

DECLASSIFIED

Authority NND 959000

By E/C MARA Date 7/31

RG

Entry

File

Box

59

Central Foreign Policy

Files 1964-66

Protective Services

SWITZ

292

RIGIN/ACTION

EUR-6

RM/R REP AF

DEPARTMENT OF STATE

AIRGRAM

PS 8 SWITZ

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A-854

UNCLASSIFIED

PRIORITY

HANDLING INDICATOR

TO : DEPARTMENT OF STATE 4 MAR 13 AM 7 16

RM/AN
ANALYSIS & DISTRIBUTION
BRANCH

EUR INDEX

JRT

FROM : Amembassy, Bern

DATE: March 17, 1964

SUBJECT: Heirless Assets in Switzerland

REF : Embassy's A-71 of July 19, 1963

The Federal Department of Justice and Police announced on March 13, 1964 that SF 9.47 million of heirless assets had been reported to it under the Act of December 20, 1962. The Act and Regulations thereunder required banks and other custodians of property to report their holdings of "heirless assets" to the Department in the six-month period ending March 1, 1964. "Heirless assets" are defined as assets of foreigners missing since 1945 who were or may have been the victims of racial, religious or political persecution.

The SF 9.47 million involves 961 foreign or stateless owners and consists of bank, postal, and savings accounts, matured insurance claims, securities, jewelry, and other forms of wealth.

The Department of Justice and Police issued communiqués on June 20 and August 30, 1963 and January 13, 1964 drawing attention to the Act and to the duty of reporting heirless assets to the Department. These communiqués were sent to organizations and individuals which hold or administer property and appeared in full or in summarized form in most of the Swiss press. The Department of Justice and Police now expects to institute proceedings of a legal nature (appointment of administrators, utilization of missing person statutes, and inheritance laws) to determine the persons entitled to the assets. If no such persons exist, the property will become part of a fund which the Federal Assembly will dispose of after taking into account the origin of the fund.

Comment: According to the Department of Justice and Police not all the SF 9.47 million may be "heirless assets" as defined in the Act. Some banks and custodians have evidently acted cautiously and reported property to the government authorities which may not all fall under

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FORM DS-323
4-62

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 In Out

Contents and Classification Approved by:

Henry B. Cox

WPK

XBC

file

Drafted by:

WKMackey/ad/wkm /DSchaubacher

Clearances:

Mr. Bass, Economic Section

347000

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Authority NND 959000

By E/C NARA Date 7/31

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Files 1964-66

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SWITZ

Box

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Bern

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the Act. The Department of Justice and Police will have to decide initially whether this property is covered by the Act before legal proceedings may be instituted to determine the persons entitled to it. The amount of such "doubtful" property has not been disclosed.

For the Chargé d'Affaires, a.i.

Henry B. Cox
First Secretary of Embassy

* One Swiss Franc = approximately US \$0.2314145

Recommended action: The Department may wish to make this information available to United States residents and - or citizens interested in the legislation described above.

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Authority NWD 959000

By EJC MARA Date 7/31

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Entry

Central Foreign Policy
Files 1960-66

File DS 8-4 Seizure

Damage

Box 308

31

June 17, 1964

Dear Mr. Gluck:

I am replying to your letter of May 24, 1964, concerning the possibility that your deceased uncle might have left some assets in Switzerland.

The Swiss Federal Department of Justice and Police has announced that it has certain assets in its possession belonging to foreigners missing since 1945 who were or may have been the victims of racial, religious or political persecution. Procedures have been established for the heirs of these persons to ascertain initially whether they might be entitled to any of these assets. Any person who believes that he might have such a claim can file an application with Federal Department of Justice and Police setting forth certain preliminary information. Upon receipt of the application the Federal Department of Justice and Police will check the claim against the list of assets in its possession. If it is found that there are assets belonging to the deceased person from whom the claim is made, the applicant will then be required to submit further proof to establish kinship in accordance with the Swiss law on succession.

A copy of the application together with an English translation is enclosed for your use. The completed application should be filed with the Federal Department of Justice at the address shown in Switzerland.

Yours sincerely,

EMM

Ely Maurer

Assistant Legal Adviser
for European Affairs

Enclosures.

Mr. Moses Gluck,
65-50 Wetherole Street,
Rego Park,
New York City, N. Y.

L:L/EUR:TTFHuang.ejp 6/16/64

Clearance -

EUR/WE - Mr. Skiff

pw TTFH

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By E/C NARA Date 7/31

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Entry

Central Foreign Policy

Files 1960-66

File PS 8-4 Seizure

Box 308

65-50 Wetherole St
Rego Park, N.Y.C. N.Y.
May 24, 1964

ACTION

is assigned to

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4/EHR

Office of the Legal Advisor
Dep't of State,
Washington, d.c.

G entlemen:

I have been informed by the Jewish "National Daily Paper, " "The Day", of the assets held in banks in Switzerland in the name of Jewish People slain in Germany during World War II.

I had an Aunt and Uncle who were among these people and I think that they also had assets in Switzerland at the time, as I had received letters and also money from them at that time .

The Uncle was my father's brother and his name was Max Gluck and his wife's name was Peppi. They lived in Dortmund, ~~Haus~~astausse, Germany. The last letter I received from them was some time in 1939 .

Can you please help me to find out if there is any property in Switzerland belonging to my Uncle and Aunt and if so, how can I apply for same as next of kin.

If there is any other information you need , I can furnish same upon request.

Anything you can do for me in this respect will be most deeply and sincerely appreciated.

Thanking you in advance, I am,

Most sincerely yours,

Moses Gluck

Moses Gluck
65 -50 Wetherole St,
Rego Park, N.Y.

Moses Gluck

Max & Peppi Gluck

12473

② 6-2-64

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Authority NND 959000

By EK KARA Date 7/31

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Files 1964-66

File

Protective Services

SWITZ

Box 292

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June 19, 1964



AMBASSADE DE SUISSE

Memorandum

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EHR

The Resolution enacted by the Swiss Parliament on December 20, 1962, concerning assets of foreign nationals or stateless persons who were victims of racial, religious, or political persecutions, became effective on September 1, 1963.

The property to which this legislation applies is of a completely private nature. It had been deposited by persons, who have not been heard from since 1945 and could be presumed to be dead, with banks, insurance companies, fiduciary societies, or with attorneys, notaries and/or private individuals who, under Swiss laws, were subject to either banking, business, or professional secrecy. The problem was now to make such property available for distribution to the rightful heirs or other successors in interest whose names were unknown to the holders of the property.

This problem has been solved by the Federal Resolution of December 20, 1962 by lifting for those assets the secrecy imposed by law. Once these assets have been reported, they will be governed by the applicable laws pertaining to decedents' estates, as provided by article 9 of the Resolution.

As is well known, the reported assets have been evaluated at nine and a half million Swiss francs or two and a half million dollars and belong to 961 foreign or stateless owners.

(1) 6/30/64

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Authority NND 959000

By EJC

MARA Date 7/31

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Files 1964-66

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Protective Services

SWITZ

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This is far from reaching the amount of several hundred million dollars rumored by certain quarters on the basis of false hopes and erroneous notions of the Swiss bank secret.

The Swiss authorities are appointing for the property of each owner a custodian who will be charged with securing an official declaration of death or disappearance. It will then be his duty to make a search for the heirs in order to transfer to them the assets to which they are entitled.

The Office of Unclaimed Alien Assets of the Division of Justice in Berne has prepared a form (enclosed herewith) to be filled out by persons believing to have any rights to such property. However, such forms submitted to that Office do not assume the character of a "claim", but are merely an additional method of facilitating the search for and determination of the rightful successor in interest.

This form may be obtained at the following addresses:

- Office of Unclaimed Alien Assets
Division of Justice
Federal Department of Justice and Police
Monbijoustrasse 11
Berne (Switzerland)
- Consulate General of Switzerland
444 Madison Avenue
New York, N.Y. 10022
- Embassy of Switzerland
2900 Cathedral Avenue, N.W.
Washington, D.C. 20008

The completed forms should be sent to the Office of Unclaimed Alien Assets in Berne. There is no deadline for submitting these forms because it is the duty of the custodian

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By E/C NARA Date 7/31

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to trace the heirs. In fact, it is possible that a person who did not send a form might be contacted by a custodian who discovered that he was an heir, whereas applicants might receive a negative answer from the Office of Unclaimed Alien Assets because their names do not appear in the 961 cases.

In order to avoid misunderstandings, it is necessary to point out that the applications made by persons believing to have any rights or interest in the assets in question cannot lead to claims against the Government of Switzerland, but only against privately owned property arising out of rights of succession to decedents' estates. Consequently there is no responsibility whatsoever on the part of the Swiss Government with respect to those applications.

Washington, D.C.,
June 19, 1964.

Encl.

*not seen
in Rm AIV
(b)*

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Authority NND 969000

By EOM NARA Date 8/7/02

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Files 1970-73

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INTERNATIONAL RESUE COMMITTEE, INC.

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Edwin L. Weisl, Jr.
Chester S. Williams
Franklin Williams
Ethel H. Wise
Charles S. Zimmerman

Mrs. Liba Weingarten
c/o Rehov Schmuel
HaNavi
Block 107/56
Jerusalem, ISRAEL

Dear Mrs. Weingarten:

I have to apologize for delaying my answer to your various letters which I have received. I tried to get some additional information from our Geneva office but to no avail. We could not find out whether these special funds now in the custody of the Swiss government have been distributed or whether any guidelines for such distribution have been issued. At this point I don't think that I will be of any assistance to you from here. It might be advisable if you could find some representative in Bern who is able to contact the Swiss authorities personally. Whether a trip of yours or any of the members of the Congregation to Switzerland will meet with some success seems to me doubtful, particularly in view of the expenses involved.

I am very sorry that I could not be of any more assistance to you.

Wishing you good luck and good health.

Sincerely yours,

Werner Wille
Werner Wille
Assistant Treasurer

WW:rh

OVERSEAS OFFICES

Berlin Geneva Hamburg Hong Kong Madrid Mexico City Montreal Munich Nuremberg Paris Rome Saigon San Juan Stockholm Tanzania Trieste Vienna

Contributions to the International Rescue Committee are tax deductible.

347007

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Authority NWD 969000

BY EOM NARA Date 8/7/01

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Sub Numeric

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PS/GFR

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AUFBAU

AN AMERICAN WEEKLY PUBLISHED IN NEW YORK

Entered as second-class matter January 30, 1940, at New York Post Office under Act of March 3, 1879.

ABC

Vol. XXXV—No. 49 NEW YORK, N. Y., FRIDAY, DECEMBER 5, 1969

^{1a} U.S.A. 25c

Grossangriff gegen die Schweizer Banken

Der seit langem angedrohte amerikanische Grossangriff, auf die Schweizer Banken, das Schweizerische Bankgeheimnis und die Institution der anonymen "Nummern-Konten" ist nunmehr Tatsache geworden. Kongressabgeordneter Patman (Texas), Vorsitzender der Bankenkommission des Repräsentantenhauses, hat seine schon im vorigen Winter angekündigte Untersuchung gegen die Finanztransaktionen amerikanischer Bürger und Firmen bei Schweizerischen Banken soeben eröffnet, gestützt auf einen überaus scharfen detaillierten Bericht eines Referenten im amerikanischen Justizministerium, des assistierenden Generalstaatsanwalts Seymour Glanzer.

Der amerikanische Zorn richtet sich sowohl gegen die Praxis der Schweizerischen Banken, Depositen von jedermann ohne weiteres entgegenzunehmen und zu verwalten, unter der einzigen Bedingung, dass dabei kein Schweizerisches Gesetz verletzt wird, — als auch gegen die gesetzliche Vorschrift in der Schweiz, die Banken streng verbietet, über diese Depositen und Transaktionen Auskunft zu erteilen. Die amerikanische Regierung hat lange versucht, ein Abkommen mit der Schweiz zu schliessen, das eine gegenseitige Rechtshilfe bei gesetzeswidrigen Finanztransaktionen vorsieht; und es gibt auch tatsächlich eine durchaus befriedigende Rechtshilfe schweizerischer Justizorgane, soweit Vergehen verfolgt werden, die auch unter schweizerischem Recht strafbar sind. Amerikanische Steuerhinterziehungen und Verstösse gegen das amerikanische Securities Exchange Act gehören jedoch nicht dazu.

Kongressabgeordneter Patman plant, einen Gesetzentwurf vorzulegen, der gewisse Repressionen gegen solche ausländische Banken androht, die nach amerikanischer Auffassung nicht ausreichende Hilfe für die amerikanische Kriminaljustiz leisten. Praktisch wäre das in erster Linie ein Gesetz gegen die Schweiz, obwohl auch andere Länder (Bahamas, Uruguay u. a.) amerikanischem Fluchtkapital Asyl gewähren.

Traditionsgemäss waren die grossen Nummernkonten schweizerischer Banken immer rettender Hafen für südamerikanische Diktatoren, arabische Petroleumscheichs und, neuerdings, kommunistische Funktionäre aus Osteuropa, die sich in ihrer Position nicht sicher fühlten. Seit einiger Zeit aber sind andere Gelder dazu gekommen, in erster Linie amerikanische Maffia-Profiten und ähnliche Gewinne aus Spielcasinos, Prostitution, Rauschgifthandel u. dgl. Sehr oft wird solches und anderes "schwarzes" Fluchtgeld mit Einschaltung von Mittelsmännern in Amerika reinvestiert, womit es dann blütenweisses Anlagekapital geworden ist; die Presse ist zurzeit voll von Einzelfällen, die alle gemein haben, dass mit amerikanischen Gesetzen Schindluder getrieben wird.

Die konzentrierte Attacke von Justizministerium und Kongress scheint sich nur gegen illegale Grosstransaktionen zu richten, von \$250,000 aufwärts; aber ein neues Gesetz, wie es Patman vorstellt, würde sich naturgemäß auch gegen kleine Beträge auswirken, die im Ausland, regulär oder anonym, deponiert sind.

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By ZLM NARA Date 8/7/01

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Files 1970-73

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The Jewish Nazi Victims Congregation, Inc.

"WE HELP OUR MEMBERS IN NEED"

XX24YBask52MXSIXet

Brooklyn 3XXXXX

Tel. HY 3 - 1451 Jerusalem, Dez. 11. 1969.

R. Schmuel HaNavi, Block 107/ 56

Officers

MOZES WEINGARTEN, President

JACOB H. KELZ, Treasurer

LIBA WEINGARTEN

Vice President and Secretary

The Honorable
Senator
Jacob K. Javits
Washington, D.C.

800 DEC 16 1969

U.S.A.

Pete

Trustees

RABBI GRAINOM LAZEWNIK

JACOB H. KELZ

MOZES WEINGARTEN

USZER ZAKAIM

F. MOSKOVITCH

L. WEINGARTEN

Dear Senator Javits:

Our Congregation has been registered with the Swiss Authorities since 1961 to receive part of the HEIRLESS PROPERTY.

Mr. Wille from the International Rescue Committee Inc. has taken care of our claim for many years (free of charge), but according to the encl. letter, he advises us now, to look for someone else in Bern, Switzerland. As you are a member of the Board of Directors of the Internat. Rescue Committee, we turn to you for help and advise. Could you possibly recommend to us someone in Bern, who would be willing to help us with the Swiss Government? Also inclosed is an article from the American Weekly AUFBAU concerning MONEY in Switzerland. You must be aware of the fact, that Switzerland is still holding on to all the property, incl. money in banks- left by Jews, who perished during World War Two thru the Nazis and their helpers. AMONG THE SIX MILLION VICTIMS, our Nation lost during the Naziholocaust, are also the HEIRS of the depositors and this heirless property has not been released yet by Switzerland almost 25 years after the end of the terrible war. Does the American Government also intend to do something about it? Many of our members in the U.S.A and Canada intend to settle in Israel, but do not have the means to do so and were counting on help from the SWISS HEIRLESS PROPERTY FUND. All our members are survivors of DEATHCAMPS, who lost their families in Concentration Camps and who long to settle in THE JEWISH HOMELAND.

We thank you for your kind attention to our problem and send you greetings und best wishes from THE HOLY CITY.

Mrs. Liba Weingarten

Vice Pres.

THE JEWISH NAZI VICTIMS
CONGREGATION, Inc.

Liba Weingarten

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Authority NND 969000
By EHN NARA Date 8/7/02

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United States Senate

Respectfully referred to:

Congressional Liaison
Department of State
Washington, D. C.RECEIVED
DEPARTMENT OF STATE

FEB 16 PM 2:05

JACOB K. JAVITS BRANCH

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

2984

Jacob K. Javits U.S.S.

DLP

Encl from Jewish Nazi Victims Congregation, Inc. re
claims against Germany

2

2-16-70

LEGAL ADVISER

FEB 17 1970

DEPARTMENT OF STATE

347010

PS 8-4 GER

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Authority NND 969000

By EOM NARA Date 8/7/02

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Files 1970-73

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PS/GFR

Box

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(2)

February 25, 1970

Honorable Jacob K. Javits
 United States Senate
 Washington, D. C. 20510

Dear Senator Javits:

I have received your communication enclosing a copy of the letter of December 11, 1969 from the Jewish Nazi Victims Congregation, Inc., inquiring about the release of persecutee heirless property in Switzerland.

The Department of State is requesting a report on this subject from the American Embassy at Bern and will communicate further with you after receipt of the report.

Sincerely yours,

(2)
 H. G. Torbert, Jr.
 Acting Assistant Secretary
 for Congressional Relations

PS-4-8
 DR

(1)
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Clearances:
 H - Mr. Leahy
 EUR/AIS - Mr. Beaudry

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AUDITORY NND 969000
By EOM NARA Date 8/7/02RG 59
Entry Sub Numeric
File Files 1970-73
Box PS/GER 70
304

RS/R

March 19, 1970

Honorable Jacob K. Javits
 United States Senate
 Washington, D. C. 20510

Dear Senator Javits:

PS 8-4 GER

In accordance with my letter to you of February 25, 1970 we requested a report concerning the release of heirless assets in Switzerland from the American Embassy at Bern. The American Embassy has now submitted the attached report which you may wish to forward to The Jewish Nazi Victims Congregation, Inc.,

If the Department can be of further assistance, please let us know.

Sincerely yours,

GW
 H. G. Torbert, Jr.
 Acting Assistant Secretary
 for Congressional Relations

Enclosure:

Report on Swiss Law

Clearances:

H - Mr. Leahy

EUR/AIS - Mr. Beaudry

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By SLM NARA Date 8/7/02	File	PS/GFR 70
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SWISS LAW

Switzerland enacted laws in 1962 and 1963 (effective date September 1, 1963) on "Assets belonging to foreign nationals or stateless persons who had been persecuted for racial, religious or political reasons." This law, and its enacting ordinance, required all Swiss financial persons, real or legal, (i.e. Banks, Insurance companies, lawyers, etc.) to report to the competent Swiss authority any assets which belonged or were believed to belong to any such persecuted persons who had not been in touch with the Swiss holder or manager of these assets since April 9, 1945. All financial persons were required to report such assets, within six months of the enactment of this law, to the special office in Justice Division of the Swiss Federal Department of Justice and Police. Each set of assets belonging to one individual was assigned to an officially appointed trustee ("curator").

By law the trustee is required to institute a search for the owner of the assets. This search is required to last two years. If unfruitful, the trustee is required to search for the legal heirs of the owner. If the owner, or subsequently the heir, is found the assets are then turned over in full. The Department of Justice and Police states that they have succeeded in finding many heirs to assets in Switzerland to date.

The law further provides that ten years from its enactment (September 1, 1973) 90% of any assets for which no owners or legal heirs have been found shall be placed in a special fund. At that time, and not before, the Swiss Federal Council will decide what disposition shall be made of this fund - taking into consideration the sources of the fund. The remaining 10% of the outstanding assets will be retained by the Swiss government to satisfy any claims which arise after September 1, 1973.

The Jewish Nazi Victims Congregation, Inc.

The Congregation has written to the Service for Assets of Disappeared Foreigners, Justice Division, Federal Department of Justice and Police (subsequently Assets Service) a dozen times in the period 1964 to 1969. A lawyer appointed by the Congregation, Louis Taubenblatt, has written to the

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Authority NND 969000

By EJM NARA Date 8/7/02

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Assets Service several times during the period 1967 to 1969. On each of these occasions, the Assets Service has replied explaining that no such fund exists at present and will not exist until after September 1, 1973. The last reply was sent to Mr. Taubenblatt on June 27, 1969.

Recommendations

- 1) At present no "Swiss Heirless Property Fund" exists. It will not come into existence until September 1, 1973.
- 2) The manner of disposition of such a fund will not be decided until some time after September 1, 1973. At that time the Swiss Federal Council will make a decision as to the disposition of the fund. The only criteria established in the Swiss law is that the Federal Council shall take into consideration the sources of the assets of the fund.
- 3) Though representation of the Congregation in Bern at this time would appear to be premature and an unnecessary expense, the Congregation is free to consult a Swiss lawyer The reporting officer recommends that the Congregation delay appointment of a lawyer until the summer of 1973, shortly before the fund will be created. . . .
- 4) If there are any individual members of the Congregation who believe they have individual claims as owners or heirs to some specified assets, such claims should be pursued at this time. The individual concerned should write to the Assets Service who will forward it to the appropriate trustee. The address in German is:

Meldestelle fur Vermoegen verschwundener Auslaender
 Eidgenoessisches Justiz- und Polizeidepartement
 Monbijoustrasse 30
 3000 Bern, Switzerland.

347014