you, Mr. President to safeguard the interests of all political and racial persecutees in Allied and neutral countries by means of proper decrees and to see that these people do not loose the rest of their property. I beg to ask you not to refuse me your kind assistance and to give me a message, if our property in Switzerland can be returned, as well as our property in Austria, which was expropriated by the nazi " Gauleiter " of Tyrol, and what steps have to be taken to achieve their return.

The Bavarian Secretary of State for racial, religious and political persecutees, Dr. Phillip Auerbach, is taking care of us and will at any time intercede for us.

I beg to apologize for the cry of assistance, which I address to you as wife and mother .

Yours thankfully

*Cornelia v. Pinner geb. Frensdörfer*

345819

RG 57  
Entry Central Decimal File  
1945-1949  
File 800.515/7-3148  
Box 4248 800.515/7-3148

345820

3037

Oct 24 1948

UNRESTRICTED

To the

American Consular Officer in Charge,

Munich, Germany.

FLH  
800.515/7-3148

The Department encloses herewith a copy of a letter to the President from Mrs. Cornelia v. Paur of Munich. It will be noted that the letter raises a number of questions concerning the disposition of property in Switzerland and Austria allegedly belonging, directly or indirectly, to Mrs. Cornelia v. Paur and her family.

The Consular Officer is instructed to advise Mrs. v. Paur that her letter to the President has received careful consideration and that the following information is available concerning the possible disposition of her property.

In regard to such property as is presently blocked in Switzerland, as falling within the terms of the Swiss-Allied Accord, it is suggested that Mrs. v. Paur forward all the facts of her case to the Swiss compensation Office, Bern, Switzerland, for handling. The latter office is charged with the responsibility of administering the laws of Switzerland concerning property blocked as German. Mrs. v. Paur should be told that in the past, efforts have been made by this Government on behalf of persons whom the Department of State considered to be persecutees and for whom the Department believed that an exception to the terms of the Accord should be made. However, in each case the Swiss Compensation Office has rejected the request.

The status of property in Austria such as that owned by Mrs. v. Paur and her family is not clear at this time. The Department is investigating this matter, and the Consular Officer will be advised further when the relevant information has been received.

800.515/7-3148

CS/A

Enclosure:

Copy of Letter from Mrs. v. Paur

Ann.	FLH
Rec.	
Can.	ES
Dist.	

A true copy of the original is being furnished to the Consular Officer in Charge, Munich, Germany.

CR 1  
Oct 26 1948

OFD:EP:AKlefer:mhm  
10-19-48

L/E

CE  
HCV

800.515/7-3148  
3684

SEP 11 1947 R P

350

UNCLASSIFIED

SPECIAL PROJECTS  
DIVISION *file*  
AUG 14 1947  
DEPARTMENT OF STATE

FOREIGN SERVICE OPERATIONS MEMORANDUM

TO : DEPARTMENT OF STATE, WASHINGTON, D. C. August 8, 1947  
FROM : AMERICAN CONSULATE GENERAL, BERLIN, GERMANY *RH*  
SUBJECT : AMERICAN PROPERTY: Herbert Beit Von Speyer  
REFERENCE: Department's instruction No. 5963, April 24, 1947

We enclose report dated August 5, 1947, received from the Chief, Property Control Branch, Finance Division, Office of Military Government for Germany (U.S.) for transmittal to Mr. Max J. Fink, 60 East 42nd St., New York, New York, if there is no objection perceived thereto.

*central files*  
This Document Must Be Returned To  
/R

462.11 EW-VON SPEYER, HERBERT BEIT

FILED

MAR 12 1952

CS/H

Enclosure: *att.*  
As stated.

REStockbridge/s

RECEIVED  
DEPARTMENT OF STATE

1947 AUG 14 AM 9 0

DC/M  
FACILITIES BRANCH

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
*4*

UNCLASSIFIED

*gwm*

*462.11 EW-VON SPEYER, HERBERT BEIT 8-8-47*

DECLASSIFIED  
Authority *NND 96902*  
By *JN* NARA Date *7/16*

RG 59  
Entry CDF, 1950-57  
File 256.1141  
Box 1026

345821

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)  
Finance Division  
APO 742

350

FOREIGN SERVICE OPERATIONS SECTION  
Berlin, Germany  
5 August 1947

Mr. Max J. Fink,  
Attorney at Law,  
60 East 42nd Street,  
New York, New York  
SUBJECT: AMERICAN PROPERTY  
Re: Property Claimed by Mr. Herbert Beit Von Speyer

REFERENCE: Department's Instruction No. 5740, dated 12/1/46

Dear Mr. Fink:

We enclose report dated

This office is in receipt of a report of investigation  
concerning property located at 5 Paul Ehrlichstrasse, Frankfurt/Main,  
Germany, as claimed by Mr. v. Speyer.

You are herewith advised that the above property has been  
taken into custody. The name of the owner has been given as  
Rosel Lacroix, nee Doeringer, 5 Paul Ehrlichstrasse, Frankfurt/M.  
Mr. Carl Bentenschneider, 18 Ulrichstrasse, Frankfurt/Main, has  
been appointed custodian. The property is described as being in  
fair condition.

In accordance with Military Government regulations, Property  
Control Branch takes into control all properties against which  
there is a claim that they were sold under "duress". These prop-  
erties are administered by politically acceptable custodians  
appointed by Military Government. All revenues from the prop-  
erties are placed in a blocked account; expenditures permitted  
are kept to the minimum necessary to manage the property.

Please be advised, however, that Mr. v. Speyer's claim is  
filed in this office with the records of the properties now under  
custody.

A program for the disposition of properties which have been  
blocked by Military Government Law or taken into protective custody  
is under consideration. When the appropriate regulations have been  
issued publicity will be given as to the steps to be taken to  
enable claimants to substantiate their claims to such property.

Sincerely,

UNCLASSIFIED

E.N. REINSEL  
Chief, Property Control Branch

DECLASSIFIED
Authority <u>WJD 96902</u>
By <u>JR</u> NARA Date <u>7/16</u>

RG	<u>59</u>
Entry	<u>CDF, 1950/51</u>
File	<u>256.1141</u>
Rox	<u>1736</u>

345822

DECLASSIFIED  
 Authority NND 760050  
 By WDP NARA Date 8/10/00

RG 59  
 Entry Dec Files 1905-48  
 File 800.515/4-15-49  
 Box 4254

APR 20 1949  
 DEPT. OF STATE

ALFRED EISENSTAEDT  
 811 EASTWOOD AVE.  
 CHICAGO 40, ILL. , April 22, 1949

**ACTION**  
 is assigned to  
 [Signature]  
 949 APR 27 PM 4 04  
 Bake  
 DCR

Department of State  
 Attention: Restitution Office  
 Washington DC 25.

Re: Dr med. Hugo Fliess,  
 Jewelry seized in Germany.

Dear Sirs:

Dr med Hugo Fliess, whose wife is a sister of my wife, now 76 years old, living with his wife Grete 38 Park Hill, Carlshalton ~~XXXX~~ Surrey in England was a well known specialist for ear and throat diseases at Berlin-Schoeneberg in Germany. Being of Jewish faith he and his wife had to leave Germany in 1939. They immigrated into England and became English citizens in 1949. Fliess lost his fortune and his profession in Germany and until to this day is dependant upon Jewish welfare in England for the support of himself and his wife.

By discriminatory order of the Nazi Government they were forced to deliver their silver, gold and jewelry in 1939 to the Nazi Government.

Among the jewelry there was a ring with a brilliant of 8 (eight karats) of blue-white color set in platinum. May be that because of the big size of the stone this ring can be traced among the jewelry seized by the American troops in the Bavarian salt-mines or otherwise. If it could Dr Fliess by me ask the American government to release to him the ring in case it is not sold and begs to refund to him the result of the sale in case it may be sold. He bought the ring in Germany in 1936 for RM 23,800= Dollars 9520.-

My ~~brother~~ brother in law Dr Fliess is prepared to give to the restitution office any suitable proof of the ownership of the ring and of pearl necklaces and brooches which were delivered by him to the Depositenkasse Victoria-Luise Platz of the Deutsche Bank Berlin in 1939, if there is any chance that this jewelry could be traced from out the jewelry taken by the American troops or <sup>which</sup> came into the possession of the American Government otherwise.

Very sincerely yours  
 Alfred A Eisenstaedt

143831

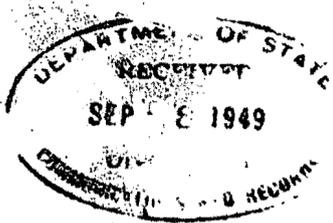
DCR - CL  
 [Handwritten notes and signatures]

300.515/4-2249

100.515/4-2249  
 CS/H

1440

DECLASSIFIED	RG 59
Authority <u>NND 760050</u>	Entry <u>Dec-Files 1945-48</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>800.515/6-948</u>
	Box <u>4246</u>



**CONFIDENTIAL**

WAR DEPARTMENT  
 WAR DEPARTMENT SPECIAL STAFF  
 CIVIL AFFAIRS DIVISION  
 WASHINGTON 25, D. C.

*DC/H*  
*file*

CSCAD 387.6

10 June 1948

MEMORANDUM FOR MR. HULICK, EXECUTIVE ASSISTANT TO THE ASSISTANT  
 SECRETARY FOR OCCUPIED AREAS

SUBJECT: Compensation Law.

1. Returned herewith is draft cable to OMGUS proposing a more comprehensive approach to the problem of compensation to individuals within Germany for various types of war losses. It is believed that this message should receive further study at this time as regards, (a) its timeliness and appropriateness in view of changes in the general situation and, (b) its adequacy as a response to the OMGUS position outlined in earlier cables, particularly CC 2520, December.

2. This matter has been discussed with Mr. Hemmendinger of your office.

*G. P. Lynch*  
 G. P. LYNCH  
 Colonel, GSC  
 Acting Executive

1 Incl.  
 State draft  
 cable

800.515/6-1048

ECH-OPD UNIT	
Ancl.	<i>FLH</i>
Rev.	
Com.	
Dis.	

SEP 12 1949  
 FILED

800.515/6-1048  
 CS/H  
 781

**CONFIDENTIAL**

DECLASSIFIED  
 Authority NND 760050  
 By EK NARA Date 7/8

RG 59  
 Entry Dec-Files  
1945-49  
 File 800.515/6-948  
6-11-48  
 Box 4246

**CONFIDENTIAL**  
 DRAFT OF CABLE

PREPARED BY: \_\_\_\_\_ EXTENSION: \_\_\_\_\_ DATE: 3-31-48

CLASSIFICATION: CONFIDENTIAL CRYPTO. SYSTEM(S): \_\_\_\_\_ PRECEDENCE: \_\_\_\_\_

THEATER ADDRESS(ES): \_\_\_\_\_ NAME: \_\_\_\_\_ ACTION OR INFORMATION: \_\_\_\_\_  
 TO: OMGUS FOR: \_\_\_\_\_ FOR: ACTION

CONTENTS OF THIS DRAFT: (CONCURRED IN BY: \_\_\_\_\_)  
 (COORDINATED WITH \_\_\_\_\_)

DISTRIBUTION DESIRED: D/PO; OASW; CAD; CAD-STATE

NOTE: Submit this original in detail and one (1) tissue copy of text only. Double-space.  
 FROM CS/CAD.

Reourad WARX 96750, 28 February 1948, reourad CC 2520, 8 December 1947. Compensation  
 Law is subject.

1. State still anxious obtain ~~quadrupartite~~ <sup>including as many zones</sup> legislation if possible, in any case  
~~on bilateral basis~~ <sup>as possible</sup>, providing for compensation for German external assets, and for other  
 losses mentioned hereafter.

2. State suggests following approach:

a. Passage of law providing for immediate registration of all claims based on  
 following:

- (1) Loss of or damage to property located in Germany caused as a result of  
 Nazi persecution or of the war to Germans and non-Germans, except as  
 compensation is provided for by existing legislation in Germany.
- (2) Loss by Germans of German external assets.
- (3) Loss or damage to Germans for personal injury or death suffered as a  
 result of Nazi persecution or war.
- (4) Loss or damage to property caused to Volksdeutsche as a result of forced  
 transfers to Germany.

MEMO FOR RECORD:  
 (Establishing factual  
 background and nec-  
 essity for cable)

*Not to be sent*

(5) Loss

**CONFIDENTIAL**

25-82539-2M 36

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8

RG

59

Entry

Dec-Files  
1945-48

File

800.515/6-948  
6-11-48

Box

4246**CONFIDENTIAL**

- 2 -

(5) Loss or damage to property located in Germany caused to Germans and non-Germans as result of reparation, demilitarization and decartelization.

- b. Simultaneous announcement that immediate legislation can only relate to registration of claims and to payment of compensation for losses of German external assets, while laws providing for payment of compensation for other claims must be deferred until acceptable evaluation formulae for such claims devised.

**CONFIDENTIAL**

345826

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-48  
File 800.515/7-1448  
7-2048  
Box 4247

*4A-1612* *Rieffer*

Hans F. Abraham

30 Irving Street  
Cambridge (Massachusetts)  
July 14, 1948

DIVISION OF ECONOMIC PROPERTY  
POLICY

JUL 19 1948

DEPARTMENT OF STATE

*Reply drafted*  
*8/6/48*

*AUG 19 1948*  
*file*

Mr. Covey T. Oliver  
Acting Chief  
Division of Economic Property Policy  
Department of State  
Washington, D.C.

EP

800.515/7-1448

Dear Sir:

I apologize for sending you an additional letter concerning the sale of the Nazi loot. However I hope, you will recognize why I consider the following lines as important.

I was rereading the letter of May 26 1948, written by Mr. Tuck, the Executive Secretary of PCIRO and used an an introduction for the auction catalogs. It says:

"These International Agreements-Article 8 of Part I of The Final Act of the Paris Conference of Reparation and the Five Power Agreement of June 14, 1946- directed the transfer of the unidentifiable looted property to an appropriate international refugee organization to be liquidated and the proceeds used for the rehabilitation and resettlement of non-repatriable victims of German action - persons who suffered heavily at the hands of the Nazis, but who were unable to claim the assistance of any Government receiving reparations(!) from Germany."

CSAH

Thus more than two years ago it was clearly understood that the non-repatriable victims could be considered primarily, because the other victims who in the meantime had become residents or citizens of the victorious states, would be able to follow up their claims successfully by relying on the assistance of their governments receiving reparation according to the expected peace treaties. Evidently it was not intended to disregard the interests of the settled refugees who had suffered heavily at the hands of the Nazis. Their rights should be protected just as well as the interests of the non-repatriable victims.

Since June 1946 the conditions which were the basis of the decisio

FOR OPD UNIT  
SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
INDEXED \_\_\_\_\_  
FILED \_\_\_\_\_  
JUL 19 1948

JUL 19 1948

800.515/7-1448

2760

345827

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8

RG

59

Entry

Dec-Files  
1945-49

File

800.515/7-1448  
7-2048

Box

4247

-2-

of the Five Powers, have fundamentally changed. A Five Power Agreement does no longer exist. Peace treaties with Germany and Austria which would determine the question and the extent of reparations, could not be concluded. The whole problem concerning reparations from Germany and Austria has been replaced by the problem of rebuilding these countries. Nobody can foresee whether and when a Five Power Agreement about these problems could be restored. Laws regarding refund have been issued only for the British and American zone, and even these laws refer only to disputes between private individuals. No rules have been issued, no rules could be issued, as far as the settled refugees had been exploited by the measures of the Nazi Government itself. Certainly nothing has been determined about assistance of the settled refugees from reparations which their governments would receive. On the contrary, Russia has already declared that she would not permit any refund to non-residents. The fate of Berlin where many Jewish citizens were exploited by the Nazi Government, has become the object of deepest international concern. The Germans have become extremely unwilling to grant reparation to the emigrated Jews: German Communists consider them as capitalist. German Nationalists follow the Nazi ideology. -

Hence it cannot be denied that the original conditions which prevailed in June 1946 and which made the Five Powers believe that that the rights of the settled refugees, particularly of those who had been suffered at the hands of the Nazis, were guarded by reparations received by their governments, changed entirely. The future is entirely uncertain. At the present moment there do not exist the slightest tangible chances whether and when the settled refugees will be able to claim assistance of their Governments receiving reparation from Germany.

To consider under present conditions the interests of only one group, of the non-repatriable victims, unilaterally, and to disregard the interests of the settled victims, would by no means conform to the intentions expressed in the Five Power Agreement of June 1946.

The development of the last two years could not be foreseen in June 1946. But since the situation has fundamentally changed, ways must be found to restore justice towards both groups of victims, as it has been the original intention.

This, and only this is the purpose of this letter.

Very truly yours  
Yours

*Alan F. Abraham*

345828

DECLASSIFIED  
Authority **NND 760050**  
By **EK** NARA Date **7/8**

RG **59**  
Entry **Dec-Files 1945-48**  
File **800.515/7-2148**  
Box **4247**

# INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

AIRGRAM

From: U.S. Political Adviser for Germany, Berlin  
No: A-572  
Dated: July 22, 1948  
Mailed: July 23, 1948  
Rec'd:

**DIVISION OF FINANCIAL AFFAIRS**

**AUG 3 1948**

**RESTRICTED**

**DEPARTMENT OF STATE**

Secretary of State,  
Washington.

A-572, July 22, 1948

**OFFICE OF FINANCIAL AND DEVELOPMENT POLICY**

**AUG 3 1948**  
**DEPARTMENT OF STATE**

**DIVISION OF FINANCIAL AFFAIRS**  
**AUG 3 1948**  
**DEPARTMENT OF STATE**

800.515/7-2248

Reference is made to this Office's airgram no. 359 of April 23, 1948 concerning the interest of the OIGGS Property Division in receiving as promptly as possible from the appropriate American Missions the following: (1) requests for investigations of cases of suspected German external assets, (2) information as to whether countries other than the United States have established cut-off dates in respect to vesting German assets, (3) information as to whether other countries have enacted legislation which accords preferential treatment to assets of persecutees or other particular categories of Germans, (4) copies or summaries of any legislation or rulings establishing a cut-off date or otherwise defining German assets.

The Property Control and External Assets Branch has informed this Office that there has been no noticeable increase in the number of requests for investigation received from the Missions, nor has any of the information requested from the Missions been received. The Branch further states that its present investigative staff comprises only four persons and that this number may again be reduced on January 1, 1949, depending upon the number of pending cases at that time. According to recommendations approved by General Clay on June 26, 1948 (see despatch no. 1053 of July 15, 1948), the entire Branch will be liquidated by July 1, 1949, after which date investigative services of this nature will no longer be available.

The Property Control and External Assets Branch is anxious that the above information be brought to the attention of the Interested Missions as soon as possible in order that its remaining time may be utilized to the fullest advantage.

PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

345829

DIVISION OF  
PROPERTY CONTROL  
AND EXTERNAL ASSETS

**Fall**  
**Control**  
**DEPARTMENT OF STATE**  
**SEP 20 1948**  
**DCT**  
**LIAISON OFFICE**

HH

DECLASSIFIED

Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-48  
File 800.515/7-2648  
Box 4247

DIVISION OF OCCUPIED AREAS  
ECONOMIC AFFAIRS

JUL 30 1948

DEPARTMENT OF STATE

HANS F. ABRAHAM  
30 IRVING STREET  
CAMBRIDGE 38, MASSACHUSETTS

*Handwritten:* Reply drafted 8/16/48  
AFK  
AUG 26 1948

EP

Re: Auction of Nazi Loot

Mr. Covey T. Oliver  
Acting Chief  
Division of Economic Property Policy  
Department of State  
Washington, D.C.

Dear Sir:

I thank you very much for your kind and comprehensive information. Of course, the conclusion to which you come, is disappointing. In fact, all agreements of this type are under the rule of the *clausula rebus sic stantibus*; as conditions have changed, why shouldn't the agreement be changed?

I also regret that Jewish organizations never had a sufficient chance to find out whether some private property could be identified. According to my experience none of the families of the upper middle classes - those have been the proprietors of the loot, - have been annihilated entirely. Some members of the family usually emigrated in time, thus most of the legal owners would, - by way of inheritance, - today be these emigrants.

I hope at least, that once it will be remembered, that we exploited Jews, by being excluded from the benefits of the sale, actually brought new financial sacrifices in the interest of financial obligations which otherwise would have been fulfilled by state funds.

May I ask you one favor? Would you be so kind and inform me when and through which agency further auctions will take place. Or whom could I approach for information? Those Jews whose property has been seized by the Nazis and who show their interest, should at least have the opportunity to inspect the loot in time. If by chance some property could be identified, it certainly could no longer be considered as part of the non-monetary gold, and private property would have to be restored to its legal owner.

Very sincerely yours,

*Handwritten signature:* Hans F. Abraham

800.515/7-2648

CS/V

800.515/7-2648

SEP 13 1948

246.0

Administrative routing stamp with fields for 'APPROVED', 'DATE', and 'BY' (handwritten initials).

DECLASSIFIED  
Authority NND 760050  
By EK NARA Date 7/8

RG 59  
Entry Dec-Files  
1945-48  
File 800.515/7-2148  
7-2748  
Box 4247

AUG 16 1948

In reply refer to  
EP

800.515/7-2648

My dear Mr. Abraham:

Receipt is acknowledged of your letter of July 14, which crossed the Department's letter to you of July 23, and of your letter of July 27. I may say that the Department appreciates your position in the matter of the disposition of non-monetary gold found in Germany, but that, for reasons previously stated, any change in the program which is now under way is considered to be both impractical and contrary to the policies and international commitments of this government.

With reference to your question about further auctions, it is understood that the Preparatory Commission for the International Refugee Organization will place further lots of non-monetary gold on sale in the near future. It is suggested that you communicate with Mr. David Rolbein, of the Commission's New York office, for fuller information in this regard. Mr. Rolbein's full address is:

Reparations Department  
Preparatory Commission  
International Refugee Organization  
119 West 40 St.  
New York 18, N. Y.

Sincerely yours,

*CTO*

Covey T. Oliver  
Acting Chief  
Division of Economic Property Policy

CS/N

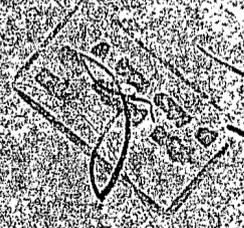
800.515/7-2648

*Handwritten notes:*  
AUG 11 1948  
AUG 10 1948  
*FLH*  
*W*

Mr. Hans F. Abraham,  
30 Irving Street,  
Cambridge 38, Massachusetts

EP:AK Kiefer:mck  
8/6/48

*Handwritten initials:* PI



RG 59  
Entry Central Decimil File  
File 1945-1947  
Box 4251

BLOOM  
T. NEW YORK

ORK ADDRESS:  
BROADWAY  
WISCONSIN 7-7580

*Adams*  
3841 41837

COMMITTEE ON FOREIGN AFFAIRS

Congress of the United States  
House of Representatives  
Washington, D. C.

ACTION  
is assigned to  
*DEC 7 1948*  
*EP*

December 3, 1948

DIVISION OF ECONOMIC PROPERTY  
POLICY  
DEC 7 - 1948  
DEPARTMENT OF STATE  
*12/8/48*  
*file*  
*EMA-*

*to EP for reply*  
*12/7/48*  
*DEC - 7 1948*  
*ZSS*  
DEPARTMENT OF STATE

*DO. 517041/5-2247*

My dear Mr. Secretary:

Enclosed please find a self-explanatory letter from one of my constituents, Mr. Joseph S. Seaman, 253 West 73rd Street, New York City. Also enclosed are copies of correspondence between Mr. Seaman and the Military Government in Germany regarding this matter.

Would you kindly have someone look into this case and advise me.

Sincerely yours,

*Joseph Bloom*

The Honorable  
Secretary of State  
Washington, D. C.

SB:C:L

*Hand. rec'd. 12/10/48*  
*OK*

RECEIVED  
JAN 5 1949

800.515/12-348

CS/A 800.515/12-348

345832

STATE

1948 DEC 6 AM 10 40

BRANCH

RG 59  
 Entry Central Decentral File  
 File 800.515/11-2548-200.515/11-200  
 Box 4251

JOSEPH S. SEAMAN  
 253 WEST 73rd STREET, NEW YORK, N. Y.

November 24, 1948.

Hon. Sol Blum,  
 1930 Columbia Road,  
 Washington D. C.

Sir:

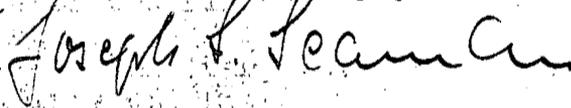
I take the liberty to enclose herewith copy of a letter, written to the "Office of the Finance Advisor, Military Government, Germany" and copy of a reply, which I received from the "Office of Military Government for Germany (U.S.) Property Division, Property Control and External Assets Branch", Wiesbaden, Germany.

As you will see, the enclosed correspondence speaks for itself.

At this time, I respectfully request, that you kindly peruse the enclosed letters, and if possible, bring them to the attention of the proper authorities, so that I, in turn, may receive favorable action.

I thank you in advance for your kind assistance and remain,

Very respectfully yours



Joseph S. Seaman.

2 enclosures.

345833

RG 59  
 Entry Central Decimal File  
 File 1945-1947  
 Box 200.510/11-2548-230 67511-24  
 4251

Copy.

Joseph S. Seaman  
 New York N. Y. 253 West 73rd Street.  
 at present: N.S.F. Nuernberg, Fuertherstr. 101 a.  
 U.S. Zone.

6 August 1948.

SUBJECT: Release of Funds of German Persecutee.

TO : Office of the Finance Advisor, Military Governur (OMGUS)  
 APO 742, US Army  
 (Attn: Mr. Jack BENNETT).

Gentlemen:

I should like respectfully to ask your assistance and a clarification of policy in the subject matter.

1. I am a United States citizen, who left Germany in 1939 to flee Nazi persecution. I should be glad to have you investigate my record in the States - during the war I was employed in confidential assignments by the Federal Bureau of Investigation and the Army Intelligence Service of the War Department; I also established a new plant in the States which produced war material for our Army.

2. I still have a sister, a Mrs. Dr. Bella EBERHARDT in Germany. She resides at present in Nuernberg, US Zone. About October 1941 I secured a Cuban visa for my sister. It was my intention to bring her eventually to the United States. After receiving this visa, my sister, with the approval of the German authorities, transferred 100,000.- RM thru Bankhaus SEILER & CO., Munich, to the Schweizer Kreditanstalt, Zuerich Switzerland.

3. Directly following this transfer and before my sister could leave Germany on the visa, a new emigration regulation became effective, forbidding Jews under 60 to leave Germany. This prevented my sister's departure. My sister was then the last member of her family in Germany, - her parents were dead, our younger brother was in England and I was in the United States. Every penny of our vast fortune had been forcibly seized by the Nazis. My sister had no means with which to live. She was eventually sent to a concentration camp at Torgau, where she suffered indescribably for 2 1/2 years. Her health is still badly affected from this ordeal.

4. Upon inquiring at the Office of Military Government for Bavaria, of the possibility of releasing the funds of my sister in Switzerland, I was advised that nothing can be done. I can understand that these matters take time. However, I do not believe, that it was the intention of the Allied Governments to penalize people whose suffering under the Nazi regime is only too well known.

5. It is true, that my brother, who is a British subject, or I who am an American citizen could assist my sister financially until she recovers her money. However, it is most humiliating for her to seek support from either of us, when there seems to be no logical reason what-

Contd. - 2 -

345834

RG 59  
Entry Central Decimal File  
1945-1949  
File 200.515/11.2548-220.515/11-200  
Box 4251

345835

SUBJECT: Release of Funds of German Jewish Persecutees.

(Contd.)

ever, why funds, belonging to persecutees should remain frozen. If the funds can not be used here I should at least appreciate permission for their use by my sister (in whose name they are deposited) in Switzerland. She has recently received a Swiss visa because of her health.

6. I can appreciate that your office may be bound by policies established in Washington. I should be most grateful therefore if you should explain the situation to me advising me not only what the policy is, but where and who has established it. This in order that I and a good many others similarly situated may take the matter up directly with the State Department, or if necessary, through our Congressmen and Senators. Thank you for an early reply.

Yours very truly

Joseph S. Seaman.

RG 59  
Entry Central Decimal File  
File 145-1729  
Box 4251

PROPERTY CONTROL DIVISION  
SECURITY INFORMATION  
(CONFIDENTIAL)  
PROPERTY CONTROL DIVISION

Copy.

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)  
Property Division  
Property Control and External Assets Branch,  
APO 633  
WIESBADEN, GERMANY.

6. October 1948.

Mr. Joseph S. Seaman,  
Fuertnerstrasse 101 a.  
Nuernberg, Germany.

Dear Sir,

Your letter of 6 August 1948 concerning property in Switzerland belonging to your sister, Mrs. Dr. Bella Eberhardt, Nuernberg, has been referred to this division for reply.

As you probably know, Law No. 5 of the Control Council for Germany dated 30 October 1945 vested in the German External Property Commission, all former German rights in property located outside of Germany. Subsequently on 25 May 1946 an agreement was reached between The United States, Great Britain and France on the one hand and Switzerland on the other hand under the terms of which Switzerland is required to liquidate all German assets in Switzerland. This, we believe, serves to answer the questions raised in the final paragraph of your letter.

The Allied Swiss agreement contains no provision for preferential treatment of assets of Germans who were persecuted under the Nazi regime. It is, however, believed, that the Germans who have thus been deprived of their assets in Switzerland will, at a future date, be compensated therefor by the German government in local currency.

Very truly yours

signed: SAMUEL M. ROSE  
Associate Chief.

345836