

DECLASSIFIED

Agency NND 760050

JK EXRA. Dec 7/25700

RG

59

Entry DF 1945-49

File 800.515-3-46

Box 4205

EW
JKJ
Collect

PREPARING OFFICE WILL INDICATE WHETHER

TELEGRAM SENT

PREPARING OFFICE WILL TYPE HERE CLEARLY THE CLASSIFICATION OF THE MESSAGE:

Department of State

Charge Department:

Charge to

AMEMBASSY,

Paraphrase before commu-
Washington
leating to anyone.
SECRET

**SECRET FOR PRESEN-
TATION TO FOREIGN
GOVERNMENT.**

MAY 3 1946

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MADRID

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Proposed accord follows: (SAFEHAVEN)

QUOTE 1. Govt of Spain in recognition of complete surrender

of Germany, exercise of sovereign power in Germany by ACC, and act of that Council of Oct 30, 1945, (Law No. 5) vesting all rights, title and interest in Germany's external assets located inter alia in Spain, and further, having regard to purposes declared by that law, i.e. to eliminate German war potential for future German aggression represented by those assets and to devote proceeds of their liquidation to relief and rehabilitation of countries ~~devastated~~ ^{devastated} or depleted by Germany's aggression, does hereby, after discussion with representatives of Fr, UK and US for its part ~~record~~ ^{record} that:

(A) There shall be established a Joint Commission in Spain, ^{representatives of} composed of Fr, UK and US and Spain which shall act by majority vote,

(B) Govt of Spain will designate an official Spanish Agency which subject to the directions of Joint Commission, shall be empowered to uncover, take into possession and liquidate German property, and to call upon all other organizations or departments of Spanish Govt for assistance and info relative to its functions.

(C) Agency and Joint Commission will be established within

XPR 740.001132W
XPR 852.5157
XPR 862.503152
XPT 462.001P

800.515/5-346

CS/VJ

Confidential

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RG	<u>59</u>
Entry	<u>DF 1945-49</u>
File	<u>800.515/5-3-46</u>
Box	<u>4205</u>

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Department of State

Charge Department:

Washington

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Charge to

-5-

(J) Decisions of Agency on matters covered by this accord or interpretation thereof, when approved by Joint Commission, will be final. In event of disagreement between Agency and Joint Commission, decision of Joint Commission will control, and will be deemed decision of ~~Agency~~ Agency. Govt of Spain will take such steps as are necessary to ensure that this provision will be binding on all residents, natural and juridical in Spain, and will be binding on courts of Spain.

WSS

(K) Proceeds of liquidation of German property (including existing liquid assets and proceeds of property which has been sold or disposed of) will be made available to US, UK and Fr Govts for such purposes of general rehabilitation of countries which were overrun by Germany or for feeding and economic resettlement of Germany as Three Govts deem to be an obligation to which German assets may be devoted.

(2) Govt of Spain, however, agrees to make available for rehabilitation and resettlement of non-repatriable victims of German action assets in Spain of victims of Nazi action who have since died and left no heirs. This sum shall be separate and apart from any allocation that may be provided for by this accord.

(3) Three Govts, in recognition of function to be performed

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DIVISION OF
COMMUNICATIONS AND RECORDS
TELEGRAPH BRANCH

DEPARTMENT OF STATE
INCOMING TELEGRAM

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Action: DC/L
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DEPARTMENT OF ECONOMIC SECURITY CONTROLS
6 1946
DEPARTMENT OF STATE

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	ACT	INF
ESP		✓
ES	✓	2
GA		2
JK		2
Control	7354	

~~ES~~
~~7/25/00~~

Rec'd November 23, 1946
6:30 p.m.

FROM: Lisbon
TO: Secretary of State
NO: 1021, November 23, 3 p.m.
FOR DEPARTMENT AND TREASURY FROM RUBIN

NOV 23 1946
DEPARTMENT OF STATE
DC/L
LIAISON OFFICE
800.515/11-2346

At meeting with Navasques in Madrid November 22 attended by Rubin, Schmidt and Randall, Navasques stated:

One. That he had consulted the Minister and that there would be no difficulty in supplying information on gold previously requested. Spain had nothing to hide and would be, in fact, prepared to restore any looted gold there found. This was subject to reciprocal treatment for Spain.

Two. That the term reciprocal treatment referred particularly to the case of gold taken by Republicans from Spain at end of civil war. Much of this gold was returned by France but part was deposited in a Paris bank (approximately Banque du Nord et Commercial) said to be under Russian domination and removed from Paris after German occupation "by agreement between Russians and Germans during time when they were collaborating." At time of removal, gold was under attachment in lawsuit in France. Since allies represented ACC, one of whose members was a party to this transaction, Navasques felt this matter should be handled under reciprocity and principal of fair and equal treatment.

During course discussion it was stated to Navasques that:

(A) Giving US gold information would be to advantage of Spain as well as allies.

(B) In current discussions allies represented Paris representative signatories vis-a-vis loot as much as ACC. Allies had power of attorney from representative signatories to act for them in matters of looted gold arising out of war.

Since
NOV 23 1947

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JK WARA Dec 7/25/00

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-2-#1021, November 23, 3 p.m., from Lisbon

Since we were not competent to act as a general tribunal on these matters, it would be difficult to handle Spanish claim described. Moreover, Spanish claim (as Navasques recognized) rested primarily on looting by Spaniards and later taking from Paris during time of German occupation at time when Spanish had complete relations with Germany.

(C) In any case it would be better to get information promised by Spain on gold and discuss these other questions later. Difficult to state final allied reaction on such short notice and without consultation.

Navasques stated his reserves with respect to (B) above and said that we would get information but with Spanish reserve in principle on reciprocity point.

Sent Department 1021, repeated Madrid 102 and Paris, for such information as may be available, as 196.

BARUCH

EKH:RJM

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Authority NND 760050
BY JK ESRA Date 7/25/00

RG 59
Entry DF 1945-49
File 800.515/11-25-46
Box 4216



EMBASSY OF THE
UNITED STATES OF AMERICA

No. 3163

Madrid, November 26, 1946.

SECRET

Subject: Spanish Position with regard to Looted Gold.

DEPARTMENT OF STATE
DIVISION OF FOREIGN
RECORDING SERVICES
DEC 9 1946

*Tel - Mr Eulars ES
Fras - (7-C)*

800.515/11-2646

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to enclose a memorandum of conversation with Sr. Emilio Navasques, Director General of Economic Policy of the Spanish Foreign Office. In the course of this conversation, participated in by Messrs. Rubin, Schmidt and Randall, Sr. Navasques withdrew previous objections of the Spanish Government to provide the Allied Delegations in the current negotiations with the gold data previously requested. He further advised that, when these data are forwarded to the Embassy, they will be accompanied by a concrete expression of the Spanish position vis-a-vis the restitution of gold looted from occupied countries. Sr. Navasques expressed the hope that all the data as well as statement of Spanish position would be available within the next week or ten days. He further requested that this point of view be made available to the respective governments acting in Spain for the Allied Control Council for Germany.

The Embassy would appreciate an early expression from the Department, as there is little doubt that this matter will be the subject of continued reference by the Spanish Delegation. For previous reference see Lisbon Embassy telegram no. 1021 of November 23 from Rubin.

Respectfully yours,

For the Chargé d'Affaires, a/i.:

Harold M. Randall
Harold M. Randall,
Commercial Attaché.

Enclosure: *att 1021*

Memorandum of conversation with Sr. Navasques.

Original and hectograph to Department.
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File No.: 851.5

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 RG 59
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 File 800.515/1125-46
 Box 4216

Enclosure to Secret Despatch No. 3163 from American Embassy, Madrid, Spain, dated November 26, 1946, entitled: "Spanish Position with regard to Looted Gold".

SECRETMEMORANDUM

Subject: Statement by Sr. Navasques regarding Spanish Position on Looted Gold.

Occasion: Conversation of November 22 between Sr. Emilio Navasques, Director General of Economic Policy of the Spanish Foreign Office, Mr. Seymour J. Rubin, Chief of the American Delegation for current Safehaven Negotiations with Spain, Mr. Harold M. Randall, Commercial Attaché of the U. S. Embassy, and Mr. Orvis Schmidt, U. S. Treasury Representative, the latter two also being members of the American Delegation.

Sr. Navasques opened the discussion by stating the Spanish reaction to the Embassy's Note Verbale No. 2372 of September 26, 1946 requesting detailed information on Spanish gold holdings. This reaction, in brief, was that Spain was surprised by the nature of such a request, since she felt that it was extraordinary in character, that it implied suspicion and mistrust of Spain, and that it requested data normally treated as confidential. He further stated that, after explanations made in previous conversations with Mr. Randall, they then understood that this request was more of a routine nature and intended primarily to obtain data necessary for the implementation of the Allied Gold Declaration of February 2, 1944.

After translation, Mr. Schmidt made further clarifications, explaining to Sr. Navasques that the primary object was to ascertain, if possible, gold looted from occupied countries by the Germans and likewise to clear those countries which had not made purchases of such gold. He further explained that the criterion employed in these examinations covered only purchases made by neutral countries direct from Germany, and not those made in good faith from other sources who, in turn, may have acquired the same gold from Germany; said gold, in turn, being the result of loot by the German occupying forces.

Sr. Navasques

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Entry DF 1945-49

File 800.515/11-23-46

Box 43167

Page 2 of Enclosure to Secret Despatch No. 3163 from American Embassy, Madrid, Spain, dated November 26, 1946, entitled: "Spanish Position with regard to Looted Gold".

Sr. Navasques responded by saying that Spain had, as far as he knew, made no direct purchase of gold from Germany during the war years. He stated that one transaction did occur in which the German Reichsbank deposited gold in a Swiss bank as a guarantee of commercial credit for Spain, that in return Spain obtained the corresponding value in Swiss francs for financing of the commercial transaction. The gold in question never came to Spain nor was it ever in Spanish hands. The only gold purchases made by Spain were from the Banque Nationale Suisse and the Bank of Portugal (he did not, of course, mention other purchases from the Bank of England, since such gold would not be suspect). He further added that Spain had no objection whatsoever in supplying the data requested covering Spanish gold transactions over the past several years, provided these data were treated in confidence. Of this he was assured.

He then stated, however, that the Spanish position was one resulting from bitter experience as regards looted gold. While there were several examples, he quoted one to demonstrate, adding that Spain had impressive documentation. In substance this case was as follows:

At the termination of the Spanish Civil War, individuals of the then Republican government fled Spain taking with them property which he classified as looted, including substantial quantities of gold. Shortly after this occurrence, the present Spanish regime was recognized by all the Allied powers with the exception of Russia. As a result of Jordana-Laval agreement between Spain and France for the return of property looted from Spain, that part of the looted gold carried to France and deposited in the Bank of France was returned. A substantial sum, however, had been deposited in another bank in Paris, which, according to Navasques, was a Russian bank. The Spanish Government made representation to the French Government requesting that the funds be blocked and thereupon carried the case to the French courts. Before a decision was reached by the courts, the war began and the Germans occupied Paris. As Russian-German relations at the time were close following the Ribbentrop-Molotov agreement, the gold in question was withdrawn from the bank and shipped out of Paris. Navasques did not know whether all went to Germany or to Russia, or was divided between the two. Spain then made formal protest against Germany for this action without results.

After explaining this case, Sr. Navasques inquired as to whether the organization represented here by the three Allied powers who are now negotiating, among other things,

for the

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Page 3 of Enclosure to Secret Despatch No. 3163 from American Embassy, Madrid, Spain, dated November 26, 1946, entitled: "Spanish Position with regard to Looted Gold".

for the return of gold would all be willing to assist in obtaining restitution of the Spanish gold which, though admittedly stolen originally by Spaniards in Spain, eventually escaped Spain as a result of action taken by the German occupying forces.

Mr. Rubin and Mr. Schmidt explained that there really is no such organization in the sense that Sr. Navasques suggested. The representatives here of the three Allied governments have been authorized or given, in a sense, a power of attorney both by their own governments as integral parts of the Allied Control Council for Germany and by the other eighteen nations signatory to the Paris Reparations Agreement, to examine, identify, and discover, where possible, looted gold of the countries occupied. That the question of gold held by the third parties in such countries had not arisen and was not provided for, and that it was doubtful, although we did not feel competent at this time to so state categorically, whether a country in the position of Spain, as just explained by Sr. Navasques, would have recourse other than against the individual country responsible for the eventual looting.

Sr. Navasques stated that Spain could not be held responsible to any international agreement to which it was not a party; that it could not agree with the point of view expressed, and that it felt sure that the Allied nations would not, under any consideration, in view of their high sense of justice, request Spain to identify its gold and to be responsible for the delivery to the Allied authorities of any portion identified as having been looted from occupied countries - an action which Spain was perfectly ready to take if such gold appeared among her holdings - and at the same time refuse to give the same kind of assistance towards the restitution of gold belonging to Spain which had been looted as the result of German occupation of the country in which it was located at the time. He stated, therefore, that this point of view giving the Spanish position would be made at the same time that the gold data requested by the Allies was delivered. He asked further that this be brought to the attention of our respective governments. Upon the suggestion that it would be better to await concrete Spanish statement, he requested that it be brought forward as soon as possible even in a general way, as it would probably require another ten days for Spain to prepare and deliver the gold data and the official statement of her position. The American Delegation agreed to accede to his request as far as our own government was concerned and to provide a copy of this memorandum to the French and British in the expectation that they likewise would take similar action.

Madrid, November 26, 1946.

H. M. R.

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Box 4223



DIVISION OF FR
EMBASSY OF THE
UNITED STATES OF AMERICA

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CONFIDENTIAL

Madrid, Spain, February 12, 1947

No. 3527

Subject: Forwarding proposed draft Memorandum of Accord.

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



Sir:

I have the honor to enclose the draft of the Memorandum of Accord which the Allied delegations propose to submit to the Spanish Government. In the case of the American and French delegations this action will not be taken pending instructions from their governments. The British delegation will refer the draft to London but are willing to proceed with its presentation without awaiting such instructions.

This draft varies substantially in its form and in part of its content from Draft Accord No. 3 already approved in principle by the Department. The American delegation had completed the modifications of that draft, as reported in Embassy confidential telegram no. 48 of January 18, 1947. The delay in forwarding that text for the Department's consideration was occasioned by the substantial modifications proposed by Mr. McCombe, Chief of the British delegation. The present draft constitutes a compromise as between Draft No. 4 (never forwarded) and the British proposal. In its preparation the Embassy has been guided by the minimum requirements outlined in Embassy telegram no. 48 of January 18 and the Department's approval thereof as incorporated in Department's telegram no. 88 of January 29, 1947. It believes that the present draft provides these minimum requirements.

The substantial changes incorporated in the enclosed draft center around the British proposal involving lump sum settlement rather than distribution of the proceeds, obtained by the liquidation of German property in Spain, between Spain and the Allies on some kind of a percentage or similar basis. The Department will, therefore, in studying this draft take into account that it is prepared on the supposition that the lump sum settlement is acceptable.

The advantages of the lump sum suggestion are believed to include the following:

1. A possible earlier realization of a concrete return to the Allies in the form of a sum in pesetas. This advantage is admittedly questionable since if Spain were agreeable to the acceptance of a lump sum settlement, she would undoubtedly request time payments which would allow her to deliver such pesetas to the Allies more or less on the same schedule as she effects collections from properties liquidated. In the final analysis, it is believed that such payments could be obtained on a periodical basis.

2. Elimination

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Madrid

February 12, 1947

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2. Elimination of that part of the sovereignty problem which the Spanish consider as a serious one with regard to the appraisal or the value realized on the properties expropriated. Spain's position is that this value must be determined within the framework of its expropriation procedure. This would mean that the final value received in which the Allied governments could participate, would be the officially fixed appraisal rather than the market value. The Embassy does not feel that this objection is insurmountable, but it must observe that on the occasion of the meeting with the Spanish of February 3, 1947, Mr. Navasques definitely stated that Spain, for internal reasons not expressed, could not accept the actual sales price as the value to be employed under expropriation. Hence, the successful employment of the lump sum basis would aid in meeting the Spanish position without affecting our interests. It will be noted that the present draft still includes what are considered to be sufficient safeguards on the security issue as that issue might be affected by the nature or character of the ultimate purchaser of the German assets liquidated.

3. Since the Spanish would be contracting to deliver to the Allied governments a specified sum rather than a percentage of the total realized, this plan might serve to speed their action on identification, expropriation and liquidation, since the more rapid their realization, the less they would need provide funds from other sources to meet the payments agreed upon.

4. The lump sum plan may provide some shortening of the discussions of claims by eliminating the necessity to consider such claims on an item by item basis. Regardless of the basis of settlement of the problem of ultimate disposition of the sums realized from German property, the claims issue will nevertheless be paramount, since upon the general determination of the balance will depend in part the total of the lump sum to be agreed upon.

5. Precedents involving, on related though not identical bases, the lump sum settlements are found in the Swedish and Portuguese Accords, the substance of which are doubtless known to the Spanish Government.

The recognized disadvantages to this proposal include:

1. The provision whereby claims between Germany and Spain would be bound over to future Spanish-German settlement. The Embassy feels that it would be better for the claims issue to be met and settled in the course of these negotiations. Hence, the accompanying draft might be modified to eliminate that part of Article XIV which provides for the carry-over and to substitute a general statement to the effect that the question of Spanish-German claims will be made the subject of an additional Article once the Spanish statement of their claims has been received. The Embassy feels that the study of claims and counter-claims may result in a mutual agreement to cancel one against the other, in other words, a wash-out. This would presume, in theory, that the full value of German property expropriated and liquidated would be due the Allied governments. We could, however, quite justly allow Spain any balance realized by her over and above the amount paid to the Allies under the lump sum

settlement.

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Agency NND 760050

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February 12, 1947

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settlement. This could be justified as due compensation for Spain's costs of administration and for her efforts expended in the realization of the security objective of elimination of German ownership. The Embassy believes this would likewise assist by giving emphasis to the security issue which is definitely more important than the exact amount of pesetas which may be eventually realized. The Embassy believes this acceptable to its colleagues.

2. The serious doubt that any surplus shall arise which could be made the subject of future claims negotiations, owing to the probability that official appraisal will be substantially below the amount that could be realized through liquidation on a free competitive basis. This disadvantage would disappear if the suggestion contained in (1) above were to be employed.

3. The difficulty of estimating the value of German private property in Spain prior to its actual liquidation. As the Department is aware, the Trusteeship has made a comprehensive census of German private property in Spain. Hence, there is a good basis for a start. Admittedly, however, that census is not complete. Further, it would be practically impossible to estimate accurately the worth of many of the properties concerned. Since, however, under the best of conditions and the best type of Accord that may be anticipated, it is recognized that the ultimate amount realized by the Allies must fall short of the probable worth of the properties concerned, it is doubtful if this disadvantage may be considered as great as that which would require Allied participation and responsibility in the determination of the value to be obtained from each individual liquidation.

The current draft will include Articles covering loot, property of victims of Nazi aggression who died without heirs, patents, trademarks, and copyrights. As far as is anticipated, these paragraphs will be similar if not identical with those contained in Draft No. 3 of the Memorandum of Accord, with which the Department is familiar.

It will also be noted that the problem of transfer has been left in very general terms, providing simply that this will be subject to negotiations with the Spanish Government which will take due regard to the possible effect upon the Spanish economy of such transfers.

One important change in the current draft as compared to Draft No. 3 is the elimination of the term "subject to repatriation" and the establishment of categories of certain Germans who would be so classified. This is by reason of Mr. Navasques' firm position that the question of repatriation does not constitute part of this Accord. He has raised no objection to the establishment of categories, but insists that this is a matter to be decided between the Allied Governments and the appropriate Spanish office, namely the Political Division of the Foreign Office. It is hoped that those categories may be agreed upon, by that division, which agreement would allow the expropriation of property of Germans who reside in Spain, were it established that they belong to one or more of the categories agreed upon.

The Allies

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The Allies do not submit this draft on the presumption that it will be presented in its exact textual form. The Embassy presumes that the Department will agree that minor changes in text, not involving basic principles, may be made here without clearance of the Department prior to presentation to the Spanish Government. The enclosed draft is forwarded, however, in the hope that the Department will give telegraphic instructions as early as possible in order that the Allied delegations may comply with their pending promise to present a draft accord to the Spanish delegation.

Respectfully yours,
For the Charge d'Affaires a.i.:

Harold M. Randall
Harold M. Randall
Commercial Attache

Enclosure: *att*

Draft Memorandum of Accord.

HMRandall:mes

Original and Hectograph to the Department.

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Activity NND 760050

JK WRA Date 7/25/00

 RG 59
 Entry DF 1945-49
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Enclosure to Despatch no. of February 12, 1947,
forwarding proposed draft memorandum of accord.

Draft of Memorandum of Accord
with Spain

Whereas, the Governments of the United Kingdom of Great Britain and Northern Ireland, of the United States of America, and of France (hereinafter referred to as "the Allied Governments") have desired discussions with the Government of Spain, its Protectorates and Possessions (hereinafter referred to as the "Government of Spain" or "Spain"), on the subject of property situated in Spain which, by reason of being or having been owned, controlled, or used by the former German war leaders, their associates, and those collaborating with them in their war aims, was and remains a menace to peace and security; and

Whereas, the Government of Spain, through the medium of numerous official declarations and acts, has declared its adherence to the principle that German ownership of said property constitutes an element of danger to the maintenance of peace and security and should be eliminated;

Therefore, in the mutual desire to realize the fulfillment of this common objective, and in accordance with the provisions of Notes exchanged between both parties on October 28, 1946, delegations representing the Allied and Spanish Governments have met in Madrid, and have reached agreement on the following Memorandum of Accord:

ARTICLE I.

1. This Memorandum of Accord is to regulate the procedure whereby, through the expropriation and realization of property in Spain held or controlled by or at the disposal of Germans not resident in Spain (hereinafter referred to as "Germans" or "German property," as the case requires), the common objective of removal of a menace to peace and security may be attained, while the proceeds derived from that realization may serve in some part to discharge those claims against Germany which as agreed between the Governments who are parties to this Memorandum of Accord are most deserving of special treatment.
2. Nothing in this Memorandum of Accord (save as expressly provided in Article XV) affects the governmental assets, both official and quasi-official, in Spain of the former German State which have been or may be delivered to the Allied Governments pursuant to the exchange of Notes dated the 28th October, 1946, above mentioned.

Article II.

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*NO need
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Article II*

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Madrid
Enc. to Despatch
Page 2

*Don't rely on
P/A - then we
need better
administration
principal*

ARTICLE II.

1. German property in Spain other than said Governmental assets will accordingly be expropriated.
2. The following articles of this Memorandum of Accord will be applied in relation to the identification, interim administration, and disposal of that property.

ARTICLE III.

1. The term "Germans" shall, for the purposes of this Memorandum of Accord, include the following:
 - a. all natural persons of German nationality, not resident in Spain as of the date of this Memorandum of Accord;
 - b. all Germans who at any time between September 1, 1939 and the date of cessation of hostilities upon the capitulation of Germany on May 7, 1945 were resident in Germany;
 - c. all collective or juridical persons constituted or having a place of business or being otherwise organized in Germany, with the exception of those juridical or collective persons of whatever nature, the ownership or control of which is held by persons who are not of German nationality;
 - d. Germans who have returned to Germany as well as those in Spain, concerning whom the Spanish and Allied Governments may mutually agree.
2. The term "German nationality" includes all persons who at any time after September 1, 1939 have enjoyed rights of citizenship under German law, with the exception of those individuals who prove to the satisfaction of the Joint Board, hereinafter provided, that:
 - a. he or she was bona fide a refugee from Germany for political, religious or racial motives; or
 - b. he or she lost German nationality on political, religious or racial grounds after March 1933 (but this exemption shall not apply to those who had they not lost German nationality and not having acquired any other nationality would have been included under paragraph 1. of this Article).

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Why appeal 11

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Appeal from the decision of the Joint Board on questions of German nationality defined in paragraph 2 above may be made to the Special Tribunal provided in Article IX.

ARTICLE IV.

1. For the purposes of this Memorandum of Accord the term "property" includes all property of every kind and description, and every right and interest of whatever nature in property existing in Spain on the date this Memorandum of Accord takes effect.

2. In like manner the term "person" or "persons" shall include any natural, collective, or juridical person or entity, including without limitation of the foregoing, corporations, partnerships, limited liability societies, both profit and non-profit associations, organizations, et cetera.

ARTICLE V.

1. For the purposes of providing information, and to represent the interests of Germany now in their charge in the identification, appraisal and full realization of German property in Spain which is to be expropriated, the Allied Governments have proposed and the Government of Spain, to the end that there may ensue a speedy and effective accomplishment of those objectives, and in harmony with the discussions which have taken place, has agreed that there shall be established a Joint Board composed of an equal number of representatives of the Allied and of the Spanish Governments.

2. This Board will be charged with:

- a. identification of German property in Spain and the reporting of its findings to the (Expropriating Agency);
- b. liquidation of the expropriated property delivered to it by the (Expropriating Agency); and
- c. interim administration, in appropriate cases, of the property identified as German, pending its liquidation.

ARTICLE VI.

1. In the discharge of its duties of identifying German property the Joint Board shall:

- a. *The findings of the joint board in the identification of property shall be final.*

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Authority NND 760050

By JK WARA Date 7/25/00

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Page 4

- See 1*
- Include approval attached*
- a. take cognisance of all German property in Spain, including property which, having been on August 25, 1939, German property, was after that date transferred to other persons. Such transfers which took place after August 25, 1939 shall be treated as inoperative unless the present holder or person in management of the property can show (1) that the transfer took place by direct instructions of the German owner and (2) was on his part bona fide, unconditional and for full value. Further, any transfer of German property which took place after May 5, 1945 shall be void unless expressly authorized by leave given under Spanish Decree-Law of May 5, 1945 and Law of July 17, 1945, and supported by actual consent given by the former German owner in due form and by way of transfer outright without right to exercise option or other contract of repurchase.
 - b. have regard to the realities of the matter, and the known habit of Germans to obtain, and retain, right of disposition and control of property (which will be assumed to continue to exist until the contrary be shown) through "men of straw", false transfers with secret rights of option or repurchase, and holdings by persons possessing or professing to possess authority to manage and dispose of such property, designed only for purposes of concealment, or fraud upon the Spanish economy, and constituting a menace by economic means to peace and security.
 - c. take cognisance and report upon all cases brought to its notice of mortgages, charges and dispositions involving options and contracts allowing repurchase ~~(or other contracts)~~ which, having been executed but not registered, or being otherwise incomplete under Spanish law, render suspect the transactions of which they form part. Unsecured claims shall not be satisfied out of property to be expropriated; claims against such property which did not arise in Spain shall be disregarded; and unregistered charges created on or after August 25, 1939, and arising from transactions by or with Germans not resident in Spain, shall be disallowed unless the claimant is a person not of German nationality who satisfies the Joint Board that the charge was acquired by him in good faith and in regular dealing for full value.

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Page 5

2. Whenever the Joint Board shall so recommend, the Spanish Government shall require testimony or other evidence to be adduced before the Board so as to assist it in the execution of its duties.

ARTICLE VII.

The expropriation of German property in Spain, as mentioned in Article II, shall be applied without further formality in those cases in which there is produced to the Joint Board an authority or direction signed by the owner or person having disposition of the property, being a German not resident in Spain, and countersigned on behalf of the Allied Governments, showing that he claims no further interest in the property, or that he has ceded his rights to and in that property to the competent Allied authority by whom, through the Allied Governments, that admission or cession is brought to the notice of the Joint Board.

*P/A
See above*

ARTICLE VIII.

When the findings of the Joint Board are to the effect that the assets or property concerned should be expropriated, it shall so report to the (Expropriating Agency) which shall, save in a case of a reverse decision resulting from an appeal to the Special Tribunal provided in Article IX, proceed immediately with expropriation.

*copy
mit*

ARTICLE IX.

There shall be constituted a Special Tribunal consisting of three persons, nationals of Spain, one to be nominated by the Allied Governments, one by the Spanish Government, and the third, who shall preside, by (the President of the Spanish Courts). This tribunal, which shall be the only competent judicial body to hear and finally determine cases of opposition to expropriation brought by any person in interest or by his agent expressly authorized for the purpose, as provided for in Article III, paragraph 3, or in other cases in which expropriation is disputed on grounds of law after the Joint Board has made a finding unfavorable to the party seeking to appeal. The Tribunal shall settle its own procedure with a view to an expeditious determination of the matters coming before it.

*(copy not
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ARTICLE X.

1. The Allied Governments, or the first purely German Government constituted and having authority in Germany, shall be responsible for providing such indemnity as may

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 Box 4223

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be due in that country to those Germans whose property shall have been expropriated in the manner mentioned in this Memorandum of Accord.

2. The competent Spanish authority shall furnish to the Allied Governments particulars of the amounts credited as a result of the expropriation of German property in Spain.

[omit by cable]
ARTICLE XI.

1. In the liquidation of expropriated property delivered to it by the (Expropriating Agency), the Joint Board shall require from every purchaser:

- a. a guarantee that he is not acting for, or in association with, any German, or any company in which there exists a substantial German interest, whether in stockholding, management or technical direction;
- b. disclosure of the names of any person (including companies and entities) contributing with him to the purchase price, and to what extent; and
- c. disclosure of his principal, if he is acting as agent or intermediary.

2. Any wilful breach of these conditions shall lead to a cancellation of the purchase, and the forfeiture of any sums paid in respect of the purchase, and every contract of sale of expropriated German property shall expressly include this provision.

ARTICLE XII.

For the purposes of conserving the German assets, normalizing operations and providing effective interim management, German property in Spain may be placed under intervention, in those cases in which it may be deemed appropriate, pending its final liquidation. The intervenors appointed in such cases shall receive their directives from and report to the Joint Board.

ARTICLE XIII.

Any difference or failure to agree upon either the identification, nature or title to property in Spain alleged, or denied, to be German property, or as to the value [for appraisal] or the proper price on sale of any such property expropriated, may, if the Allied and Spanish Governments are unable to agree upon any other solution, be submitted by either party to the impartial and final decision of some disinterested person chosen between them.

Article XIV.

Cable recommendations
be nominated by and
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ARTICLE XIV.

1. The Government of Spain agrees to create and put at the disposal of the Inter-Governmental Committee on Refugees, and of the Allied Governments in manner hereinafter set forth, but with due regard for the Spanish economy, the following sums:

No need for this

- a. 100 million pesetas to the Inter-Governmental Committee on Refugees in token of the necessities of those non-repatriable victims of the war who have no homes and whose resettlement is in the care of that Committee;
- b. ... million pesetas to the Allied Governments in aid of the recovery of countries depleted and devastated in the recent war, to assist in the restoration of their economy and of mutual and multilateral trade which it is the intention of both the Allied and Spanish Governments to foster and encourage.

2. The Allied Governments, in right of their authority in Germany, acknowledge that the two sums above mentioned constitute a proper charge to be recovered by Spain from the German property in Spain to be expropriated.

3. The Allied Governments undertake to cause the first German Government succeeding the Allied Control Council for Germany to recognize formally the validity of all actions taken by Spain in compliance with this Memorandum of Accord.

2/ 4. The proceeds of expropriation, after being carried into a special account to be opened in the Instituto Español de Moneda Extranjera, shall be at the disposal of the Government of Spain. Nevertheless, any balance not taken for the purposes mentioned in this Memorandum of Accord will remain blocked, pending settlement between the Government of Spain and a purely German Government having authority in Germany regarding its disposition.

5. The amounts of 100 million pesetas, and ... million pesetas, respectively, above mentioned shall be paid into special accounts created in the Instituto Español de Moneda Extranjera in the names of the said Inter-Governmental Committee on Refugees, and of the Allied Governments, or their nominees or central banks, to be held until such further arrangements are made with the Government of Spain for their transfer or use in a manner which has due regard to the Spanish economy.

Article XV.

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By JK ENRA Date 7/25/00

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ARTICLE XV.

met
The Governmental assets mentioned in Article I, paragraph 2, and their proceeds shall likewise be at the disposal of the competent Governments in the manner and to the extent provided in Article XIV.

.et

DECLASSIFIED Authority NND 700050 By EK WARA Date 7/8 RG 59 Entry Dec Files 1945-49 File 800-57575-347 Box 4228

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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JK	<input type="checkbox"/>	<input type="checkbox"/>



From: American Embassy Madrid, Spain
Rec'd: May 15, 1947
Dated: May 21, 1947
3:25 AM

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THE SECRETARY OF STATE
WASHINGTON, D.C.

A-251

In Safehaven negotiations regarding Spanish-German claims, the Spanish Foreign Office has interposed some 75 claims on behalf of Sephardic Jews resident in Greece and Bulgaria for damages and indignities suffered by them during the German-Italian occupation of Greece. The Foreign Office asserts claimants are Spanish nationals and that damages sought to be recovered are attributable solely to German action in the Balkans. In round figures, claims total 27 million Swiss francs, of which 33 million represent claims of Jews resident in Greece.

The Foreign Office has explained the background and its juridical position in asserting the Spanish nationality of claimants as follows:

1. The Sephardic Jews were exiled from Spain during the fifteenth century, principally under the reigns of Ferdinand and Isabel. The majority of them settled in the Balkans and the Middle East where, because of religious and other differences, they were persecuted under Ottoman regimes. Commencing in the Seventeenth century, Spain negotiated a series of treaties with the Sultans which assured religious and other rights of Spanish nationals in the Ottoman Empire. At this time Spain did not claim Sephardic Jew minorities as Spanish nationals. By the nineteenth century and continuing through the establishment of Greek and Bulgarian independence, World War I, and dismemberment of the old Turkish Empire in the Middle East, large numbers of these Jews had sought and obtained protection of Spanish consuls in this fashion: through custom and usage, rather than as a matter of treaty right, the Sultans gradually permitted Spanish consuls to exercise jurisdiction over non-Spanish employees of consulates and the Sephardic Jews.

DEPARTMENT OF STATE
 MAY 23 1947
 DEPARTMENT OF STATE
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800.515/5-1547

JUL 24 1947

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Authority NND 760050By EK NARA Date 7/8

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Entry Dec Files1945-49File 800-515/5-3475-1547Box 4228

Madrid

No. 251

Page 2

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the same rights and protection as were guaranteed to Spanish nationals by existing treaties. The Foreign Office admits Spain exploited this indulgence on the part of the Ottoman regime as a method of political penetration and asserts other powers of western Europe did likewise. By the time Greece and Bulgaria had won independence, large numbers of Sephardic Jews had enrolled themselves on registers of Spanish consulates as claiming and demanding protection of Spanish consuls. After they gained their independence, Greece and Bulgaria recognized the lists of Jews thus enrolled, as did various other Balkan and Mediterranean countries.

2. In December 1924, largely because of the recognized anomalous position of the Sephardic Jews, Spain decreed unilaterally that Sephardic Jews might become naturalized as Spanish citizens. This decree remained in effect until 1930. During this period a large number of Jews thus became Spanish nationals. Their naturalization was conferred through individual Spanish decrees and these decrees were spread on the civil registers of the Spanish consulates in the various countries of residence. This practice was applicable to the Sephardic Jews of Greece and Bulgaria.

3. In 1933 Spain and Greece signed a treaty which, among other things, listed the families of Sephardic Jews resident in Greece who had been naturalized as Spanish citizens. This list contains somewhat less than 1000 names and is not complete. Spain, therefore, regards the lists of the naturalized persons appearing on the civil registers of her consulates as definitive in establishing the number of Sephardic Jews who are Spanish citizens.

4. The Foreign Office admits that during the German-Italian occupation of Greece, Spain issued a number of Spanish passports to Sephardic Jews who had never become Spanish nationals, in order to assist their escape to other countries. It states that all of these passports have now been picked up and that only naturalized Sephardic Jews and their lineal descendants are now entitled to Spanish passports.

On the matter of claims the Spaniards assert that their Legation in Athens and a select group of Sephardic Jews resident in Greece have investigated and screened all claims and claimants. A claim has been rejected unless justifiable and unless the claimant is a naturalized

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Spaniard

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Madrid
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Spanish whose name is registered with Spanish Consulates.

In view of the political nature of these claims, the unusual background, the amount, and the fact that the Spanish Government is apparently determined to press the issue, we shall greatly appreciate the Department's suggestions and comments and any pertinent information Embassy Athens may report on the nationality status of Sephardic Jews under Greek law and Spanish juridical bases reported herein.

In the opinion of the Trusteeship and of this Embassy it would be regrettable to permit the present Spanish regime, whose close relations with the Axis powers which persecuted the Jews in Europe are notorious, now to pose as the champion of this particular Jewish group. In addition, this Embassy assumes that all of these Jews would be able, as residents of countries occupied by the Axis, to present their claims through normal reparation channels, i.e., through the pertinent Governments directly concerned.

MChamsey/at

Teletype to the Department
Copy to the American Embassy, Athens
British Embassy, Madrid
French Mission, Madrid

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Authority NND 760050
By EK NARA Date 7/8

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INCOMING TELEGRAM

DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS

Walter
Yukin
Sullivan
TELEGRAPH BRANCH

DIVISION OF ECONOMIC SECURITIES
RESTRICTED
JUN 27 1947
DEPARTMENT OF STATE

A

Control 8896

Rec'd June 26, 1947
11:07 a.m.

4
Action: DC/L
Info :
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FROM: London
TO : Secretary of State
NO : 3497, June 26, Noon
SAFEHAVEN.

MEWFO received from British Embassy Washington Department's inquiry regarding British interpretation of gold clause in recent Anglo-Spanish financial agreement in light of attempts to get looted gold out of Spain.

Before answering Department's inquiry British Treasury desires know from Department: (1) amount of looted gold we are trying to get out of Spain; (2) details regarding type of looted gold.

MEWFO states above information requested in order that reply may be made to Department's inquiry.

DOUGLAS

MH:RA

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INFORMATION COPY

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By EK NARA Date 7/8

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FORM OS-322
7-18-46

1785

OUTGOING TELEGRAM

CLASSIFICATION

INDICATE

Collect:

Charge Department:

Department of State

CONFIDENTIAL

Charge to:

Washington

JUL 8 1947

AMEMBASSY,

CONFIDENTIAL

LONDON.

In reply Brit Treasury's inquiry urtel 3497 June 26 to Dept only:

1. Lacking opportunity identification individual looted gold bars acquired by Spain due to unwillingness Spain to compare identification marks, Dept establishing claim basis available overall information mainly received from Amemb Madrid (considered to be conservative calculation); namely, that Sp received between Feb 1942 - end of war:

- a. directly from Germany 12
 - out of which recovered by Trusteeship 1-remain 11
 - b. from Ger Reichsbank deposit with Swiss Natl Bank 83
- (million dollars) 94

official and confidential in (b.)
(According to Swiss statement figure is closer to 45).

It can be assumed for reasons known to Brit Treas that 75% of this gold was looted. We should therefore try to recover between 42 and 70-1/2 million dollars worth of gold. Above figures do not (repeat not) include some 40 million dollars gold acquired by Spain from Switz which also might include Ger looted gold.

2. Gold involved is assumed to consist of gold in bars. No marks as to identification of individual bars can be listed at present. As to origin, it is assumed that bars of countries other than Belgium are

3

Mr. O. J. P.

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[Signature]

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 By EK NARA Date 7/18

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FORM DS-322
7-18-46

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Charge Department

Department of State

CONFIDENTIAL

Charge to

Washington

- 2 -

involved.

(Sent London as 2915, repta Madrid as 580, and Brussels for Dorr as 950 // Paris as 2495D)

3. Suggest Brit reps Span negotiations furnish additional information re breakdown Tripartite gold claim advanced negotiations Madrid.

CODE ROOM: Please repeat to Madrid as 580 and Paris as 2495D and Brussels for Dorr as 950

Marshall
(O. F. F.)

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ES:OFFletcher:iam

7/2/47

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Treas.

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CR 24

JUL 8 1947 P.M.

cleared with Todd *cleared with Libby*

cleared in sub. file with R. Schwartz

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Authority <u>NND 760050</u>	Entry <u>Dec Files 1945-49</u>
By <u>EK</u> NARA Date <u>7/8</u>	File <u>800-515/5-347</u>
	Box <u>4228</u>

OUTGOING AIRGRAM

CLASSIFICATION

Department of State

CONFIDENTIAL

NO. A-228

Washington

AMEMBASSY

July 22, 1947

2060
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MADRID

Reference is made to the Embassy's airgram No. 251 of May 15, 1947, copied to Athens, in which it is stated that during the Safehaven negotiations regarding Spanish-German claims, the Spanish Foreign Office had interposed some seventy-five claims on behalf of Sephardic Jews resident in Greece and Bulgaria from damages suffered by them during the German-Italian occupation of Greece. It is noted that the Spanish Foreign Office asserts that the claimants are Spanish nationals and that damages sought are attributable solely to German action in the Balkans. In round figures, claims total thirty-seven million Swiss francs, in which thirty-three million represent claims of Jews resident in Greece.

The Department has endeavored to obtain information on this problem and has been advised by one authority that the basic factual allegations of the Spanish Government are substantially correct, and that the recognition of Spanish nationality of such Jews has been the practice of the Spanish Government through its missions as far east as Shanghai. It was stated that these Jews are Spanish citizens and not dual nationals, and that they have the right to return to Spain - in fact, might even be welcome under the present policy of attempting to propitiate Jewish opinion. However, it would appear that there has been substantial divergence between the recent claims made by the Spanish Government and the actual assistance given by the Spanish Government to these Sephardic Jews during the course of World War II. As indicated by Sir Samuel Hoare in his book on his wartime mission to Spain and as understood by the Department from previous information received from the American Embassy in Spain, it would appear that the Government of Spain failed to offer the full prerogatives of Spanish nationality to Spanish Sephardic Jews. Instead, it is understood that residence was not offered to such Sephardic Jews as had formerly resided in Greece and Bulgaria but that mere rights of transit passage were offered by the Spanish Government. It is suggested, therefore, that you propose

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Department of State

CONFIDENTIAL

NO. A-228 To Madrid July 22, 1947 Washington

-2-

in your discretion to the Spanish a separate trust fund under the terms of the projected accord coming from funds to be allotted to the Government of Spain for such claims of Sephardic Jews as you may feel desirable. Such a fund should be established so as to be available to satisfy the claims of Sephardic Jews. If exchange controls do not make possible use of fund outside Spain, fund should be available to Sephardic Jews who return to Spain. Provision should be made that, to extent fund is not utilized within two years from date of agreement, the balance revert to Allies for reparation purposes. In this manner, the Spanish Government will be called upon either (a) to pay the money to the Sephardic Jews and possibly bestow full rights of Spanish citizenship or (2) to have funds go to Allies for rehabilitation.

It is understood that 365 Sephardic Jews from Salonika were reported as released from the camp Bergen-Belsen on Spanish initiative and later brought to Spain. Apparently, these people could not make claim for reparation through the Greek Government since they are not covered by Resolution 3 of the Inter-Allied Reparation Conference which refers only to nationals of other signatory governments (Spain thus excluded).

Copies of this airgram are being forwarded to the Mission in Sofia and to the Embassy in Athens for their comments to the Department and Madrid - especially for information on the possibility of relief under local laws, the validity of the claims and the status of the citizenship.

Marshall
MARSHALL

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7/8, 11/17

W *WE* *A-11*

SECURITY CLEARANCE
6R
JUL 22 1947

22 copies attached for Sofia + Athens

2467

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Authority NND 760050
By EK NARA Date 7/8

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1945-49
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Box 4232

E. J. ...
OE
att. Mr. Eulers.



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DIVISION OF OCCUPIED AREAS AMERICAN EMBASSY
RESTRICTED FLO OMIC A. FAIRS Athens, Greece, July 28, 1947
No. 5243
SEP 15 1947

DEPARTMENT OF STATE
SUBJECT: Claims against German Assets by Sephardic
Jews of Spanish Nationality resident in
Greece.

RECEIVED
DEPARTMENT OF STATE
1947 AUG 7 AM 10 36
THE HONORABLE
THE SECRETARY OF STATE,
WASHINGTON.

to *OE*
AUG 11 1947

DEPARTMENT OF STATE
DIVISION OF SECURITY CONTROLS
AUG 28 1947
DEPARTMENT OF STATE

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800.515/7-2847

Sir: I have the honor to refer to Embassy Madrid's
airgram No. 251 of May 15, 1947 and, in connection
therewith, to forward a memorandum prepared by Second
Secretary Cromie on the subject of claims against
German assets by Sephardic Jews of Spanish nationality
resident in Greece.

Embassy Madrid requested the comments of this Embassy
on the nationality status of a group of Sephardic Jews
resident in Greece who have filed claims against German
assets in Spain for indemnification of losses sustained
as a consequence of the German occupation of Greece.
The Madrid Embassy also questioned the propriety of
permitting the present Spanish regime to pose as the
champion of this particular group of Jews.

In reply, Mr. Cromie's memorandum makes the follow-
ing main points:

- 1) With the exception of nine persons whose na-
tionality status is apparently affected by a conflict
of laws, all of the 258 claimants are clearly recognized
as Spanish nationals by both the Spanish and Greek
Governments.
- 2) The Greek Government has no objection to the
procedure being followed and would not in any case accept
claims against German assets in Greece filed by these
persons since they are not Greek nationals.
- 3) The claimants would have no realistic hope of
obtaining indemnification in Greece or through the Greek
Government. Whereas German assets in Spain are pre-
sumably considerable, they are negligible in Greece
and little progress is being made by the competent
Ministry towards checking these assets or processing
claims against them filed by Greek nationals.

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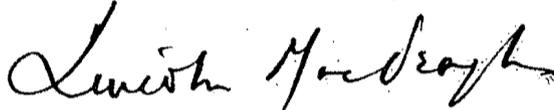
Despatch No. 5243 dated July 28, 1947, from the American Embassy, Athens.

-2-

4) This group did benefit by a certain degree of protection from the Spanish Government throughout the war. Its members desire an early settlement of their claims by the Spanish authorities, and many are eager to leave Greece and take up residence in Spain.

In view of these considerations, the memorandum recommends that no American objection be interposed to the settlement of these claims by the Spanish authorities unless other factors are involved such as a possible conflict between these claims and other, more worthy ones.

Respectfully yours,



Lincoln MacVeagh

Enclosure: *att. ✓*

No. 1- Memorandum prepared by Second Secretary Cromie.

Copy to the American Embassy, Madrid.

Copy to the Division of Near Eastern Affairs.

Sent to the Department in original and ozalid.

File No. 851

LJCromie/lp

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Enclosure No. 1 to Despatch No. 5243 dated July 28, 1947 from the American Embassy, Athens, subject: "Claims against German Assets by Sephardic Jews of Spanish Nationality in Greece."

M E M O R A N D U M

Claims against German Assets by Sephardic Jews of Spanish Nationality Resident in Greece

Reference: Embassy Madrid's A-251, May 15, 1947

Sources:

H. E. Sebastian de Romero Radigales, Charge d'Affaires of Spain in Athens.

Mr. S. Ezratty Y Botton, Spanish Vice Consul, Salonika.

Mr. Albertos Nechama, General Director of the "Union" Bank, leading member of the Spanish Sephardic Community.

Mr. Emmanuel Carasso, Foreign Service Clerk (alien), member of Salonika Sephardic Community (non-Spanish).

H. E. Dimitri Capsalis, Chief of the Economic Affairs Section of the Greek Ministry for Foreign Affairs.

Other officials of the Greek Ministry for Foreign Affairs.

Spanish Sephardic Community in Greece

The pre-war Jewish population of Greece comprised about 75,000 persons, some 55,000 of whom resided in Salonika. As a result of the war, this community has been reduced to about 10,000 persons, some 2,000 residing in Salonika.

Of the pre-war Jewish population, some 700 persons were considered to be Spanish nationals. Of these, 250 individuals belonging to 144 families residing in Salonika enjoyed undisputed Spanish nationality under an Agreement by exchange of notes, dated April 7, 1936, between the Greek Foreign Minister and the Spanish Minister in Athens. This Agreement was ratified in 1938. The pertinent texts and the names of the individuals may be found in the Official Journal of the Greek Government (Efimeris tis Kiverniseos), No. 306, September 3, 1938.

German Treatment of Spanish Sephardic Community

During the early part of the German occupation of Greece, this small Spanish Sephardic Community was relatively unmolested, being under the protection of the Spanish Legation. However, on July 29, 1943, 367 members of the Salonika Community were assembled on the pretext that they were to be transported to Spain. Actually they were transported to the Bergenbelsen Concentration Camp

/in Germany

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 By EK NARA Date 7/8

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Enclosure No. 1 to Despatch No. 5243 dated July 28, 1947
 from the American Embassy, Athens.

-2-

in Germany where they remained for six months before being sent on to Spain. On April 2, 1944, 155 members of the Athens Community were likewise deported to the Bergenbelsen Camp and never reached Spain. The rest of the Community, or some 180 persons, managed to remain in hiding in Greece during the occupation or escaped abroad, mainly to Palestine.

While those Spanish Sephardic Jews who were sent to Bergenbelsen found it no pleasure resort, they were apparently accorded highly preferential treatment there in comparison with other inmates. They were not obliged to work and their children were actually well fed and cared for.

The Athens group was eventually repatriated to Greece from Germany in September 1945 through the displaced persons services of UNRRA, while the bulk of the Salonika group was similarly repatriated to that City from Spain the following month except for individuals who had gone on from Spain to Palestine or other countries. Both groups, needless to say, found upon their return that most of their worldly assets had vanished.

Filing of Claims against German Assets in Spain

A Committee of the leading members of the Spanish Sephardic Community was accordingly formed under the sponsorship of the Spanish Legation at Athens to prepare claims against German assets in Spain for indemnification of losses sustained by the Community's members as a consequence of the German occupation of Greece. The Legation screens each claim filed by the Committee, before forwarding it to the Spanish Foreign Ministry, both with regard to the justification of the amount and the Spanish nationality of the claimant. By June 26 of this year, 258 individual claims of a total amount of approximately 56,000,000 Swiss francs had thus been approved. The claimants fall into three categories:

- a) 200 claims of persons included on the 1938 list of 144 families formally recognized as Spanish nationals;
- b) 49 claims of persons recognized as Spanish nationals by the Spanish Legation and whose nationality status is not contested by the Greek authorities;
- c) 9 claims of persons recognized as Spanish nationals by the Spanish Legation but whose status as such has not been recognized by the Greek authorities.

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Enclosure No. 1 to Despatch No. 5243 dated July 28, 1947
from the American Embassy, Athens.

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Details concerning these claims as well as nominal lists of the claimants by category are included in the attached copy of a note from the Spanish Legation.

Attitude of the Greek Government

None of the competent officers of the Ministry for Foreign Affairs consulted with regard to this matter raised the slightest objection to the procedure being followed, nor did they contest the status of the claimants as Spanish nationals. They were not even aware of the nine cases (category c) in which the nationality status of the claimants is apparently complicated by a conflict of laws.

The Chief of the Economic Affairs Section pointed out, moreover, that even if the individuals in question were disposed to file their claims through the Greek authorities, their claims would not be accepted since they are not Greek nationals. He added that even if they could legally file their claims through the Greek authorities, they would have little realistic hope of obtaining indemnification. Whereas there are presumably important German assets in Spain, he said, German assets in Greece are very limited. They have been estimated, rather nebulously, at a few million dollars, but no real accounting has been made and little is being accomplished by the competent service of the Finance Ministry beyond collecting and filing the claims submitted by Greek nationals.

Attitude of the Spanish Sephardic Community

Like most of the Jews remaining in Greece, the Spanish Sephardic group is anxious to leave the country. They are understandably eager to have their claims finally settled, and many plan to reside and set up businesses in Spain when this is done, recognizing the difficulties of transferring their funds from Spain even when they come into possession of them.

Recommendation

In view of the foregoing, it is recommended that no American objection be interposed to favorable settlement of these claims by the Spanish authorities unless other factors are involved, of which this Embassy is unaware, such as a possible conflict between these claims and other, more worthy ones.

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While admitting the validity of Embassy Madrid's objection to permitting the present Spanish regime to pose as the champion of this group of Jews, it must be recognized they did enjoy some effective protection from the Spanish Government throughout the war, both in Greece as well as in Germany and Spain. In Greece, this protection was exercised by the Spanish Minister, Mr. Romero de Radigales, who is a man of humanitarian if reactionary ideals. His wife is Greek, and he befriended the Greeks as well as his own nationals in many ways during the occupation of this country.

Attachment:

Copy of Note No. 45, June 26, 1947
from the Spanish Legation, with annexes.

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Attachment to Enclosure No. 1 to Despatch No. 5243 dated July 28, 1947 from the American Embassy, Athens.

LEGATION D'ESPAGNE
 ATHENES

No. 45

NOTE VERBALE

La Légation d'Espagne présente ses compliments à l'Ambassade des Etats Unis d'Amérique et a l'honneur de lui remettre, à toutes fins utiles, suivant la demande verbale, trois listes détaillées comprenant les noms des sujets espagnols ayant soumis au Ministère des Affaires Etrangères de Madrid, par l'entremise de cette Légation, des réclamations pour les dommages subis pendant l'occupation allemande de Grèce et pour une grande majorité, à la suite de leur déportation à Bergen-Belsen.

La première liste de 200 réclamations comprend les noms des sujets espagnols originaires et établis à Salonique, faisant partie du groupe de 144 familles reconnues par le Gouvernement Hélienique, en vertu de l'accord intervenu le 7 Avril 1936 après ratification des Gouvernements respectifs dans le Journal du Gouvernement de Grèce sub. No. 306 daté du 3 Septembre 1938.

A cette liste viendront s'ajouter encore 4-5 réclamations reçues par cette Légation qui n'y figurent pas vu qu'elles sont encore sous contrôle de la Commission competente.

La deuxième liste comprend 49 réclamations concernant des sujets espagnols non compris dans le groupe de 144 familles vu que, ou bien ils sont originaires d'autres régions de Grèce ou encore de l'étranger et sont venus s'établir en Grèce après les

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guerres balcaniques et mondiales et aussi après la signature du Traité d'Athènes de 1914. Tous, sans exception, sont en règle au sujet de leur nationalité avec les Lois Espagnoles et dûment reconnus depuis leur arrivée en Grèce par les Autorités compétentes Helléniques.

La troisième liste comprend deux sujets espagnols qui, quoique étant en règle avec la Legislation espagnole sont contestés actuellement par les Autorités Helléniques. Dans cette même liste figurent les noms de sept femmes veuves et divorcées, nées espagnoles.

La somme totale des montants réclamés jusqu'à ce jour s'élève en francs suisses 56.000.000 environ.

La grande majorité des sujets espagnols a été déportée à Bergen-Belsen. Les rares personnes qui n'ont pas été déportées sont marquées sur les listes comme suit: G - restées en Grèce cachées; F - enfuies clandestinement de Grèce.

La Légation d'Espagne saisit cette occasion pour renouveler à l'Ambassade des Etats Unis d'Amérique les assurances de sa haute considération.

Athènes le 26 Juin 1947

A l'Ambassade des Etats Unis d'Amérique

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PREMIERE LIST

Liste des sujets Espagnols qui ont présenté des réclamations pour les dommages et pertes subis pendant l'occupation allemande de la Grèce et par suite de leur déportation à Belsen-Bergen qui sont en règle avec leur nationalité Espagnole d'après la Législation espagnole et dûment reconnus comme tels par le Gouvernement Hellenique en vertu de l'accord intervenu entre deux Gouvernements respectifs en date du 17 Avril 1936 et publié dans le Journal du Gouvernement de Grèce sub No.306 daté du 3 Septembre 1938.

No. d'ordre	Nom et prénom		No. d'ordre du Journal Officiel
1.	ABRAVANEL, Albert	(y Mano)	105
2.	ABRAVANEL, Isidore	(y Mano)	104
3.	ABRAVANEL, Leon	(y Mano)	104
4.	ABRAVANEL, Henri	(y Botton)	106
5.	C. ABRAVANEL, Jose	(y Capuano)	106
6.	C. ABRAVANEL, René	(y Botton)	137
7.	C. ARDITTI, Salomon	(y Botton)	119
8.	BENVENISTE, Maurice	(y Simha)	60
9.	BENVENISTE, Daniel	(y Covo)	61
10.	BENVENISTE, Albert	(y Mallah)	63
11.	C. BENVENISTE, Jacques	(y Capuano)	63
12.	BENVENISTE, David	(y Benforado)	64
13.	BENVENISTE, Jacob	(y Benforado)	62
14.	BENVENISTE, Mair	(y Levy)	62
15.	BENVENISTE, Leon	(y Levy)	62
16.	BENVENISTE, Elia	(y Saltiel) her.	65
17.	BENVENISTE, Isaac	(y Ergas)	69
18.	BENVENISTE, Mair	(y Benrubi)	124
19.	C. BENVENISTE, Haim	(y Benusiglio)	124
20.	BENVENISTE, Isaac	(y Benrubi) Riquet	125
21.	BENVENISTE, Adolfo	(y Marcos)	126
22.	BENVENISTE, Alberto	(y Marcos)	126
23.	BENADON, Moise	(y Hanen)	88
24.	BENADON, David	(y Matakou)	89
25.	F. BOTTON, Moise	(y Salem)	98
26.	BOTTOM, Juda	(y Botton)-Flore-	99
27.	BOTTON, Haim	(y Saporta)	99
28.	BOTTON, Albert	(y Saporta)	99
29.	BOTTON, Ascher	(y Saporta)	99
30.	F. BOURLA, Samuel	(y Florentin)	115
31.	F. BOURLA, Isaac (Ino)	(y Gattegno)	115
32.	F. BOURLA, Elsa	(née Salem)	115
33.	F. BOURLA, Samuel & Fils		115
34.	BOURLA, Menahem	(y Ascher)	143
35.	BOURLA, Jose	(y Benveniste)	143
36.	BOURLA, Elie	(y Benveniste)	143
37.	BENOUZIGLIO, Lévy	(y Ascher)	134
38.	BENOUZIGLIO, Samuel	(y Ascher)	134

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No. d'ordre	Nom et prénom	No. d'ordre du Journal Officiel
39.	BENOZIGLIO, Salomon (y Ascher)	135
40.	CARASSO, Vital (y Carasso)	18
41.	CARASSO, Joseph (y Barzilai)	22
42.	CARASSO, Salomon (y Hassid) -Sophia-	24
43.	CARASSO, Joseph (y Hassid)	17
44.	CARASSO, Isaac (y Sadi)	20
45.	CARASSO, Isaac (y Sadi) (fabrique)	20
46.	CARASSO, René (y Bensussan)	19
47.	CAPUANO, Giova (& famille)	140
48.	F. COHEN, Isaac (y Gabay)	128
49.	F. COHEN, Richard (y Beja)	128
50.	EZRATTY, Salomon (y Botton)	103
51.	EZRATTI, Haim (y Botton)	103
52.	FRANCES, Flora (y Salem)	92
53.	C. FRANCES, Moise (y Frances)	93
54.	C. FRANCES, Jacques (y Salem)	93
55.	FRANCES, Léa Vve. Moise FRANCES	97
56.	FRANCES, Moise (y Mosseri)	97
57.	FRANCES, Vital (y Mosseri)	97
58.	FRANCES, Isaquino (y Matalon)	96
59.	FRANCES, Albert (y Lévy)	129
60.	FRANCES, Régine Vve. Albert FRANCES	129
61.	FRANCES, Abraham (y Asaias)	142
62.	FRANCES, Jose (y Sarfati)	142
63.	FRANCES, Moise (y Asaias)	141
64.	FRANCES, Jacob (y Frances)	94
65.	FRANCES, Isaac (y Frances)	94
66.	C. GATTEGNO, Salomon (y Abastado)	2
67.	C. GATTEGNO, Daniel (y Bensussan)	2
68.	C. GATTEGNO, Albert (y Frances)	4
69.	GATTEGNO, Samuel (y Benjamin)	5
70.	C. GATTEGNO, Moise (y Benjamin)	5
71.	C. GATTEGNO, Joseph (y Benjamin)	5
72.	GATTEGNO, Moise (y Uziel)	6
73.	GATTEGNO, Albert (y Zadock)	7
74.	GATTEGNO, Albert (y Zadock) - heritier-	7
75.	GATTEGNO, Rachel Vve. de David	8
76.	GATTEGNO, Saltiel (y Angel)	9
77.	GATTEGNO, Elise (y Navarro)	9
78.	GATTEGNO, Samuel (y Beressi)	10
79.	GATTEGNO, Hananel (Niko) (y Beressi)	10
80.	GATTEGNO, Isaac (y Sasson)	13
81.	GATTEGNO, Benveniste (y Misrahi)	15
82.	GATTEGNO, Mathilde Vve. de Haim	12
83.	GATTEGNO, Michel (y Saporta)	12
84.	GATTEGNO, Michel (y Saporta)	12
85.	GATTEGNO, Mathilde Vve. de Maurice	34
86.	GATTEGNO, Alberto (y Corcos)	116
87.	GATTEGNO, Samuel (y Bensussan)	3
88.	GATTEGNO, Daniel (y Cohen)	14
89.	GATTEGNO, Menahem (heritiers)	14

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No. d'ordre	Nom et prénom	No. d'ordre du Journal Officiel
90.	HAGUEL, Samuel (y Haim)	25
91.	HASSID, Moise (y Attas)	66
92.	HASSID, Samuel (y Attas)	67
93.	HASSID, Benjamin (y Taboh)	67
94.	HASSID, Salomon (y Salem)	68
95.	HASSID, Salomon & Frères	68
96.	HASSID, Jacob (y Bensussan)	70
97.	HASSID, Leon (y Bensussan)	70
98.	HASSID, Elie (y Hassid)	71
99.	HASSID, Alain (y Fernandez)	72
100.	HASSID, Sarina Vve de Haim	74
101.	HASSID, Abram (y Hassid)	75
102.	HASSID, Henri (y Hassid)	77
103.	HASSID, Leon (y Benveniste)	78
104.	HASSID, Benjamin (y Bayona)	79
105.	HASSID, Salomon (y Bayona)	79
106.	HASSID, Max (y Benveniste)	80
107.	HASSID, Mathilde (Ve de Menteche)	81
108.	HASSID, Israel (y Hassid)	132
109.	HASSID, Haim (y Hassid)	133
110.	HASSID, Mair (y Saltiel)	138
111.	HASSID, Joseph (y Gattegno)	82
112.	MIJAN, Liliane (Vve Isac)	122
113.	MIJAN, Gilberte (y Frances)	122
114.	MIJAN, Flore (y Frances)	122
115.	MIJAN, Albert (Fredy) (y Frances)	122
116.	MOCHE (heritiers de Salomon)	139
117.	MOCHE, Elia (y Cohen)	139
118.	MOCHE, Leon (y Cohen)	139
119.	MOCHE, Acher (y Cohen)	139
120.	MOCHE, Gabriel (y Cohen)	139
121.	C. NAAR, Edgar (y Matalon)	101
122.	NAAR, Isaac (y Castro)	102
123.	NAAR, Zacharia (y Castro)	102
124.	NAHMIAS, Nissim	90
125.	NAHMIAS, René (y Mordoh)	90
126.	NAHMIAS, Isaac (y Mordoh)	90
127.	NAHMIAS, David (y Mordoh)	90
128.	NAHMIAS, Esther (Vve de Felix/Haim/)	90
129.	C. NEHAMA, Alberto (y Sarrano)	123
130.	C. NEHAMA, Salvator (heritiers)	112
131.	REVAH, Haim (y Alhades)	109
132.	REVAH, Sabetay (y Benveniste)	109
133.	REVAH, Benico (y Alhades)	108
134.	REVAH, Abram (heritiers)	108
135.	REVAH, Jacob (y Levy)	110
136.	REVAH, Salvator (y Levy)	110
137.	C. REVAH, Elie (y Levy)	110
138.	REVAH, Benico (y Levy)	110
139.	REVAH, Isaac (heritiers)	110
140.	SALTIEL, Abram (y Saporta)	83
141.	SALTIEL, Menteche (y Saporta)	83
142.	SALTIEL, Sabetay (y Saporta)	83
143.	C. SALTIEL, Elda - heritiers Joseph Saltiel -	83
144.	SALTIEL, Semtov (y Saporta)	84
145.	SALTIEL, Daniel (y Uziel)	85
146.	SALTIEL, Semtov (y Gattegno)	85
147.	SALTIEL, Emilio (y Hazan)	86
148.	SALTIEL, Daisy (de Emilio)	86
149.	SALTIEL, Maurice & Leon (heritiers de Jose)	87
150.	SAIAS, Isaac (y Botton)	111
151.	SAIAS, Isaac - heritier de Sounhoula Saias-	111

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No. d'ordre	Nom et prénom	No. d'ordre du Journal Officiel
152.	SAPORTA, Djamila, Vve de Salomon	28
153.	SAPORTA, David (y Benadon)	28
154.	C. SAPORTA, Isaac (y Saporta)	31
155.	SAPORTA, Salvator (y Salmona)	32
156.	SAPORTA, Jose (y Cohen)	33
157.	SAPORTA, Laura (y Camhi) fille de Jacques	33
158.	C. SAPORTA, Raquel Vve de Abram (y Nissim)	36
159.	SAPORTA, Samuel (y Hassid)	35
160.	SAPORTA, Mair (y Benveniste)	38
161.	SAPORTA, Buena (Yacar, Vve d'Abram)	40
162.	F. SAPORTA, Maurizio (y Scialom)	42
163.	SAPORTA, Jose (y Scialom)	42
164.	SAPORTA, Abram (y Estrumza)	43
165.	SAPORTA, Myriam (Estrumza, Vve de Salomon)	43
165. b.	SAPORTA, Julie (y Tiano)	44
166.	SAPORTA, David (y Pessah)	46
167.	SAPORTA, Benjamin (y Halegua)	46
168.	SAPORTA, Jose (y Benveniste)	47
169.	C. SAPORTA, Rachel (Modiano, Vve Hanania)	48
170.	SAPORTA, Leon (y Israel)	49
171.	SAPORTA, Samuel (y Saporta)	50
172.	SAPORTA, Eliezer (y Varsano)	51
173.	SAPORTA, Eliezer (y Venezia)	56
174.	SAPORTA, Jose (y Abastado)	55
175.	SAPORTA, Jose (y Amariglio)	53
176.	SAPORTA, Guedalia (y Levy)	53
177.	SAPORTA, Jacob (y Amariglio)	52
178.	SAPORTA, Moise (y Amariglio)	54
179.	SAPORTA, Hananel (y Erhas)	57
180.	SAPORTA, Jacob (y Allalouf)	30
181.	SAPORTA, Alberto (y Hassid)	39
182.	SAPORTA, Mathilde (Hassid, Vve Samuel)	39
183.	C. SAPORTA, Sara (y Saltiel)	29
184.	C. SALEM, Esther (Cazes, Vve de Jose)	100
185.	F. SALEM, Oscar (y Cazes)	100
186.	C. SALEM, Levy (y Salem)	98
187.	SASSON, Salomon (y Menahem)	131
188.	SIDES, Elia (y Misrachi)	27
189.	SIDES, Daniel (y Cohen)	117
190.	SIDES, Jacques (y Cohen)	117
191.	SIDES Daniel & Jacques	117
192.	SIDES FRERES (Daniel & Jacques)	117
193.	SAPORTA, Isabelle (Sides, Vve Elie)	144
194.	Firme ABRAVANEL & BENVENISTE	63, 65, 106.
195.	Firme BOTTON & SAIAS	99, 111.
196.	NAHWIAS, Henri (y Saltiel)	136
197.	SAPORTA, Oro (Cohen, Vve Salomon)	33
198.	Fils de JOSE SAPORTA	33
199.	BENUSIGLIO, Levy (y Acher) -Fabrique-	134

soit en total 200 réclamations.
(No. 165 répété deux fois).

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Entry Dec-Files
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Liste des sujets Espagnols qui ont présenté des réclamations pour les dommages et pertes subis pendant l'occupation allemande de la Grèce et par suite de leur déportation à Belsen-Bergen, qui, quoique ne figurant dans la liste du Journal Officiel No. 306, sont régulièrement reconnus comme tels aussi bien par le Gouvernement Espagnol que par le Gouvernement Hellenique, et sont tous régulièrement munis de cartes de séjour délivrées par le Service des Etrangers.

No. d'ordre		Nom et prenom	
1.		AJI, Esther	(Benveniste)
2.		CARMONA, Marguerite	(Vve Albert, nee Faraggi)
3.	F.	DANON, Robert	(y Danon)
4.		CARASSO, Albert	(y Abastado)
5.		CARASSO, Mathilde	(Vve de Sabetay)
6.	C.	BENSASSON, Simantov	(y Medina)
7.	C.	BENSASSON, Nissim	(y Benbassat)
8.	C.	BENSASSON, Isaac	(y Benbassat)
9.		BEJA, Fortunée	(Vve d'Isaac, nee Cohen)
10.		BOTTON, Jacob	(y Molho)
11.	C.	BOTTON, Roberto	(y Frances)
12.		Firme Fils de Haim BOTTON	
13.	Suisse	BENVENISTE, Lazare	(y Carasso)
14.	Suisse	BENVENISTE? Ino	(y Carasso)
15.		BENVENISTE, Lazare et Ino	
16.		BITTI, Moise	(y Bitti)
17.	C.	BOTTON, Elia	(y Botton)
18.	Bulgarie	CARASSO, Edmée (Fakinna)	(y Navarro)
19.	"	CARASSO, Lazare	(y Navarro)
20.	"	Veuve de Raphael CARASSO,	(y Nahmias) (Fortunee)
21.	F.	CANETTI, Elia	(y givre)
22.	F.	CANETTI, Jacques	(y givre)
23.	F.	CHAVES, Gueveroul	(y Pardo)
24.	F.	CHAVES, Edmondo	(y Pardo)
25.		ELIE, Samuel	(y Eliaou)
26.		HASSON, Albert	(y Levy)
27.		HASSON, Simon	(y Levy)
28.		HASSAN, Leon	(y Mendez)
29.	F.	JESURUN, Bohor	(y Levy)
30.		MISRACHI, Mimi	(y Behmoares)
31.		LEVY, Menahem	(y Benforado)
32.		LEVY, Haim	(y Eskenazi)
33.		MALLAH, Oskar	(y Saltiel)
34.		MALLAH, Maurice	(y Saltiel)
35.		CALDERON, Henri	(y Saporta)
36.	France	MORDOH, Jose	(y Frances)
37.	Bulgarie	NAHMIAS, Rebecca	(Vve de Dario, nee Carasso)
38.	"	NAHMIAS, Lucien	(y Carasso)
39.		ROMANO, Abram	(y Romano)
40.	C.	SAPORTA, Jacob	(y Baruch)
41.	C.	SAPORTA, Carlotta	(femme de Jacob)
42.	C.	MAYO, Elisa	(Vve de Mardocheo, nee Frances)

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No. d' Ordre	Nom et prénom	
43.		SERRERO, Estherina (Vve de Sabetay, née Misrachi)
44.	C.	SAPORTA, Rosina (Vve de Elia, née Baruch)
45.	C.	VOULICH, Manuel (y Pesah)
46.	Espagne	PARENTE, Haim
47.	F.	TOLEDO, Vitalis (y Albalah)
48.		TOLEDO, Vitalis heritier de Moise Toledo
49.	France	BENVENISTE, Mair et Jacob (anna Asseo)

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4232Troisième Liste

Liste des sujets Espagnols qui ont présenté des réclamations pour les dommages et pertes subis pendant l'occupation allemande de la Grèce et par suite de leur déportation à Belsen-Bergen, qui sont en règle avec la Législation Espagnole, mais dont la nationalité espagnole est contestée par le Gouvernement de Grèce.

No.

d'ordre

Nom et prénom

- | | | |
|----|----------------|-------------|
| 1. | NAHMIA, Saul | |
| 2. | NEHAMA, Joseph | (y Sarrano) |

Liste de femmes nées espagnoles, divorcées ou veuves, ayant été déportées comme espagnoles et subi des dommages.

- | | | |
|----|---------------------|--------------------------|
| 1. | BOTTON, Jane | (Vve de Rodolphe Nissim) |
| 2. | MOCHE, Henriette | (y Cohen, divorcée) |
| 3. | MOCHEE, Renee | (y Cohen, divorcée) |
| 4. | NAAR, Ida | (y Castro, divorcée) |
| 5. | REVAH, Dudun | (y Alhadeis, Veuve) |
| 6. | SAPORTA, Rachel | (divorcée) |
| 7. | ABRAVANEL, Germaine | (divorcée) |

Les Nos. 2, 3, 4, 7 n'ont pas été déportées, mais sont restées cachées en Grèce.

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Authority: NND 760050
By: EK NAPA Date: 7/8

RG 59
Entry Dec-Files
1945-49
File 800.515/8747
Box 4232

INCOMING AIRGRAM

DEPARTMENT OF STATE **DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH**

AUG 21 1947

DEPARTMENT OF STATE AIRGRAM 1775

CONFIDENTIAL

From: American Embassy
Madrid, Spain
Dated: August 21, 1947
Rec'd: Aug. 14, 1947 8:46 a.m.

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The Secretary of State
Washington, D.C.
A-356

OFFICE OF FINANCIAL AND DEVELOPMENT POLICY
TO THE
DEPARTMENT OF STATE
AUG 21 1947

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Reference is made to Madrid 5-251 of May 15, 1947 and the Department's A-228 to Madrid of July 22, 1947 regarding the claim of the Spanish Government for damages suffered by Sephardic Jews in Greece and Bulgaria during the war.

The Embassy has made an examination of its files and the files of the American Joint Distribution Committee in order to ascertain more accurately the position of the Spanish Government in recognizing the Spanish nationality of these people. It is interesting to observe, and pertinent to this question, that during the war the Spanish Government did not accord full rights of nationality to Sephardic Jews, refusing to accept their entrance into Spain unless a small group already in the country, was immediately sent on to other countries, refusing to pay for their expenses for maintenance and transportation, and refusing to permit the residence of Sephardic Jews in Spain.

In support of the above generalizations the Embassy cites the following documents taken from the JDC and Embassy files:

- 1) In a note of August 13, 1943 the Spanish Ministry of Foreign Affairs wrote as follows to David Blickenstaff, Delegate for the JDC in Spain: that the Ministry of Foreign Affairs hereby attaches a list of Sephardic Jews recently arrived in Spain, understands that "new groups of these Sephardics cannot arrive in Spain so long as the recent arrivals figuring on the attached list have not left our territory."
- 2) Note from the Ministry of Foreign Affairs to Mr. Blickenstaff dated August 23, 1943: that the Ministry of Foreign Affairs cannot authorize the coming into Spain of new Sephardics until you have resolved the departure of the two...

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AUG 23 1947

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Authority NND 760050By EK NARA Date 7/8

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1945-49File 800.515/B147Box 4237CONFIDENTIAL-2- A-356, 8/5/47, Madrid

"(a) that all expenses of the stay of the said Sephardics in Spain and for travel and documentation to their destination will be exclusively for the account of the two committees, which bind themselves formally with the Spanish Government to present no claim whatsoever in this respect;

"(b) that the two cited committees, American Joint Distribution and American Friends' Service, must take all steps necessary to secure for the Sephardics the visa for the country of destination which they consider most fitting, without in any case alleging that they have encountered difficulties for obtaining said visa, since the Sephardics who came to Spain do so exclusively with transit visa on the understanding that a visa of destination must be procured for them by the two committees."

3) Note of the Ministry of Foreign Affairs to Mr. Birckenstaff dated October 20, 1943: that the reasons set forth by Mr. Birckenstaff appear to be only for dilatory ends, and, therefore, are "contrary to the bases which determine the entry of Sephardics into Spain. Therefore, it is necessary that the departure of the Sephardics in question be settled urgently and in their own interest since the entry in transit through our territory of new groups is absolutely conditioned thereby."

From the above evidence it is apparent that the Spanish Government refused even to permit the transit of Sephardic Jews, persons who presumably carried the rights of full Spanish nationality, through Spanish territory unless a small group of some 23 who had entered sometime before left the country. Neither the Embassy nor the JDC has in its files any documents which show that the Spanish Government actively and wholeheartedly participated in assisting these unfortunate people.

The suggestion of the Department that the Embassy, at its discretion suggest to the Spanish Government the establishment of a separate trust fund coming from funds allocated to that Government, which fund is to be set aside for claims of Sephardic Jews, hardly seems feasible. It should be noted that in the informal memorandum of the Allied Delegations which was handed to the Spanish Delegation on July 3, 1947 (Madrid's despatch No. 4073 dated July 11, 1947) and which dealt with the subject of claims in some detail, it is stated that the Allied Delegations are unable to entertain this category of claims "since to do so would

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Authority NND 760050
By EK WAPA Date 7/8RG 59
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A-356, 8/5/47, Madrid

be to accord preferential treatment to a specific group of war victims compared to that provided for all others in similar circumstances. They feel, therefore, that these claimants should seek aid from the international organization established for that purpose. In addition to the position taken by the Allied Delegations in the above memorandum, it should be pointed out that if any fund were set aside especially for the Sephardic Jews, such fund might be a precedent for the setting up of similar funds, since it would be hardly reasonable for the Embassy to expect the Spanish Government to assent to such a fund without pressing for funds for other Spanish nationals who have presented claims against Germany.

In view of the known attitude of the Spanish Government as to the national rights of the Sephardics, it seems almost certain that setting up a fund for the claims of Sephardics would be an unfortunate step in negotiations on claims, especially considering that we have in our memorandum referred to above offered the Spaniards a sum for their claims which would just cover hard-luck cases.

Further, the Embassy does not believe that the establishment of such a fund would in any way expedite the return of Sephardic Jews to Spain in order to utilize the money set aside.

In the event, therefore, the Embassy believes it wiser to follow the line of refusing to recognize the claim for Sephardic Jews in order to test the strength of the Spanish insistence on compensation. It is felt that should we take a strong stand on this matter by pointing out the documents cited above, the Spanish Government will desist from pressing this claim.

However, if the Department believes that there is no other alternative but to set aside from the funds allocated to the Spanish Government an amount for the claims of Sephardic Jews, this Embassy will attempt to obtain Spanish consent. Should the Department so decide, the Embassy would greatly appreciate receipt of a fixed sum to be presented to the Spanish Government.

Copies to Athens, Sofia, and British Embassy, Madrid.

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Authority NND 760050
By EK WPA Date 7/8

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

AIRGRAM 3497

CONFIDENTIAL

Secretary of State,
Washington

A-310, August 20, 1947.

ACT	INT
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Dispatched from: American Embassy, Athens, Greece
Date: August 20, 1947
Received: Aug. 29, 1947
8:03 a.m.
SECURITY POLICY
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Reference is made to the Department's airgram to Madrid No. 228 of June 22, 1947, copied to Athens and Sofia for comment particularly with reference to the possibility of relief under local laws, the validity of the claims, and the citizenship status of Sephardic Jews.

The embassy has been informed by Director Anissas of the Administrative Division of the Greek Foreign Office that no laws or regulations have yet been formulated even for Greek subjects, to provide a method of establishing the validity of claims for damages and indignities suffered by them during the German-Italian occupation of Greece. No procedure has been established through which Sephardic Jews, even if recognized as Spanish citizens, could establish effectively claims for reparation through the Greek Government. Mr. Anissas stated that the Greek Foreign Office would in any case be disinclined to recognize the Spanish citizenship of any Sephardic Jew of long residence in Greece who is not a member of one of the one hundred and forty-five families listed in the Spanish-Greek Agreement of April 7, 1938, ratified in 1938. The Greek Foreign Office has no information with regard to the extent or validity of the particular claims totaling thirty-three million dollars and does not even know the names of the seventy-five individual residents of Greece said to be presenting these claims. If provided with information in detail as to the names of the people involved and the nature of their claims, Mr. Anissas said the Foreign Office might be in a position to make more helpful comments on the matter.

To assist the Department and the Embassy in Madrid in establishing the probable citizenship status of these claimants, copies of the aforementioned agreement consisting of an exchange of letters with a list of Sephardic Jews recognized as Spanish citizens by the Greek Government are being transmitted by airmail despatch. Mr. Anissas, after consultation with his colleagues, emphasized that it will be most unlikely that additional Sephardic Jewish residents of Greece will be recognized at this time as Spanish citizens by the Greek Government.

Copy to American Embassy, Madrid.

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File No. 851

800.515/B-2047

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Authority NND 760050
By EK NARA Date 7/8

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1945-49
File 800.515/9-18-47
Box 4235

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

No. A102

From - United States Mission
Sofia, Bulgaria
September 19, 1947

CONFIDENTIAL

OFFICE OF FINANCIAL AND DEVELOPMENT POLICY
TOOE
OCT 14 1947
DEPARTMENT OF STATE

Rec'd: Oct. 13, 1947
1:27 PM

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WASHINGTON.

Reference Dept's. A-228 to Madrid and Madrid's A-356, August 5, 1947 to Dept., subject claim of Spanish Government for fund for relief of Sephardic Jews of Spanish nationality in Bulgaria and elsewhere. Mission's comments are as follows:

1. According to the Jewish Consistory, the ruling body for all Jewish persons in Bulgaria, there are approximately thirty Sephardic Jews in Bulgaria who are the bearers of Spanish passports. During the war, when Bulgaria was ruled by a Nazi-dominated government which passed a number of anti-Semitic laws, these supposedly Spanish nationals were accorded no protection by the Spanish Legation in Sofia, although this latter was naturally one of the most influential foreign diplomatic missions here. When the Bulgarian government deported all Jewish residents of Sofia to the provinces, thus in most cases destroying their means of livelihood, these "Spanish nationals" were treated like the rest. The only consideration which was granted those with Spanish passports was a month's delay in having to wear the yellow Star of David, and they were required thereafter to wear it. In short, the Spanish government during the war accorded these people no rights or protection in spite of their supposed nationality.

2. It is unlikely that any funds allocated to the Spanish government for the relief of Sephardic Jews in Bulgaria could be used for the purpose. In the first place, there is no representation in Sofia of the Franco government, as the Spanish Minister here represents the "Spanish Government in Exile". Secondly, the relief of Jewish victims of the former Bulgarian Government's anti-Semitic laws is provided for in several laws passed by the Bulgarian National Assembly since 1944 (see Mission's A-356), and other relief is taken care of by the American Joint Distribution Committee and the Jewish Consistory.

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Authority NND 760050
By EK NARA Date 7/8

RG 59
Entry Dec-Files
1945-49
File 800.515/9-447
Box 4234

AIRGRAM SENT

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Department of State CONFIDENTIAL

NO. R-A-292

Washington,

TIME _____

Oct 15, 1947

AMEMBASSY,

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MADRID.

Reference your airgram No. 356, August 5, 1947, copied to Athens and Sofia, concerning claims advanced by the Spanish Government for war damages suffered by Sephardic Jews in Greece and Bulgaria.

The Department accepts the Embassy's view that the proposal that the Spanish Government establish special fund for these claims, as suggested in the Department's airgram No. 228, July 22, 1947, copied to Athens and Sofia, is not feasible.

Since the Spanish Government recognizes this group as Spanish nationals, and since the individuals in the group also consider themselves Spanish nationals, the Department is prepared to accept this contention despite the fact that such "nationality" does not seem to carry all of the normal attributes of citizenship. These claims should therefore be considered in the same manner as any other claims of similar nature, i.e. claims for damage to Spanish nationals outside of Spain resulting from German action. The Embassy therefore should be guided in the consideration of these claims by the same standards as are applied to other claims of similar nature.

It would

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Authority NND 760050
By EK NARA Date 7/8

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AIRGRAM SENT

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Department of State

CONFIDENTIAL

NO A-292

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Washington

Oct 15, 1947

TIME

MADRID

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It would seem unnecessary for us to concern ourselves with the means, if any, by which the Spanish Government would make available to the claimants in Greece or Bulgaria any award on their claims. The claimants have themselves asserted a relationship with the Spanish Government that needs no mediation.

It should be noted that these people probably would not be eligible for aid from the International Refugee Organization since they do not fall within any of the categories of Jewish refugees to which that organization's assistance is restricted.

Copies to Athens and Sofia.

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

RG **59**
Entry **Dec Files 1945-49**
File **800.515/2648**
2-15-48
Box **4241**

INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

CONFIDENTIAL

AIRGRAM

2153

DIVISION OF FINANCIAL AFFAIRS

FROM: Madrid, Spain

A-73 FEB 18 1948

DATE: February 6, 1948

DEPARTMENT OF STATE

REC'D: February 13, 1948
8:39 p.m.

Secstate,
Washington

OFFICE OF FINANCIAL AND
DEVELOPMENT POLICY
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Reference is made to numbered paragraph 4 of the Department's telecrar no. 61 of January 29, 1948, regarding estimates made by this Embassy as to Spanish gold acquisitions during the war and the result of an examination of the records of the Spanish Foreign Exchange Institute.

This Embassy in its telegram no. 678 of July 24, 1947, guessed that identifiable looted gold located in Spain might total approximately \$20,000,000 at most. This position was queried by the Department in its telegram no. 722 of August 29, 1947, and this Embassy replied in its telegram no. 806 of September 9, in which it was pointed out that \$20,000,000 seemed to be a fair guess, but only a guess as long as definite information was lacking.

In accordance with the Department's request there follows an analysis of the 20 million figure, and as a result of the examination of the records of the Spanish Foreign Exchange Institute evidence is presented to show that the Embassy's guess was quite accurate.

The component elements in the looted gold acquisitions made by the Spanish Government during the war are as follows (only looted gold is included which can be justified as part of the guess of \$20,000,000)

1. The Otto Wolff gold, which totals 3,582.4 kilos of fine gold, has been tacitly admitted by Don Blas Huete, Director of the Spanish Foreign Exchange Institute, to have been received by the Spanish Government. However, Huete declared that it was a matter for his minister to decide as to whether details should be made available. It is pointed out that

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Authority NND 760050By EK NADA Date 7/8

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2-15-48

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Huete did not state that the gold was received but he let the impression fall that such was the case.

2. The gold received by the Spanish Foreign Exchange Institute from the Banco Alemán Transatlántico, which totals 101.5 kilos of fine gold and is admittedly looted Dutch bars;

3. There was received from the Swiss National Bank a total of 974 bars of looted Dutch gold weighing 11,579.5 kilos of fine gold. At the time when this Embassy made its estimate of \$20,000,000, it was not known that the Swiss National Bank had acquired that quantity of Dutch gold, and therefore its figure was based on the available transit shipments and other data. The Embassy estimated that this gold was a direct purchase made by the Spanish Government from the German Reichsbank depot in Switzerland. Evidence submitted by the Spanish Foreign Exchange Institute, however, proves that these shipments were made for the account of the Swiss National Bank as actual owner and not from the Reichsbank depot. In this case, therefore, the Spanish Government could not be held liable for the gold purchased. However, it should be pointed out that this would in no way alter the calculations of the Embassy. It is the understanding of this Embassy that as a result of the discovery that the Swiss National Bank had acquired a large quantity of looted Dutch gold, new representations are to be made to the Swiss Government.

4. By totaling the three lots of looted gold given above we arrive at a figure of 15,263.5 kilos of fine gold, approximately valued at \$17,095,120. This figure is not at all out of the way with this Embassy's guess of \$20,000,000.

CULBERTSON

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