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Authority NND 968095
By LHM NARA D26 7/23

RG 466
Entry 100-A
Box 3

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OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

OFFICE MEMORANDUM

To: IRSB, Bad Nauheim - Mr. Loewenthal - APO 807, US Army Date: April 17, 1950
From: IRSB, Wiesbaden - Mr. Yager
Subject: General Claims Law

1. The General Claims Law was issued on August 10, 1949, and became effective on April 1, 1949. This Law was published in the "Gesetz- und Verordnungsblatt fuer das Land Hessen", No. 26/27, on August 18, 1949. (TAB A).

a. The first implementing regulation to the General Claims Law was published in the "Gesetz- und Verordnungsblatt fuer das Land Hessen", No. 33/34, and became effective on September 21, 1949, establishing the Ministry of the Interior as the agency where all claims should be filed. (TAB B). The Ministry of the Interior authorized its administrative office to register these petitions.

A further implementation to this regulation was published in the "Staatsanzeiger fuer das Land Hessen", No. 42/1949, page 439, and provided for the establishment of registering offices under the General Claims Law at the city and county level. (TAB C).

The second implementing regulation ("Haftentschädigung") was published on November 30, 1949, in the "Gesetz- und Verordnungsblatt fuer das Land Hessen", No. 41, and became effective immediately. This regulation provides for the indemnification of persons who had been unlawfully detained in prisons, concentration camps, etc., under the Nazi regime. Payment of DM 150.- to 500.- per person was authorized. (TAB D).

The third implementing regulation to the General Claims Law - Ordinance on Jurisdiction and Procedure to the General Claims Law - was published in the "Gesetz- und Verordnungsblatt fuer das Land Hessen", No. 7, and became effective on April 1, 1949. (TAB E).

A further ordinance on the charging of former payments (Anrechnungsverordnung) and an amendment of the ordinance on indemnification for detention were issued under April 12, 1950, and will be published in the official gazette. (TABS F and G).

A further publication was made in the "Staatsanzeiger fuer das Land Hessen", No. 10, of March 11, 1950, concerning the time limit for filing of claims, dated February 8, 1950. (TAB H)

In the "Staatsanzeiger fuer das Land Hessen", No. 10 of March 18, 1950, the following was published:

- (1) Cancellation of prior restitution regulations, dated March 7, 1950.
- (2) Ordinance on the extension of the time limit, dated March 11, 1950. (TABS I & J).

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b. Three memoranda pertaining to the General Claims Law, namely:

- (1) Memorandum December 12, 1949, from the Minister of Finance to the Minister of the Interior concerning payments under Art. 53 (2) of the General Claims Law; (TAB K).
- (2) Memorandum dated January 31, 1950, from the Minister of the Interior to the Regierungspraesidenten and others, same subject; (TAB L).
- (3) Memorandum dated February 15, 1950, from the Minister of the Interior to the Regierungspraesident, etc., subject "Filing of petitions of claimants residing outside of Germany". This is a supplement to the publication of March 11, 1950. (TAB M).

2. Types of Payments that have been Authorized

Interventions form
Advance payments are authorized under all classes provided that the claim can be substantially proven in cases of hardship or emergency. In case the petitioner has a claim for compensation under several classes, the sequence as provided by law is applicable.

3. What is the Order in which Future Payments will be Authorized?

Instructions on future payments are in preparation and should be issued as follows:

- a. Implementing Regulation to Art. 15 (Indemnification for detention)
- b. " " " 13 (Damages on life)
- c. " " " 14 (Damages on body and health)
- d. " " " 32 (Persecution of free professions).

4. Which Ministry is Responsible for the Administration of the General Claims Law?

In Land Hesse the Ministry charged with the supervision of the General Claims Law is the Ministry of the Interior. A Department for Restitution has been established and the General Filing Agency has been attached to it. The office is located at 24 Wilhelmstrasse and the Department Chief is Regierungsdirektor Oppenheimer and his Deputy is Regierungsrat Hess. Legal consultant is Justiziar Ehrig.

a. The present policy is to file the claim with the Landrats-aemter or the offices of the Oberbaumeister. In each Regierungsbezirk there are 6 Betreuungsstellen organized for the General Claims Law, other Betreuungsstellen handle General Claims Law petitions as well as other duties. In Land Hesse there are 18 Betreuungsstellen working solely for the General Claims Law and 23 that have been delegated additional duties. The Betreuungsstellen review the claim and forward it to the General

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Filing Agency. The General Filing Agency registers the claim and forwards it to the appropriate Regierungspraesident in Darmstadt, Kassel or Wiesbaden, according to venue.

After the claim is received by the Regierungspraesident, there is a time limit of 6 months in which it may either be approved or dismissed. Any decision made must be given to the petitioner through the office of the Regierungspraesident. In case the petitioner is dismissed, the petitioner must file a new petition and forward it to the Restitution Chamber with jurisdiction. The Chamber must decide whether or not the petition should be granted. In case the Restitution Chamber dismisses the petition, it can be appealed to the Oterlandesgericht or the Senate. It must be pointed out that the Restitution Chamber is not identical to the Restitution Chamber under Military Government Law No. 59.

b. At the present time the following are employed with Department VI of the Ministry of the Interior:

Restitution Department of the Ministry of the Interior	28
Pachbchoerden or Regierungspraesident	45
Hauptamtliche Betreuungsstellen	70
Total:	143

c. The budget for the fiscal year 1949/1950 was as follows:

(1) Personnel and administration	554,300.- DM
(2) Settlement of claims under the Interim Awards Law	16,000,000.- "
(3) Available for payment under the General Claims Law	Change 20,000,000.- "
Total:	36,554,300.- DM

The sum authorized for payments under the General Claims Law was not used and it is hoped that this amount can be transferred to the budget for the fiscal year 1950/1951.

d. For the fiscal year 1950/1951 the budget has not been approved. The following budget, however, has been submitted to the Budget Committee and the Landtag for approval:

(1) Personnel and administration	<i>low over</i> 600,000.- DM
(2) Settlement of claims under the Interim Awards Law	7,700,000.- "
(3) Settlement of claims under the General Claims Law	55,391,000.- "
(4) Special hardship cases, f.e. sterilization	500,000.- "
Total:	64,200,000.- DM

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e. In the fiscal year 1949/1950, 500,000.- DM was paid for the reconstruction of synagogues and other places of worship. For the fiscal year 1950/1951, 322,500.- has been requested. *not covered under Law*

5. The total number of claims expected: 50,000.

Total payments expected under the General Claims Law: 250 million DM.

a. Number of petitions received as of March 31, 1950: Figure not available, however, approximately 15,000. + 15,000 = *sooner*

b. Number of claims rejected: None.

c. Number of claims not yet decided to be valid claims but where advancements were made: No figure could be obtained. *none*

d. Total amount of such advancements:

Cherry to mid April 1, 1949, until March 31, 1950: 12,690,900.- DM.

To August e. Number of claims finally decided to be valid claims: None.

f. Number of claims fully settled including payment: None.

g. Number of claims partially settled: Figure not available.

h. Total amount paid in settlement of claims:

Until currency reform 4,471,859.- RM

After currency reform 19,382,913.- DM

Total converted into DM 20,277,285.- DM

Total payments made until March 31, 1950 are as follows:

20,277,285.- DM, including converted RM.

	1946	1947	1948	1949 (Jun 21-Mar 31, 49)	1949 (Apr 1, 49-Mar 31, 50)
	RM	RM	RM	DM	DM
a. Pensions	500,000.-	1,087,000.-	596,638.-	2,014,217.-	2,531,770.-
b. Medical care	200,000.-	166,000.-	42,256.-	363,600.-	823,923.-
c. Support for professional training & foundation of livelihood	--	470,000.-	168,455.-	981,919.-	993,081.-
d. Emergency support	110,000.-	743,000.-	368,510.-	3,332,277.-	8,542,126.-
Total	810,000.-	2,486,000.-	1,175,859.-	6,692,013.-	12,690,900.-

These payments are all advance payments.

i. Number of appeals: None.

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6. Source of Funds:

Funds are allocated by the Minister of Finance. Funds for the payment of claims are received from the following sources:

- a. Collections from the "Lastenausgleich";
- b. Fines collected from offenders under the Law for Liberation from National Socialism and Militarism;
- c. Disposal of confiscated property;
- d. Disposal of former NSDAF property.

7. Are sufficient funds available to cover budget for the fiscal year 1950/1951?

It is believed that sufficient funds are available for the fiscal year 1950/1951.

8. Does the Law Discriminate against Claimants residing outside of Germany?

Neither the Law nor the implementing regulations discriminate against claimants residing outside of Germany with respect to present or future payments.

Art. 6, paragraph 2, provides that Land Hesse restitute to such persons who emigrated prior to January 1, 1947 if their last residence was in Land Hesse. Paragraph 3 of Art. 6 states that persecutees will receive compensation if they emigrated from Land Hesse after December 31, 1946.

9. What is the nature of the complaints?

The primary source of complaints is that cases are being processed too slowly.

10. Restitution Chamber

Restitution Chambers will be established at Darmstadt, Wiesbaden and Kassel. The Ministry of Justice is responsible for the administration of the Restitution Chambers and instructions and the necessary ordinances are being prepared by that Ministry. The operation and the personnel will be decided by the Ministry of Justice.

11. Fachbehoerde

It is expected that the Fachbehoerde will start processing and disposing of cases on or about May 1, 1950. Until such time no rejections or final decisions will be made.

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BAVARIA

HESSE

WÜRTTEMBERG-BADE

Sachsen

LG Bamberg

LG Hanau

LG Nürnberg

LG Frankfurt

LG Stuttgart

LG Kassel

LG Bremen

LG Frankfurt
Darmstadt Br.LG Frankfurt
Kassel Br.LG Augsburg
RGLG Regensburg
RGLG Gießen
RGLG Frankfurt
RGLG Stuttgart
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RGLG Kassel
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LG Ansbach

LG Weiden

LG Schlesien

LG Kempten

LG Neu-Ulm

LG Aachen

LG Passau

LG Straubing

LG Landshut

LG Regensburg

LG Bayreuth

LG Hof

LG Coburg

LG Bamberg

LG Erlangen

Legend:

- LG - Oberlandesgericht
- LG - Landgericht
- RG - Restitution Chamber
- Br - Brand

Red - Courts handling cases under RG law No 59
 Black - Courts not handling cases under
 RG law No 59

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Informatic Copy for Mr. Loewenthal

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)

OFFICE OF THE ECONOMICS ADVISER

PROPERTY GROUP

APO 633

Wiesbaden, Germany

Wiesbaden, Germany

9 September 1949

SUBJECT: Monthly Report on Analysis
of Court DecisionsTO: Office of Military Government for Germany (US)
Office of the Economics Adviser
Property Group
APO 742, Berlin, Germany
Attn: Mr. PorterI. STATISTICAL REPORT

1. Decisions received in the month of August from

a) Bavaria	59
b) Hesse	95
c) Württemberg-Baden	52
d) Bremen	1
TOTAL	207
	***)

2. Decisions received in the month of August from

a) Restitution Chambers	175
b) Oberlandesgerichte	32
TOTAL	207
	***)

3. Decisions adjudicated cases of which were received by
the courts:

a) from Restitution Agencies pursuant to Art. 63	128
b) on appeal filed by claimant	61
c) on appeal filed by defendant	18
TOTAL	207
	***)

*) The above figures are not pretended to represent a reliable picture of the administrative progress of the Restitution program. They merely show certain trends in the development of Restitution cases before Restitution courts. The total of 207 decisions does not relate to an equal total of cases, since some cases have been already adjudicated by the Chambers and by the Senates and are consequently contained twice in the above figure. It must further be noted that the decisions are counted irrespective of whether they have become final or not. With regard to the fact that the above report is not a report on cases but a report on court decisions, any other procedure would have been inconsistent with the reporting purpose.

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4. Number of decisions by which

a) Restitution was ordered	87
b) the petition was dismissed	89
c) another disposition was made (such as remands, stay of proceedings etc.)	31
TOTAL	207

5. Number of cases in which court fees were assessed:

44

6. Remarks.

- a) The Hessian Restitution courts have rendered 45.9% of the total of decisions received. 28.5% of the total of decisions came from Bavaria, and 25.1% from Württemberg-Baden. 51 decisions out of the 95 Hessian decisions are decisions rendered by the Restitution Chamber Frankfurt, i.e. 53.7% of the Hessian decisions and 24.6% of the total of decisions, which shows that the Restitution Chamber Frankfurt alone has rendered almost the same number of decisions as all Bavarian courts or Württemberg-Baden courts together.
- b) Restitution is ordered by 42.0% of the decisions, whereas the petition is dismissed by 43.0% of the total. Court fees are assessed in 21.2% of the decisions.
- c) Up to the present time, 90 ⁺) decisions dealing with appeals which were taken from decisions rendered by the Agencies were received from the Chambers. In 87 cases (96.7%), the Agency decision was upheld by the Chamber which proves that the Restitution agencies are administering the Restitution Law correctly.
- d) The Chamber decisions were upheld
 by OLG Munich in 12 out of 17 decisions (70.6%) +)
 by OLG Frankfurt in 20 out of 33 decisions (60.6%) +)
 by OLG Stuttgart in 5 out of 11 decisions (45.5%) +)
 The number of Chamber decisions set aside by the OLG can, with regard to the experience made by German courts in other than Restitution matters, nowhere be considered unusual.
- e) Up to the present time, in 49 ⁺) cases the decision was not rendered in the form of an order supported by an opinion in accordance with Art. 64 para 1, but was no more than an amicable settlement before the Restitution Chamber. Restitution Chamber Giessen has only in 1 out 17 ⁺) cases pronounced an order supported by an opinion. The other 16 cases were settled by amicable agreements made before the Chamber.

⁺) This figure relates to all decisions received up to the present time, not only to decisions received in August.

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Restitution Chamber Frankfurt has even set up a new procedure for amicable settlements before the Chamber: If the case is amicably settled, the Chamber is not composed of a Presiding Judge and two Associate Judges as prescribed by the Law (Art.66), but one member of the Chamber is assigned to act as Single Justice. That procedure was applied, for example, in:

Kupczik vs. Spahn, Wi K 69
 Brand vs. Stoller, Wi K 280
 Roethel vs. Scheer, Wi K 320
 Hamburger vs. Scheuplein, Wi K 354
 Schuster vs. Rheinland A.G., Wi K 400.

II. LEGAL ASPECTS

1. Aggravated and Simple Confiscation

The Restitution Law in the American Zone makes the distinction between aggravated and simple confiscation (Articles 30 and 31) and in pursuance thereof provides for strict and mitigated liability. Since the wording of Art.30, para 1, sentence 1 is closely leaning to the wording of Art.2, para 1a, it may be argued that aggravated confiscation applies only to such acts of confiscation as listed under Art. 2 para 1a.

"Aggravated confiscation cannot be stated in so far as the acquirement of the real estates and the hypothecary claims is concerned since, pursuant to Art.30, strict liability does not apply to confiscation pursuant to Art.2 para 1b, although such confiscation may be regarded by any impartial critic as one of the gravest cases. Art.30 mentions as cases of aggravated confiscation only Art. 2 para 1a, but not para 1b (abuse of a governmental act)..."

(Restitution Chamber Nürnberg-Fürth in Wälder vs. Beier III WKv 1/49, dated 13 May 49).

A contrary opinion on that issue was delivered by Restitution Chamber Karlsruhe:

"The confiscation of the property in accordance with the Reichs law issued against Marxian organizations is a confiscation due to a governmental act in the meaning of Arts. 1, para 1; 2, para 1b and para 3 of MG Law 59. Strict liability provided for by Art.30 will apply also to such confiscation. The court cannot follow the restitutor's argument that the wording of Art.30, para 1, would indicate that only such acts of confiscation as listed under Art.2, para 1a, be applicable."

(Restitution Chamber Karlsruhe in Freie Turnerschaft 1907 e.V. Soellingen vs. Barschdorff, Rest.K 1030 (20/49 I), dated 13 July 1949).

2. Confiscation of Church Bells

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2. Confiscation of Church Bells

The confiscation of Church Bells pursuant to the "Anordnung des Beauftragten für den Vierjahresplan zur Durchführung der Erfassung von Nichteisenmetallen vom 5.3.1940" cannot be regarded as a confiscation in the meaning of Art.1 of Law 59.

(Restitution Chamber Frankfurt in Kirchengemeinde Bad Homburg v.d.H. vs. Reichsfiskus, Wi K 240, dated 9 June 1949)

3. Protection of the Mortgagor

Whenever a mortgage was the subject of a confiscation and the owner of the estate has satisfied the claim pertaining to the mortgage, and the mortgage was, in consequence thereof, cancelled, the owner of the estate cannot be held liable to make restitution. Restitution of the mortgage is, in such case, not possible. Article 28 is applicable.

(OLG Frankfurt in Mayer vs. Pollmeier, 2 W 128/49 dated 9 June 1949)

4. Protection of Debtors

Article 28 (Protection of Debtors) will apply also in those cases where the confiscated property was acquired by the Reich in accordance with Regulation No.11 under the Reichsbürgergesetz.

(Restitution Chamber Frankfurt in Kaufmann vs. Reichsfiskus, Wi K 248, dated 2 June 1949.)

5. Objects of Unusual Artistic Value

Not every art object which is an individual piece can, for such reason alone, be regarded as an object of unusual artistic value in the meaning of Art.19. Particularly from the English version which, although not the official text, may be used for the interpretation of the law, it follows that the artistic value of the property must reach a specially high degree. It must be a piece which, because of its origin from a certain producer or for special peculiarities in its make, exceeds the common artistic value of similar pieces.

(OLG Frankfurt in Guthmann vs. Gessler, 2 W 132/49, dated 12 June 1949.)

6. Territorial Requirements of the Restitution Claim

Restitution Chamber Kassel had, in Sonnemann vs. Schmell (Wi K 63, decision dated 17 May 1949), decided that the Restitution Law is applicable only if the confiscation took place within the now US Zone and still is located within the US Zone at the time when the petition for restitution is filed. However, OLG Frankfurt, who had to decide the same case on appeal, did not sustain the opinion of the Chamber.

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According to the OLG decision, it will suffice if the property claimed under Law No.59 is located in the US Zone. It is not necessary that also the act of confiscation has taken place within the area covered now by the US Zone. Restitution claims are governed by the rules of the *lex rei sitae* and not of the *lex legis delicti commissi*.
(OLG Frankfurt in Sonnemann vs. Schmoll, 2 W 137/39, dated 15 July 1949).

7. Claims for Property which is no more Identifiable.

Claims under Art.16 of Law No.59 do not require that the confiscated property is still identifiable at the present time, since not the return of the property and restitution of the former status (Art.15) is claimed but the payment of compensation which claim is asserted against the person who first acquired the property. Such a claim requires only that the property was identifiable at the time when the confiscation was effected and the property was transferred to the person who first acquired it.
(OLG Frankfurt in Appel vs. Reichsfiskus, 2 W 80/49, dated 9 May 1949).

8. Damage to Property of Third Persons

Third persons who have suffered damage to property as a consequence of persecutory measures against racial, religious, or political persecutees (for example the creditors of Jews), cannot assert restitution claims under Law No.59.
(OLG Frankfurt in Wagner vs. Stadt Frankfurt, 2 W 93/49, dated 9 May 1949).

9. Compulsory Auction-Sale of Jewish Real Property

The compulsory auction sale of the estate of a Jew cannot be regarded as a confiscation if the economic ruin causing the sale was already existing before 30 January 1933 irrespective of whether or not the compulsory auction sale and the allotment took place after that date.
(Restitution Chamber Kassel in Weihl vs. Weigand, Wi K 97, dated 28 June 1949).

10. Confiscation by Compulsory Auction Sale

The compulsory auction-sale can be regarded as confiscation in the meaning of the Restitution Law only then, if it was carried through for reasons of race, religion, nationality, ideology, or political opposition to National Socialism. The question whether or not a compulsory auction-sale constitutes a confiscation must be answered in the affirmative, for example, if it was intended to collect the Property Tax on Jews or the Capital Flight Tax.
(Restitution Chamber Kassel in Gobiet vs. Stierlen K.G., Wi K 25 & 44, dated 27 May 1949).

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11. The Concept "Governmental Act"

The concept "Governmental Act" (Art.2) is to be understood in the widest sense and comprises laws, ordinances, regulations, proclamations, decrees, administrative dispositions of any kind, court orders, judgments, and any other adjudication. The governmental acts specified in Art.2 para 3 are merely examples as is indicated by the words "among other acts".

(OLG Frankfurt in Knieling vs. Wagner, 2 W 129/49, dated 13 June 1949).

12. Restitution of Blocked Accounts.

The forfeiture of a blocked account set up for a Jew is to be considered an act of confiscation in the meaning of Art. 2, para 1b of Law No.59. Do such funds, which were transferred to the Reichsfiskus, not exist any more in their original substance, the Reich will be liable for damages arising from failure to restitute the account on the ground of impossibility in accordance with Art. 30. However, the prosecution of indemnification claims against the Reich is subject to the provisions of Art. VI 10 of Military Government Law No.2. An adjudication of the claim to the effect that the Reich will have to make payments for compensation is only admissible if the restitution proceedings are approved by Military Government. Without such approval, claims against the Reich may only be prosecuted to the effect that the statement of the Reich's liability is requested (Feststellungsklage) from the court.

(OLG Frankfurt in Janker vs. Reichsfiskus, 2 W 131/49, dated 2 June 1949).

13. Article 62, Paragraph 2, Sentence 1

The claim for restitution will state a cause of action if the allegations contained in the petition, in case they be uncontroverted or evidenced, will likely justify the claim. However, it does not remain to the determination whether or not a claim for restitution states a cause of action to investigate the truth of the alleged facts.

(OLG Frankfurt in Knieling vs. Wagner, 2 W 129/49, dated 13 June 1949).

14. Dismissal of the Petition Pursuant to Art. 62, para 2.

Whenever the claim for restitution does not state a cause of action, Art. 62, para 2 must be applied and the petition must be dismissed by the Restitution Agency unless the defences reproached by the Agency were removed within due time. The fact that the petition has been served on, and an objection has been raised by, the defendant does not render the dismissal of the petition by the Restitution Agency inadmissible. (OLG Frankfurt in Boenning vs. Stadt Helmarshausen, 2 W 125/49, dated 23 May 1949).

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15. Restitution of Claims

Claiming rights may be subject to restitution also if the rights as such were extinguished through the confiscation, and although no restitutor in the proper sense does actually exist. Analogous application of Art. 14 will, in such case, hold the debtor liable to make restitution. Therefore, if a leasehold is concerned, the lessor will be the restitutor, but not the lessee with whom the lessor has concluded a contract.

(OLG Frankfurt in Waldmann vs. Waldmann, 2 W 110/49, dated 16 May 1949).

16. Interpretation of the Concept "Identifiable Property"

In so far as the petition requests restitution of the property itself, the property must still be identifiable and locatable at the time when the decision is rendered, since otherwise no restitution in accordance with Art. 15 is possible. However, not every claim under the Restitution Law requires that the property is still identifiable at the present time. This is, for example, not necessary if, pursuant to Arts. 30 and 31, compensation for damages arising from failure to return the property on the ground of impossibility is claimed, since doubtlessly the provisions of said Articles include also such cases where return of the property has become impossible for the reason that the property has been, after the confiscation, destroyed or has otherwise disappeared and, consequently, cannot be identified any more at the present time. The same will apply if location of the property is uncertain. The only requirement will be in this case that the property has been identifiable at the time when it was confiscated or acquired by the restitutor or his predecessor. (OLG Frankfurt in Bloch vs. Deutsches Reich, 2 W 113/49, dated 9 May 1949).

17. Restitution of Bank Accounts

Bank accounts shall be treated as any other property. Although they have the same functions as money and practically are the same as money, there is no reason to refer the cases of holders of confiscated bank accounts to the General Claims Law, Art. 1 of Law 59 provides for restitution to the largest extent possible which indicates that in case a bank account has been confiscated, the restitution claim must always be prosecutable under Law No. 59.

(OLG Frankfurt in Bloch vs. Deutsches Reich, 2 W 113/49, dated 9 May 1949).

18. Stay of Proceedings

The Restitution Chamber is not obliged to grant a stay of proceedings at the request of the claimant. The Restitution Law does not contain any cogent provision to stay the proceedings and Section 251 of the Code of Civil Procedure does

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Authority <u>NND 968095</u>	RG <u>466</u>
By <u>bam</u> NARA Date <u>7/23</u>	Entry <u>160-A</u>
	Box <u>3</u>

1138

- 8 -

not apply. There is further no mention in the Law as to the prerequisites which may authorize the court to decide about the stay of proceedings on its own discretion. Pursuant to Art. 67, para 2, of the Restitution Law, Section 12 FGG, and under consideration of Art. 49 which provides for accelerated restitution, a stay of proceedings must therefore be deemed desirable only then, if the restitution case cannot yet be adjudicated either for legal grounds or because fact finding is incomplete.

(Restitution Chamber Stuttgart in Uhlmann vs. Allianz A.G., Rest. 599 (56), dated 1 June 1949).

19. Capital Flight Tax

To the extent to which the purchase price was used to pay the Capital Flight Tax, the transferer was not granted the right freely to dispose of the purchase price. It cannot have any relevancy that the Tax existed already before 1933 and was applicable to everybody since the Tax was invented as a measure against the capital flight at a time when nobody was forced to emigrate, whereas, after 1933, it primarily affected those who had to leave Germany for reasons of persecution and, consequently, were compelled to commit the "Reichs flight" entailing the Tax if they wanted to escape intensifying persecution and final liquidation.

(Restitution Chamber Stuttgart in Thalheimer vs. Shhuele, Rest S 95 (76), dated 17 June 1949).

Emil A. Leber
EMIL A. LEBER

303002

SUMMARYCUMULATIVE STATISTICAL REPORT FOR RESTITUTION AUTHORITIES10 November 1947 - 31 December 1952

	Total	Bavaria		Hesse		Former Wuertt./Baden		Bremen		
	Indi- vidual	JRSO	Indi- vidual	JRSO	Indi- vidual	JRSO	Indi- vidual	JRSO	Indi- vidual	JRSO
1. a) Cases received by Restitution Authorities	72,487	70,896	27,784	21,957	27,247	32,300	15,747	15,580	1,709	1,059
b) Thereof monetary claims against the Reich	18,780	16,333	5,332	3,372	7,289	12,328	5,375	0	784	633
2. a) Cases finally disposed of	55,157	35,373	21,359	8,506	22,434	18,725	9,956	7,703	1,408	439
b) Thereof monetary claims against the Reich	8,849	393	1,698	369	5,612	7	841	0	698	17
3. a) Cases on hand as of December 31, 1952	17,330	35,523	6,425	13,451	4,813	13,575	5,791	7,877	301	620
b) Thereof monetary claims against the Reich	9,931	15,940	3,634	3,003	1,677	12,321	4,534	0	86	616

RG 466
Entry 100-A
Box 4

DECLASSIFIED
Authority NWD 16895
By *[Signature]* NARA Date 7/23

CUMULATIVE STATISTICAL REPORT FOR RESTITUTION AUTHORITIES US ZONE
TOTAL AS OF DECEMBER 31, 1952

RESTITUTION AGENCIES

Type of claim	Cases *) received	Final dispositions					Forw. to Chambers	Total disposed of	Total on hand
		amicably settled	granted	dis-missed	with-drawn	Total			
Individual claims	72,781	19,418	4,458	4,966	13,823	42,665	20,324	62,989	9,792
Thereof monetary claims against the Reich	19,479	931	2,575	1,351	2,193	7,050	5,605	12,655	6,824
JRSO - claims	70,968	19,284	139	23	14,573	34,019	1,966	35,985	34,983
Thereof monetary claims against the Reich	16,326	6	1	0	381	388	30	418	15,908

RESTITUTION CHAMBERS

Type of claim	Cases *) received	Final dispositions as they affect the claimant					Forw. to OLG	Forw. to CoRA	Returned to Agencies	Total disposed of	Total on hand
		ami-cably settled	granted	dis-missed	with-drawn	Total					
Individual claims	21,326	6,926	1,775	1,029	1,442	11,172	2,647	167	643	14,629	6,697
Thereof monetary claims against the Reich	5,418	656	397	196	512	1,761	261	14	466	2,502	2,916
JRSO - claims	1,945	971	143	48	107	1,269	180	6	9	1,464	481
Thereof monetary claims against the Reich	37	2	0	0	3	5	0	0	0	5	32

*) Including subsequent breakdown of cases.

Page 1.

DECLASSIFIED RG 466 Entry 100-A Box 4
Authority NWD 16895 By 1/23 NARA Date 7/23

CUMULATIVE STATISTICAL REPORT FOR RESTITUTION AUTHORITIES US ZONE
TOTAL AS OF DECEMBER 31, 1952

Type of claim	Cases *) received	Final dispositions as they affect the claimant					Forw. to CoRA	Remanded to Chambers or Agenc.	Total disposed of	Total on hand
		amicably settled	granted	dis- missed	with- drawn	Total				
Individual claims	2,636	90	417	239	107	853	662	521	2,036	600
Thereof monetary claims against the Reich	276	3	8	4	3	18	34	53	105	171
JRSO - claims	182	26	21	18	8	73	39	43	155	27
Thereof monetary claims against the Reich	0	0	0	0	0	0	0	0	0	0

COURT OF RESTITUTION APPEALS

Type of claim	Cases *) received	Final dispositions as they affect the claimant				Remanded to OLG	Remanded to Chambers	Total disposed of	Total on hand
		granted	dis- missed	with- drawn	Total				
Individual claims	829	153	270	44	467	3	118	588	241
Thereof monetary claims against the Reich	48	2	12	6	20	0	8	28	20
JRSO - claims	45	6	3	3	12	0	1	13	32
Thereof monetary claims against the Reich	0	0	0	0	0	0	0	0	0

*) Including subsequent breakdown of cases.

Page 2.

 RG 466
 Entry 160-A
 Box 4

 DECLASSIFIED AND 168095
 Authority NARA Date 7/23
 By [Signature]

303006

RESTITUTION AGENCIES

CUMULATIVE STATISTICAL REPORT - TOTAL AS OF DECEMBER 31, 1952

AGENCIES	Cases *) received		Final dispositions								Forwarded to Chambers		Total disposed of		Total on hand				
			amicably settled		granted		dismissed		withdrawn										
	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	
<u>BAVARIA:</u>																			
Mn	**) a. b.	9,777 2,118	6,298 1,994	2,579 62	341 0	14 0	5 0	787 42	0 481	2,924 14	1,622 585	6,304 14	1,968 924	2,796 215	1 1	9,100 1,509	2,183 15	677 609	4,115 1,979
Fue	a. b.	11,474 2,662	9,004 633	3,444 64	598 0	34 0	3 0	467 87	3 0	2,443 98	2,091 5	6,388 249	2,695 5	4,093 1,589	222 7	10,481 1,838	2,917 12	993 824	6,087 621
Wabg	a. b.	6,351 1,057	6,638 737	2,005 53	923 0	19 0	41 0	362 227	6 0	1,304 121	2,320 346	3,690 401	3,290 346	2,539 549	466 9	6,229 950	3,756 355	122 107	2,882 382
TOTAL	a. b.	27,602 5,837	21,940 3,364	8,028 179	1,862 0	67 0	49 0	1616 356	9 0	6,671 700	6,033 365	16,382 1,235	7,953 365	9,428 3,062	903 17	25,810 4,297	8,856 382	1,792 1,540	13,084 2,982
<u>HESSE:</u>																			
Ffm	a. b.	22,020 6,931	22,743 11,214	4,181 138	9,386 0	3,087 1,973	35 0	1,846 859	3 0	3,587 1,180	1,220 2	12,701 4,150	10,644 2	7,094 2,107	236 13	19,795 6,257	10,880 15	2,225 674	11,863 11,199
Kass	a. b.	5,607 542	9,606 1,115	1,673 12	5,936 3	707 174	16 0	555 6	1 0	865 0	1,664 1	3,800 192	7617 4	1,705 309	353 0	5,505 501	7,970 4	102 41	1,636 1,111
TOTAL	a. b.	27,627 7,473	32,349 12,329	5,854 150	15,322 3	3,794 2,147	51 0	2,401 865	4 0	4,452 1,180	2,884 3	16,501 4,342	18,261 6	8,799 2,416	589 13	25,300 6,758	18,850 19	2,327 715	13,499 12,310

*) Including subsequent breakdown of cases.

**) a. including monetary claims against the Reich and b. monetary claims against the Reich only.

 RG 466
 Entry 100-A
 Box 4
 NARA Date 7/23
 DECLASSIFIED Authority NND 168095
 By LHM NARA Date 7/23

303007

RESTITUTION AGENCIES

CUMULATIVE STATISTICAL REPORT - TOTAL AS OF DECEMBER 31, 1952

AGENCIES	Cases *) received		Final dispositions								Forwarded to Chambers		Total disposed of		Total on hand			
			amicably settled		granted		dismissed		withdrawn									
	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO
<u>FORMER W/BADEN:</u>																		
Stgt **)	a. 5,757	5,268	b. 1,904	0	1,992	470	18	3	210	0	972	1,566	3,192	2,039	624	56	3,816	2,095
					263		0		10		119	392			26		418	1,941
Ulm	a. 1,123	849	b. 227	0	408	161	12	0	121	0	157	419	698	580	194	42	892	622
					51		0		1		15		67		0		67	231
Karl	a. 3,423	3,284	b. 1,267	0	1,056	251	64	3	140	4	457	1,070	1,717	1,328	305	144	2,022	1,472
					128		0		8		30		166		7		173	1,401
Mann	a. 5,532	6,204	b. 1,977	0	1,834	845	22	28	314	5	761	2,555	2,931	3,433	746	202	3,677	3,635
					126		0		23		38		187		27		214	1,855
TOTAL	a. 15,835	15,605	b. 5,375	0	5,290	1,727	116	34	785	9	2,347	5,610	8,538	7,380	1,869	444	10,407	5,428
					568		0		42		202		812		60		872	4,503
<u>BREMEN:</u>																		
Bre	a. 1,717	1,074	b. 794	633	246	373	481	5	164	1	353	46	1,244	425	228	30	1,472	455
					34	3	428	1	88	0	111	13	661	17	67	0	728	245
																	619	
																	616	

*) Including subsequent breakdown of cases.

**) a. including monetary claims against the Reich and b. monetary claims against the Reich only.

 DECLASSIFIED
 RG 466
 Entry 100-A
 Box 4
 Authority NWD 76875
 By 1st M. NARA Date 7/23

RESTITUTION CHAMBERS
CUMULATIVE STATISTICAL REPORT - TOTAL AS OF DECEMBER 31, 1952

CHAMBERS	Cases *) received		Final dispositions as they affect the claimant						Forwarded to OLG		Forwarded to CoRA		Returned to Agencies		Total disposed of		Total on hand			
			amicably settled	granted	dismissed	withdrawn	Total													
	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO		
BAVARIA:																				
Mn	2,485	150	447	31	118	8	162	8	122	12	849	59	385	28	40	1	30	0	1,304	
a.	595	1	16	1	1		7		7		31		7		1		1		40	
b.																			1,181	
																			555	
																			1	
Nbg:																				
a.	3,799	161	740	37	116	1	83	0	162	7	1,101	45	255	10	38	0	514	5	1,908	
b.	1,529	5	49	0	4	0	7	0	86	2	146	2	6	0	0	0	446	0	598	
																			60	
																			1,891	
																			101	
Wzb:																				
a.	2,868	481	1,371	264	183	37	80	6	185	38	1,819	345	201	13	10	0	55	4	2,085	
b.	543	9	122	1	4	0	17	0	56	1	199	2	8	0	1	0	11	0	219	
																			362	
																			783	
																			119	
Augs:																				
a.	627	73	176	35	31	4	33	5	49	2	289	46	66	6	2	1	21	0	378	
b.	232	8	32	2	2		4		20		58	1	1	0	0	0	8		67	
																			53	
																			249	
																			20	
TOTAL:	a.	10,466	932	2,884	398	473	52	431	20	589	62	4,377	532	1022	62	103	4	643	9	6,145
	b.	3,026	25	223	1	11	0	39	0	184	3	457	4	22	0	2	0	466	0	947
																			607	
																			4,321	
																			325	
FORMER W/BADEN:																				
Sgt:	a.	810	100	332	53	56	10	76	1	52	5	516	69	193	18	17	0	-	-	726
	b.	26	0	2	0	0		5		4	5	11	4	4	3	0			87	
																			84	
																			13	
Karl:	a.	305	152	121	73	11	7	17	5	25	9	174	94	25	20	2	1	-	-	201
	b.	9	0	1	0	0		0		4	5	5	4	0	0	0			115	
																			104	
																			37	
Mann:	a.	777	195	298	99	88	14	58	6	43	10	487	129	173	33	9	0	-	-	669
	b.	28	0	4	0	0		4		2	2	10	10	0	3	3			162	
																			108	
																			15	
																			0	
TOTAL:	a.	1,892	447	751	225	155	31	151	12	120	24	1,177	292	391	71	28	1	-	-	1,596
	b.	63	0	7	0	0		9		10	26	26	4	6	1				364	
																			296	
																			83	
																			0	

*) Including subsequent breakdown of cases.

**) a. including monetary claims against the Reich and b. monetary claims against the Reich only.

303009

RESTITUTION CHAMBERS

CUMULATIVE STATISTICAL REPORT - TOTAL AS OF DECEMBER 31, 1952

CHAMBERS	Cases *) received		Final dispositions as they affect the claimant						Forwarded to OLG		Forwarded to CoRA		Returned to Agencies		Total disposed of		Total on hand				
			amicably settled		granted		dismissed								IND.		JRSO		IND.		
	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	
<u>HAMBURG:</u>																					
**) a.	519	46	288	36	21	0	19	0	23	0	351	36	27	1	1	0	-	-	379	37	140
Dmst b.	54	0	19	0	0	4	0	2	25	25	1	1	1	1	-	-	27	27	27	0	
Ffm a.	4,792	106	1,615	56	398	1	150	1	439	3	2,602	61	701	3	24	0	-	-	3,327	64	1,465
b.	1,584	12	296	1	189	0	89	0	249	0	823	1	137	0	2	0	-	-	962	1	622
Gießen a.	1,197	60	623	51	207	1	68	0	112	2	1,010	54	81	0	2	0	-	-	1,093	54	104
b.	261	0	68	104	1	12	30	30	214	214	10	10	0	0	-	-	-	-	224	37	60
Kassel a.	1,610	321	359	191	462	57	128	10	115	14	1,064	272	326	39	6	1	-	-	1,396	312	214
b.	269	0	6	191	86	57	24	24	24	14	140	57	57	2	-	-	-	-	199	70	90
Offenbach a.	613	14	350	8	35	0	40	0	23	0	448	8	26	0	1	0	-	-	475	8	138
b.	104	0	30	1	0	8	8	6	6	45	45	7	1	1	-	-	-	-	53	51	60
TOTAL a.	8,731	547	3,235	342	1,123	59	405	11	712	19	5,475	431	1,161	43	34	1	-	-	6,670	475	2,061
b.	2,272	12	419	1	380	0	137	0	311	0	1,247	1	212	0	6	0	-	-	1,465	1	807
<u>BREMEN:</u>																					
Bremen a.	237	19	56	6	24	1	42	5	21	2	143	14	73	4	2	0	-	-	218	18	19
b.	57	0	7	6	6	1	11	11	7	31	31	0	0	0	-	-	-	-	54	3	10

*) Including subsequent breakdown of cases.

**) a. including monetary claims against the Reich and b. monetary claims against the Reich only.

 DECLASSIFIED
 RG 466
 Entry 160-A
 Box 4
 Authority NND 168095
 Date 7/23
 By LHM

OBERLANDESGERICHTE

CUMULATIVE STATISTICAL REPORT - TOTAL AS OF DECEMBER 31, 1952

OLG	Cases *) received	Final dispositions as they affect the claimant										Forwarded to CORA		Remanded to Chambers or Agencies		Total disposed of		Total on hand			
		amicably settled		granted		dismissed		withdrawn		Total											
		IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO		
BRAUERIA:																					
Mn	**) a.	1,016	62	23	3	222	11	99	4	10	0	354	18	360	26	153	3	867	47	149	
	b.	22	0	0		1		0		0		1		6		3	10	12	15	0	
HESSE:																					
Ffm	a.	1,149	44	46	18	120	3	97	5	65	3	328	29	189	3	260	8	777	40	372	
	b.	227	0	3		3		4		3		13		23		50	86	141	141	0	
FORMER W/BADEN:																					
Stgt	a.	193	19	19	5	37	2	7	0	12	2	75	9	53	4	34	4	162	17	31	
	b.	4	0	0		1		0		0		1		0		0	1	3	3	2	0
Karl	a.	198	53	0	0	34	5	32	9	19	3	85	17	44	6	52	24	181	47	17	
	b.	0	0														0	0	6	0	
TOTAL	a.	391	72	19	5	71	7	39	9	31	5	160	26	97	10	86	28	343	64	48	
	b.	4	0	0		1		0		0		1		0		0	1	1	3	8	0
BREMEN:																					
Bre	a.	80	4	2	0	4	0	4	0	1	0	11	0	16	0	22	4	49	4	31	
	b.	23	0	0		3		0		0		3		5		0	8	15	15	0	0

*) Including subsequent breakdown of cases.

**) a. including monetary claims against the Reich and b. monetary claims against the Reich only.

 DECLASSIFIED
 RG 466
 Entry 100-A
 Box 4
 Authority NWD 718095
 By LHM NARA Date 7/23

COURT OF RESTITUTION APPEALS

CUMULATIVE STATISTICAL REPORT - TOTAL AS OF DECEMBER 31, 1952

CORA	Cases *) received	Final dispositions as they affect the claimant								Remanded to OLG		Remanded to Chambers		Total disposed of		Total on hand		
		granted		dismissed		withdrawn		Total										
		IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	IND.	JRSO	
BAVARIA:																		
**) a.	463	30	88	1	137	1	21	1	246	3	0	0	54	0	300	3	163	27
b.	8	0	0	0	0	5	5	5	5	0	0	0	0	5	3	3	0	
HESSE:																		
a.	223	4	38	2	73	0	19	2	130	4	2	0	38	0	170	4	53	0
b.	29	0	0	0	9	1	1	10	10	0	0	5	0	15	4	14	0	
FORMER W/BADEN:																		
a.	125	11	24	3	54	2	3	0	81	5	0	0	25	1	106	6	19	5
b.	6	0	0	0	2	0	0	2	5	0	0	3	1	5	1	1	0	
BREMEN:																		
a.	18	0	3	6	1	1	0	3	10	1	0	0	1	0	12	6	2	0
b.	5	0	2	1	0	0	0	3	3	0	0	0	0	3	2	0	0	
TOTAL:																		
a.	829	45	153	6	270	3	44	3	467	12	3	0	118	1	588	13	241	32
b.	48	0	2	12	12	6	6	20	20	0	0	8	1	28	20	0	0	

*) Including subsequent breakdown of cases.

**) a. including monetary claims against the Reich and b. monetary claims against the Reich only.

DECLASSIFIED

Authority NND 968095

RG 466
Entry 1002

By AT NARA Date 7-22-99 Box 4

283.2

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
 Page 2 - OFFICE OF THE ECONOMICS ADVISER, Prop Group,
 GPO 633 PROPERTY GROUP port on Statistics
 APO 633
 Wiesbaden, Germany

RES/ln

Report on Petitions submitted from 1945-1949
 Restitution Agencies Wiesbaden, Germany
 6 September 1949

SUBJECT: Report on Statistics

1948

TO: Office of Military Government for Germany (US)

March Office of the Economics Adviser

April Property Group

May APO 8924 Bad Nauheim, Germany

June

July 1. Transmitted herewith are statistics relative to petitions received by the LCO and those forwarded to the agencies under 243.

September 381

November Report on Petitions Received by the LCO

December 543

1948

	January	24
1949	March	131
	April	17
	February	124
	May	75
	June	24
	July	77
	August	203
	September	248
	October	336
	November	551
	December	576
total as of		2346
31 Dec 1948		2346

1949

	January	213
	February	739
	March	3468
	April	2847
	May	4536
	June	1975
	July	1862
	August	2916
		20902

Balance in LCO: 1678

Land & Economic
 Land Supervision
 Internal Restitution Supervision
 Narcotics

Rec'd: Wiesbaden 21-21
 Ext 364

303012

DECLASSIFIED

RG

466

Authority NWD 968095

Entry

1674

By AT NARA Date 7-22-99

Box

4

Page 2 - ltr Land Supervisor Hesse to OMGUS, Prop Group,
date 6 Sep 1949, subj: Report on Statistics

LCO 633

Wiesbaden, Germany
Report on Petitions submitted from LCO to
Restitution Agencies

Visarobots. Wiesbaden
6 September 19491948

	Reports on Restitution
March	24
April	151
May	124
June	175
July	63
August	137
September	243
October	381
November	581
December	563

1949

	Reports on Restitution
January	237
February	739
March	1724
April	2657
May	2941
June	479
July	1779
August	2246
total as of 31-8-49:	<u>19224</u>

1949

	Reports on Restitution
January	246
February	617
March	750
April	3661
May	2847
June	4736
July	4952
August	5756

Balance in LCO: 1678

ROSS E STOKELY
Land SupervisorInternal Restitution Supervision
SectionTel: Wiesbaden 21341
Ext 364

303013

DECLASSIFIED

RG

466

Authority NWD 968095

Entry

1604

By AT NARA Date 7-22-99

Box

4

253-2

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
 OFFICE OF THE ECONOMICS ADVISER
 PROPERTY GROUP
 APO 633, US Air Force

RES/ck

Wiesbaden, Germany
 3 August 1949

SUBJECT: Report on Statistics

TO : Office of Military Government for Germany (US)
 Office of the Economics Adviser
 Property Group
 APO 807, US Army
 Bad Nauheim, Germany

1. Transmitted herewith are statistics relative to petitions received by the LCO and those forwarded to the agencies.

Report on Petitions Received by the LCAH

	<u>1948</u>	<u>1949</u>	
March	24	Jan	2346
April	131	Feb	213
May	124	March	739
June	75	April	3468
July	78	May	2847
August	203	June	4536
Sep	248	July	1975
Oct	336		1862
Nov	551		
Dec	576		
	2346		17986
<hr/>			

*Balance in LCO 1,108

=====

-1-

* (see copy)

303014

DECLASSIFIED

RG 466
Entry 160A
Box 4Authority NWD 968095
By AT NARA Date 7-22-99

Page 2 - ltr Land Supervisor Hesse to OMGUS, Prep Group, dtd
3 Aug 1949, subj: Report on Statistics.

Report on Petitions Submitted from LCAH
to Restitution Agencies

1948

March	24
April	131
May	124
June	75
July	63
August	137
Sep	243
Oct	381
Nov	581
Dec	563

1949

Jan	237
Feb	739
March	1724
April	2657
May	2941
June	4479
July	1779

total as of
31-7-49: 16878
=====

2. Estimated time to forward remaining petitions* to
the agencies is two weeks.

Ross E Stokely

ROSS E STOKELY
Land Supervisor

Internal Restitution Supervision
Section

Wiesbaden 21341/49
ext. 364

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Authority NND 968095
By AT NARA Date 7-22-99RG 466
Entry 160A
Box 4

Surveys of the
territories of the
former Soviet Union were
conducted by the Central Statistical
Bureau in accordance with the
decisions of the Central Statistical Bureau
of the USSR. The results of these surveys
were used to estimate the population
of the former Soviet Union.

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decisions of the Central Statistical Bureau
of the USSR. The results of these surveys
were used to estimate the population
of the former Soviet Union.

Month	Year	Da	Bach	Hia	Fra	Pa	64	Ka	Ma	Or	Wap
August	1949										
Case left over											
from April											
August	1949										
Case never received in July											
August	1949										
Case to be deducted from number 26000000											
in July											
August	1949										
Case left over											
from April											

Month	Year	Da	Bach	Hia	Fra	Pa	64	Ka	Ma	Or	Wap
August	1949										
Case left over											
from April											
August	1949										
Case never received in July											
August	1949										
Case to be deducted from number 26000000											
in July											
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Case left over											
from April											

Month	Year	Da	Bach	Hia	Fra	Pa	64	Ka	Ma	Or	Wap
August	1949										
Case left over											
from April											
August	1949										
Case never received in July											
August	1949										
Case to be deducted from number 26000000											
in July											
August	1949										
Case left over											
from April											

303016

2537

(Translation)

f/ir
IRSB

Landesamt fuer Vermoegenskontrolle
und Wiedergutmachung
in Dreesen Bad Godesberg, Mehlener Ave
Office of General Counsel
Office of the Director

Office of the United States
High Commissioner for Germany
Office of General Counsel
Office of the Director
Bad Godesberg
Mehlener Ave

My dear Dr. Weissstein:

Subject: This is my reply to your letters of January 22 and 23, 1953 in which you request information concerning the statistical reporting of claims pursuant to Article 44, paragraph 3, and Article 47 of Military Government Law No. 59. I wish to reply as follows:

- a) As our statistics are exclusively confined to reporting on the disposition of claims as they affect the claimant, claims brought under the aforementioned provisions should not be reported on. However, separate reports concerning the processing of claims in the latter category will be compiled. We would appreciate receiving a copy. Payment of reparations will not meet with difficulties.
- b) I take this opportunity to thank you for your letter of February 19, 1953, and assure you that we are very pleased with the arrangements you made responsive to my letter of January 16, 1953. It is hoped that these steps will enable the Restitution Agency, Frankfurt, to carry forward its program to an absolute completion. To accord priority to the JRSO proceedings over the claims assigned to the Hessische Treuhand Verwaltung is not possible, at any rate ~~sincerely yours~~, because the major part of the JRSO claims has not as yet been sufficiently prepared for processing by JRSO.
- c) The Agency for Property Control and Restitution, Frankfurt/Main, will remain in existence under its present ~~Werner H. Loewenthal~~ March 31, 1954. After that date it is contemplated ~~property office~~ to liquidate the Agency for Property Control and Restitution, Frankfurt, in such manner that the Land Central Office and the Frankfurt Agency will be con-
- ~~Regierungsdirektor Dr. Weissstein~~, "Land Central Office for Property Control and Vermoegenskontrolle und Wiedergut und Wiedergutmachung in Dreesen," Frankfurt outfit shall continue to discharge the ~~Julianengasse (Sporthaus Schaefer)~~ conferred upon it.

Wiesbaden, Germany.

I assume that the foregoing is in compliance with your wishes expressed in your letter.

CC: COD:WL Loewenthal/rw/3861

March 6, 1953. Sincerely yours,

/s/ Dr. Weissstein

/t/ Dr. Weissstein

Dr. Weissstein
Dr. Weissstein

303017

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RG 466

Authority NWD 968095 Entry 1604
By AT NARA Date 7-22-99 Box 4

(Translation)

vs.

filed

53

Landesamt fuer Vermoegenskontrolle
und Wiedergutmachung
in Hessen

Wiesbaden, February 19, 1953
Langgasse 17
Tel.: 28846/25639

Office of the United States
High Commissioner for Germany
Office of General Counsel
Office of the Director
Bad Godesberg
Mehlemer Aue

Subject: Agency for Property Control and Restitution, Frankfurt/Main

Referring to your letter of January 16, 1953 I wish to reply as follows:

- a) According to assurances I obtained today from the competent Departments of the Minister of Finance the number of employees in charge of restitution will be retained until the end of the calendar year 1953, provided that one or the other employee does not wish to quit on his own initiative and the employment of replacements will not meet with difficulties.
- b) The labor contracts concluded with the arbiters for a certain period of time shall be prolonged until December 31, 1953.
- c) The processing of individual claims will be accorded absolute priority. To accord priority to the JRSO proceedings over the claims assigned to the Hessische Treuhand Verwaltung is not possible, at any rate not at this time, because the major part of the JRSO claims has not as yet been sufficiently prepared for processing by JRSO.
- d) The Agency for Property Control and Restitution, Frankfurt/Main, will remain in existence under its present designation until March 31, 1954. After that date it is contemplated to formally liquidate the Agency for Property Control and Restitution, Frankfurt, in such manner that the Land Central Office and the Frankfurt Agency will be consolidated under the designation "Land Central Office for Property Control and Restitution" (Landesamt fuer Vermoegenskontrolle und Wiedergutmachung). However, the Frankfurt outfit shall continue to discharge the functions in Frankfurt hitherto conferred upon it.

I assume that the foregoing is in compliance with your wishes expressed in your letter.

Sincerely yours,

/s/ Dr. Weisstein

/t/ Dr. Weisstein

Dr. Weißstein

303018

DECLASSIFIED

RG 466
Entry 1604Authority NWD 968095
By AT NARA Date 7-2-99 Box 4DESAMT FÜR VERMÖGENSKONTROLLE
UND WIEDERGUTMACHUNG
IN HESSENRIESBADEN, den 19. Februar 53
LANGGASSE 17
FERNRUF: 28846 / 25639Aktenzeichen:
Dikr.-Z.: HT DRW/KA
(Bei Antwort bitte angeben)Office of the United States
High Commissioner for Germany
-Office of General Counsel-
-Office of the Director-

Bad-Godesberg

Mehlemer Aue

Betr.: Amt für Vermögenskontrolle und Wiedergutmachung in Frankfurt/Main

Sehr geehrter Mr. Loewenthal!

Auf Ihr Schreiben vom 16. Januar 1953 darf ich folgendes erwideren:

- a) Nach den mir heute von den massgeblichen Abteilungen des Herrn Ministers der Finanzen gemachten Zusicherungen, bleibt die Zahl der in der Rückerstattung beschäftigten Angestellten bis Ende des Kalenderjahres 1953 in voller Höhe bestehen, sofern nicht einzelne Angestellte von sich aus auszuscheiden wünschen und die Einstellung von Ersatzkräften auf Schwierigkeiten stösst.
- b) Die mit den Sachbearbeitern abgeschlossenen Dienstverträge, die auf bestimmte Zeit laufen, sollen bis zum 31. Dezember 1953 erstreckt werden.
- c) In der Bearbeitung wird den Individualanmeldungen in vollem Umfange der Vorrang eingeräumt. Die Bevorzugung der IRSO-Verfahren vor den HTV-Verfahren ist jedenfalls im gegenwärtigen Zeitpunkt deshalb nicht möglich, weil der grösste Teil der IRSO-Verfahren von der IRSO selbst noch nicht verhandlungsreif gestaltet worden ist.
- d) Das Amt für Vermögenskontrolle und Wiedergutmachung in Frankfurt/Main bleibt bis zum 31. März 1954 unter der bisherigen Bezeichnung bestehen. Für diesen Zeitpunkt ist die formelle Aufhebung des Amtes für Vermögenskontrolle und Wiedergutmachung in Frankfurt/M. in der Weise ins Auge gefasst, dass das Landesamt und das Frankfurter Amt unter der Bezeichnung "Landesamt für Vermögenskontrolle und Wiedergutmachung" zusammengefasst wird. Auch dann soll aber die Frankfurter Stelle die ihr bisher übertragenen Aufgaben in Frankfurt/M. weiterführen.

Ich darf wohl annehmen, dass damit den von Ihnen geäusserten Wünschen entsprochen wird.

Mit verbindlichem Gruss!



Dr. Weißstein

303019

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RG 466
Entry 1604
Box 4

253.2

Authority NND 968095
By AT NARA Date 7-22-99

-2-

Bad Godesberg, Mehlauer Ave., to a minimum of
which will be maintained by the Director.

(e) The full staff of the Restitution Agency Frankfurt
which was last reported to us as 11 adults (including the Director) and
13 administrative personnel should be retained until January 15, 1953,
December 1952.

My dear Dr. Weisstein, the number which personnel contracts must
for the period of three months only should be abolished and contracts
for the reference is made to our discussion on January 14, 1953
during which you asked me to inform you of certain matters of
concern to us in connection with the administration of Military
Government Law No. 59 in Land Hesse and to give you our recom-
mendations as to the remedial action which could be taken with
respect thereto.
being pressed by the Hessische Freihand Verwaltung.

You will recall that we have always viewed the closing of all
the Restitution Agencies in Land Hesse and the drastic reduction
in the number of Agency personnel as adverse to the announced
purpose of MG Law 59. On the other hand, the closing of Agencies
could be viewed as a matter of internal administration if the
rate of dispositions by the Restitution Agency Frankfurt were
equal or above the rate of overall dispositions for Land Hesse
before the Agencies were closed. As you know, we have been dis-
appointed in this respect, since the overall rate of dispositions
has dropped considerably and is dropping continuously. Our
recent visit to the Frankfurt Agency has brought us to the con-
clusion that, unless early and definite remedial action is taken,
the Restitution program for Land Hesse which initially was carried
forward to our full satisfaction will suffer further disappointing
set-backs. Your assurance from the Minister of Finance that
I understand, you will discuss this matter so that there will be
no need according to our records, the Restitution Agency Frankfurt
has processed 2,527 individual and 75,100 TPSO cases of which
72,510 are TPSO monetary claims against the Reich. In regard to
these monetary claims against the Reich, we have always taken the
position that they will have to be processed as any other case
before the Restitution Agency and while these claims may lend
themselves to processing under some uniform procedure it is
dangerous to under-estimate the work which the Agency will have
to accomplish with respect thereto.

We feel
enclosed herewith please find a copy of a recent paper delivered
to Regierungsdirektor Dr. Weisstein, concerning the
Gesamtmaßnahmen der Vermögenskontrolle

und Wiedergutmachung in Hessen,

17 Langgasse, (Sportheus Schaefer)

Wiesbaden, Germany. Werner H. Lewenthal

Property Officer

Kreisaufer 6/c.

OG:OB:WILDEVENTHAL/ln.
Tel. 3061.

303020

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RG 466
Entry 160A
7-7-44 Box 4

By

-2-

And Wiesbaden, Wehlerer Am
We feel that the following steps constitute a minimum of
action which will have to be taken:

(a) The full staff of the Restitution Agency Frankfurt
which was last reported to us as 11 arbiters (Bachbearbeiter) and
35 administrative personnel should be retained at least until
December 1953.

(b) The present system under which personnel contracts run
for the period of three months only should be abolished and contracts
for the present staff of the agency should be extended until De-
cember 1953. Ich langweile Sie to inform you of certain aspects of
this in connection with the administration of Military

(c) Unless the staff of the agency is increased, claims of
individuals and claims of JRSO should be accorded absolute priority
over the claims assigned by JRSO to Land Hesse and which are now
being pressed by the Hessische Freihand Verwaltung.

You will recall that we have always viewed the closing of
the (d) The plan of redesignating the Restitution Agency Frankfurt
as liquidating authority (Abwicklungsbehörde) as of March 1953
should be abandoned or at least postponed indefinitely. To us the
"liquidation" means the residue of cases of the Hessische Freihand
Verwaltung remaining after all others had been disposed of. As
MG Law 59 provides only for Restitution agencies the question is
raised not only as to the propriety but also as to the legality
of the proposed change, yet, since the overall rate of disposition
has dropped considerably and is dropping continuously. Our

You will note that the above recommendations are along the
lines discussed with you and tentatively agreed to by you and thus,
reflect the spirit of cooperation which has always existed between
our offices. I sincerely hope that you will succeed in obtaining
approval of these measures from the Finance Minister with whom,
I understand, you will discuss this matter so that there will be
no need for more formal representations on our part. I would very
much appreciate it if we could be informed of the result of your
discussion with the Finance Minister some time before February 20,
as Mr. Hulse will visit Wiesbaden on that day and will arrange for
a conference with the Finance Minister in the event any items have
not been settled.

I must apologize for my statement that we had not been informed
of the move of your office, as I have found a formal announcement to
that effect in our files.

We feel
Enclosed herewith please find a copy of a recent Berlin Renn-
gericht decision which I mentioned to you in connection with our
discussions concerning monetary claims against the Reich.

and Wiedergutmachung in Hesse,

Sincerely yours, (Opertus Schaefer)

Wiesbaden, Germany. Werner H. Loewenthal
Property Officer

Enclosure: a/s.

CC: ED:WL Loewenthal/lw.
Tel. 3861.

303021

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RG 466

Entry 160A

Box 4

Authority NND 968095

By AT

NARA Date 7-22-99

259.2

LANDESAFT FUER VERMOEGENSKONTROLLE
UND WIEDERGUTMACHUNG
IN HESSEN

LAND CIVILIAN AGENCY HEAD

Wiesbaden-Biebrich, den 19 Oct 1949

Biebricher Allee 142

Fernruf: Sammelnummer 28846/25639/6890/

6891

LCAH 23320

Aktenzeichen: III-Milli-108-

Dikt.-Z. DW/IR.

(Bei Antwort bitte angeben)

SUBJECT: Present Status of Restitution Proceedings

RE: Discussion held on 14 October 1949 in Frankfurt/Main
between Mr. Miller, Mr. Daniels, Mr. Jaeger and the
Undersigned

THROUGH: Office of the U.S. High Commissioner for Germany

Office of Economic Affairs

Property Division

Internal Restitution Supervision Branch

APO 633 US Air Force

c/o Office of the Land Commissioner for Hesse

TO: OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

Office of Economic Affairs

Property Division

APO 757

Frankfurt/Main.

I. This office has recorded 21 293
restitution petitions received from the persecuted persons
themselves or their heirs.

Out of that number restitution authorities have settled up
to now:

a. Dismissals 628 4/6

b. Adjudications 216 2/6

c. Amicable agreements 352 2/6

d. References to Restitution Chambers 735 1/6

e. Withdrawals 474 2/6

f. Combinations of cases (mainly due to respective
petitions referring to the same property) 456 1/6

g. Transfers to restitution authorities located
outside Hesse 46

h. Disposed of otherwise 60

Thus, a number of 2 969
petitions are still pending at present.

18 324

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RG 466
Entry 160A

Authority NWD 968095

By AT NARA Date 7-22-99 Box 4

Out of the number of 2969 petitions shown above as completed the following were settled during recent months:

In May 254, in June 241, in July 291, in August 309, and in September 509. October will presumably show a further increase, and I estimate a total number of about 600 to be completed. In view of the fact that an ever increasing number of basic questions of doubt are being clarified allowing more and more of a fundamental policy being established so that settlement of an increasing number of cases may be anticipated, I expect that it will be possible to process about 700 cases a month in future. With a number of 18 324 cases on hand that rate of processing would mean that all petitions will have been settled in about 26 months, i.e. by the end of 1951.

II. In addition this office has recorded a total of 66 586 JRSO petitions. It is not possible at this time to give even an approximately safe estimate as to the number of petitions by which the aforementioned figure will have to be reduced due to JRSO itself having filed twice petitions referring to the same properties or petitions filed by the persecuted persons or their heirs preceding to those filed by JRSO. I estimate that figure very roughly at about 18 000 so that a remainder of approx 48 000 JRSO petitions will have to be processed. It will be possible to give the exact figure but at the end of this year, since at that time JRSO will presumably have completed their examinations as to which of their petitions will have to be withdrawn or held in abeyance. Restitution authorities will start processing of JRSO petitions but about at the beginning of the next year inasmuch as JRSO is beginning but now to designate those petitions of theirs which are to be transmitted to restitution authorities.

It will be possible to process JRSO petitions at a considerably higher rate than the individual petitions mentioned in para I of this letter. That statement is based on the following three reasons: (1) processing of JRSO petitions does not require proof of succession which, as experience has shown, takes considerable time in a very large number of those cases where individual petitions are involved; (2) as a result of their own investigations JRSO themselves are submitting to restitution authorities all factual data required so that restitution authorities need not carry through those investigations; (3) it may be anticipated that JRSO themselves will, in an extremely large number of cases, initiate negotiations with the restitutors and bring about amicable agreements so that restitution authorities will but have to accept and record those agreements. I therefore believe that starting at about the beginning of next year the settlement of approx 2000 cases a month may be expected. That would mean that it should be possible to process all JRSO petitions during the years 1950 and 1951.

(Dr. Weissstein)

303023

303024

Obtained during visit to Bavaria o/a 18 March 49

SECTION A

Petitions Received
as of
15 February 49
and
Present personnel Allocation

(1)	(2)	(3)	(4)
	%	No. of Claims	Present Personnel Allocation
Land Central Office	100	3090	29
Rest. Agency I	33	1019	17
Rest. Agency II	13	402	11
Rest. Agency III	31	957	14
Rest. Agency IV	15	464	10
Rest. Agency V	8	248	7

SECTION B

Anticipated Number of Petitions
to be received
(based on figures of CFA)
and
Personnel Required
to handle increased workload

(1)	(2)	(3)	(4)	(5)
	%	No. of Claims	Additional Requirements Total: 58	Personnel Total Required 146
Land Central Office	100	70480	16	45
Rest. Agency I	33	23378	11	28
Rest. Agency II	13	9209	5	16
Rest. Agency III	31	21960	12	26
Rest. Agency IV	15	10626	8	28
Rest. Agency V	8	5667	6	13

254.1

RG 166
Entry 160
Box 7299
Date 7-22-49
Authority NWD 968095
Declassified by AT WPA

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RG 466

Authority NWD 968095

Entry 160A

By AT NARA Date 7-22-99 Box 4

254.2

LANDESAMT FÜR VERMÖGENSKONTROLLE
UND WIEDERGUTMACHUNG
IN HESSEN

LAND CIVILIAN AGENCY HEAD

WIESBADEN-BIEBRICH, den 16 Dec 1949
Biebricher Allee 142
FERNRUF: 28846 / 25639 / 66890 / 66891.
LCAH 23320

Aktenzeichen: III-Mili-115-
Dikt.-Z.: III DRW/gj
(Bei Antwort bitte angeben)

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY
Office of Economic Affairs
Property Division
Internal Restitution Supervision Branch
APO 633 U.S. Air Force
c/o Office of the Land Commissioner for Hesse
Wiesbaden

Re: Revocation of Amicable Settlements;
Conversation between the Undersigned and Mr. Leber

Dear Sirs:

Restitution Agencies have reported the percentage of amicable settlements which have been revoked out of the number of amicable settlements reached under reservation of revocation, to be as follows:

Darmstadt	0 %
Eschwege	40 %
Frankfurt	0 %
Fulda	60 %
Fritzlar	25 %
Giessen	0 %
Kassel	0 %
Marburg	10 %
Offenbach	33 1/3 %
Wiesbaden	0 %

Respectfully yours,

Dr. Weißstein
DLCAH

303025

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RG 466
Authority NND 968095 Entry 160A
By AT NARA Date 7-22-99 Box 4

LANDESAMT FÜR VERMÖGENSKONTROLLE
UND WIEDERGUTMACHUNG
IN HESSEN
LAND CIVILIAN AGENCY HEAD

G
WIESBADEN-BIEBRICH, den 16.12.1949
Biebricher Allee 142
FERNRUF: 28846 / 25639 / 66890 / 66891.
LCAH 23320

Aktenzeichen: III-Mili-115-
Dikt.-Z.: III DRW/gj
(Bei Antwort bitte angeben)

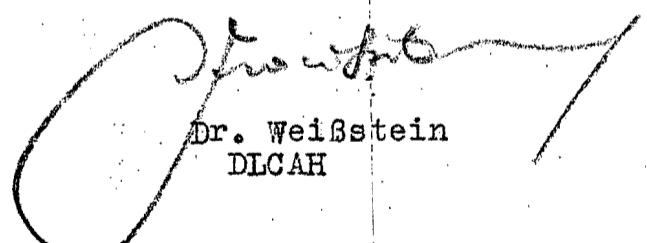
OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY
Office of Economic Affairs
Property Division,
Internal Restitution Supervision Branch
APO 633 U.S. Air Force
c/o Office of the Land Commissioner for Hesse
W i e s b a d e n

Betr.: Widerruf von Vergleichen

Bezug: Besprechung des Unterzeichneten mit Mr. Leber

Die Ämter haben den Prozentsatz der widerrufenen Vergleiche, die unter Vorbehalt des Widerrufs abgeschlossen waren, angegeben wie folgt:

	%
Darmstadt	0
Eschwege	40
Frankfurt	0
Fulda	60
Fritzlar	25
Giessen	0
Kassel	0
Marburg	10
Offenbach	33 ¹ / ₃
Wiesbaden	0


Dr. Weißstein
DLCAH

303026

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RG 166

254.1

Authority NND 968095

Entry 160A

By AT NARA Date 7-22-99 Box 1

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
PROPERTY DIVISION

Property Control & External Assets Branch
Munich, Germany, APO 407-A, US Army

AG 386 MGBP/P

5 November 1948
SLE/OCY/fes

SUBJECT: Monthly Report

TO : Director, Office of Military Government
for Bavaria, APO 407-A, US Army
Attn: Historical and Reports Section

STATISTICAL TROUBLES

Although Property Control & External Assets Branch has assured OMGUS repeatedly that the policy of accelerating release and decontrol of properties is being fully implemented in Bavaria, the monthly statistical totals appear to belie these statements. The policy of not taking specific categories of properties under control has been applied since July but each month the reports seemed to indicate that property in these categories continues to be placed under control. Sometimes releases do not equal the additions and the totals actually increase.

The explanation for the discrepancies between the figures and the facts, has been the considerable time lag of the Bayerische Landesamt für Vermögensverwaltung und Wiedergutmachung (BLVW), Statistical Section, in reporting property taken under control. This Section returns all incorrect re-

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RG 466Authority NND 968095Entry 1604By AT NARA Date 7-22-99 Box 1

SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

porting forms for completion and correction by Civilian Agency Head (CAH) before including the property in current totals. This practice has resulted in delays up to 8 months between date of actual custody and reflection in the Land totals. The Property Control & External Assets Branch Chief, after numerous conferences, ordered the BLVV to bring statistics up to date by end of October 48.

Therefore the monthly report shows another surprising upswing of 1,968 properties in categories other than internal-external restitution and Nazi party members (i.e., G, F and C properties). Future schedules will indicate increases (except for above mentioned G, F and C properties) only for transfers in category or other unusual conditions. The present total shows an all time high of 34,384 units under control even after 4,772 releases during the month.

DECONTROL STATUS

Many foreign and non resident property owners, particularly real estate holders, have had no interest in decontrolling their holdings because they knew that the German and American Property Control Agencies were conducting inspections of their properties to insure proper administration. These checks were made without cost to the property and gave

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RG 466Authority NWD 968095Entry 1604By AT NARA Date 7-22-99Box 4

SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

assurance that corrective action would be taken when necessary.

To encourage decontrol, OMGUS prepared a form letter to the owners stating that an administrative fee, in addition to the custodian's salary, will be charged against all properties which are not decontrolled in the near future. The distribution and mailing of these letters has been almost completed at the end of this reporting period and the first replies indicate that the owners are now willing and even anxious to decontrol. Thirty five properties were decontrolled in October, leaving a total of 4,199 units in this class still under custody.

In their efforts to reduce the number of controlled properties, OMGUS, on 22 October, issued instructions for disposition of all property owned by absentee German nationals whose residence is unknown. Since it has been impossible to contact these people and urge decontrol, their holdings will be turned over to a "curator in absentium" appointed by German courts. This procedure is provided for in Section 1911 of the German Civil Code. The deadline for completing the turnover is 15 December 1948. Such action, although now confined to purely German owned properties, gives a solution for future disposition of any property where the owners address is unknown.

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RG

466

Authority NND 968095

Entry

160

By AT NARA Date 7-22-99

Box

4

SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

UN NATIONALS AFFECTED BY CONVERSION LAW

Military Government Law No 63 entitled "Third Law for Monetary Reform", which became effective on 27 June, provides for conversion of German currency and credits. Insofar as credit balances with financial institutions and currency of United Nations nationals are concerned, no alternative to convert except in the ratio of one Deutsche Mark to ten Reichsmarks has been provided.

However, a United Nation national may refuse tender in Deutsche Marks of Reichsmark Debts owed to him, or he may object, by declaration to the debtor, to the conversion of the debt into Deutsche Marks at the rate of ten to one. This option had to be exercised on or before 20 October 48. It is expected that the German peace treaty will provide for the disposition of all debts so refused.

A form letter prepared by OMGUS has been forwarded by the BLVW to all Allied owners concerned. Approximately 200 people are affected.

INTERPRETATION OF LAND REFORM LAW

The question arose whether property subject to Military Government Law No 59 (i.e., transferred under Duress) would be exempted from provisions of Military Government General

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Authority NND 968095 RG 166
Entry 160A
By AT NARA Date 7-22-99 Box 4

SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

License No 9 (Land Reform Law). Finance Adviser, OMCUS, revealed that real estate was subject to the Land Reform irrespective of the applicability of Military Government Law No 59. It was reasoned that since Land Reform makes no exception for nationality, foreign residence, or other status of owner, the execution of Land Reform should not be withheld for a decision of a Military Government Law No 59 Restitution Court. In addition, Military Government can void any transfers effected under Land Reform; therefore, when circumstances warrant, any transfer can be reviewed after action has been taken by Restitution Court.

ADDITIONAL CHARGES ON DURESS PROPERTY NOT PERMITTED

In 1912, Mr. Albert L. Koppel, purchased a Rubens painting for approximately 500,000 Marks. In 1934, Mr. Koppel emigrated from Germany, leaving the painting in a bank-vault. The painting was purchased by Hermann Goering for approximately 35,000 Marks. It does not appear that Mr. A. L. Koppel approved the sale or received any part of the purchase price. The painting was located among the art treasures found in a Salt-Mine near Salzburg and subsequently transferred to the Central Collecting Point. Under Military Government Law No 59, Mr. Koppel's son filed a claim for this painting. There does not appear to be any reason to prevent title from passing to Mr. Koppel's son; however it was suggested at the Gitterausschuss' meeting that the sum of 30 or 40,000 Marks be contributed to the

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SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

Restitution Fund in order to defray the storage costs and maintenance.

OMGUS gave the following clarification concerning payment of storage costs: "A decision of the Restitution Agency or Chamber, either by way of amicable settlement or after adjudication of the merits of the case, must be complied with forthwith and the objects of restitution covered by such amicable agreement or decision released from control without delay and without any additional conditions. Military Government Law No 59 does not contemplate the assessment of any costs or charges on the part of any public agency for the custody, storage or safekeeping of objects of restitution. Such charges must be borne by the German economy".

CLAIMS UNDER MILITARY GOVERNMENT LAW NO 59

In order to prevent a flood of nuisance claims under Military Government Law No 59 for property in Germany from people who had no knowledge of the facts, OMGUS, Property Division, gave information on October 9, that no assignment of any claim under Military Government Law No 59 should be honored unless the claim is submitted by father, mother, brother, sister, son or daughter of the person whose property was confiscated, and only in the event that the latter has deceased and/or is not in a position to prosecute the claim himself. Any claims

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By AT NARA Date 7-22-99 Box 4

SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

filed by direct descendants of the persons from whom property was confiscated, and who do not fall within the class of persons enumerated above, will be considered only on the basis of the individual merits of the case and must be specifically approved by CMGUS.

PROPERTY CONTROL TO OBSERVE GÜTERAUSSCHUSS' HEARINGS

Inasmuch as the general supervision of the administration of the Restitution Law in Bavaria has been designated, the responsibility of the Property Division, Property Control and External Assets Branch, this office instructed the Property Controllers in the field to assign members of their staff to be present at all hearings of the Güterausschüsse (Amicable Settlement Committee). Persons assigned this duty will function as observers only and will not express any opinion, either personal or on behalf of Military Government or Property Control regarding any individual case. The observers are to maintain close liaison with the Restitution Agencies and will be kept informed on claims in their area. Based upon the observer's report, the Property Controller will notify the Land Property Control Office of any action which in his opinion constitutes a miscarriage of justice.

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By AT NARA Date 7-22-99 Box

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SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

LAW NO 58, CCD 50

The question as to whether title to properties confiscated under the provisions of Control Council Law No 2 presently under requisition to the Allied Forces, may be transferred pursuant to Control Council Directive No 50 has recently been referred to OMGUS for interpretation. Thereupon this office was advised by OMGUS that title to the aforementioned properties may not be transferred during the period such property is under requisition by the US Armed Forces.

According to reports received from the Landesamt (BLVW) 276 properties with a total value of approximately DM 33,543,00.- have been transferred under Control Council Directive 50 and Military Government Law No. 58 from 1 to 31 October 1948.

RESTITUTION CLAIMS DROPPED

Over one hundred horses which had been held under Property Control for possible restitution shipment to Hungary were released during the past two weeks to their present German owners. A majority of these horses came from stocks sold as Captured Enemy Material (CEM) in 1945. Because of this fact, Hungarian claims of ownership were based only on the theory and assumption that the animals were of Hungarian origin; at the same time the present owners who had purchased the horses in

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By AT NARA Date 7-22-99 Box 1

SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

good faith were hard put to disprove Hungarian claims. Final decision to drop the Hungarian claims has eased the strain under which farmers have worked during the past years and insures uninterrupted cultivation of farms during coming year.

VILLAGE EVACUATED FOR COAL MINE

On 13 October 1948, by joint action of Property control and Land Bavaria authorities it was agreed to make arrangements for the evacuation of the small village of Wackersdorf in order to make the ground on which the village is located available to the Bayerische Braunkohlen A.G., a mining firm in Landkreis (LK) Schwandorf. The Bayerische Braunkohlen A.G., which is under property control as Reich owned property has been in operation for the past forty years; and as a result the coal reserves have been so depleted that a shut down of operations would have been necessary in 1950. As a result of making the Wackersdorf area available, the reserve of the mine will be sufficient to insure the production of 800,000 to 1,000,000 tons of lignit a year through a period of forty years. As against this only 77 hektars (ha) are lost for agriculture purpose. Costs of the resettlement of the inhabitants amounting to about 9,000,000 DM will be born by the State of Bavaria, the Mining Company and to a lesser extent by the Catholic Church.

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SUBJECT: Monthly Report, dtd 5 November 1948, cont'd.

The 5 Property Control Sub-Districts reported that 875 restitution claims were investigated during month of October in addition to routine investigations. A total of 180,000 kilometers was driven in this period.

SHERWIN L. EHREBICH
Acting Land Property Control Chief

Tel: Munich Civil 478/329

Extract from File

I. Oberbayern

Number GFA	Received from GFA	Forwarded to RA	Served on	Objection 62.3	Amio. Settl. Comm.on	Amio. Settl. Board Meet.	Result on	Forwd. Chamb. on
1651-a559/70	25.6.48	15.7.48	23.8.48	-	(Beschluss n. Antrag 8.11.48)		(Rechtskräftiger Beschluss nach Antrag (6.1.49))	
5352-a582/71	25.6.48	15.7.48	23.8.48	12.10.48				Anwesen
1645-a563/72	25.6.48	15.7.48	30.8.48				Versicht 8.9.48	Betankung
17..-a567/73	21.6.48	15.7.48	23.8.48	9.10.48				VK
5057-a585/74	25.6.48	15.7.48	Freiwillig. Erschein.				Vergl. 9.8.48 Rückg. ds. Objektes Rückgewährds. Kaufpr.	

3470-a531/75	25.6.48	15.7.48	24.9.48	29.9.48	(Abgewiesen: 31.12.48/zugewiesen 3.1.49)	7.10.48	19.10.48	Anwesen
1773-a628/76	28.6.48	15.7.48	24.8.48					VK
4160-a612/77	28.6.48	15.7.48	3.9.48	13.9.48				VK
9691-a716/78	30.6.48	15.7.48	23.8.48	15.10.48				VK
7414-a646/80	28.6.48	15.7.48	Freiwillig. Erschein.				Vergl. 31.8.48 Rückgabe	

II. Niederbayern/Oberpfalz

45296-a2308/82a	29.9.48	1.11.48	18.11.48	5.1.49	12.1.49	85.1.49	(Widerruflicher Vergleich)	
34000e-a1243/83	10.8.48	1.9.48	17.12.48	Wertpapiere	5.7.49	12.7.49		VK
34000d-a1245/84			17.12.48	Wertpapiere				MEHRDEUTIG VK
34000f-a1246/85	10.8.48	1.9.48	17.12.48	Pfandleihant				MEHRDEUTIG VK
33029-a1242/86	10.8.48	1.9.48	Zurückgewie- sen 18.12.48					MEHRDEUTIG VK Grundbes.
34000c-a1244/87	10.8.48	1.9.48	17.12.48	Wertpapiere				VK
34000a-a1247/88	10.8.48	1.9.48	17.12.48	Wertpapiere				VK
34000 -a1218/89	11.8.48	1.9.48	24.9.48	19.11.48	Zustellungsberechtigter noch ohne Antwort & Vollmacht			VK
33095c-a1214/90	11.8.48	1.9.48	11.12.48	Wertpapiere				VK
33095b-a1217/91	11.8.48	1.9.48	17.12.48	Ohne Antwort von Fin. Min.				VK

III. Mittel-/Oberfranken

982-a359/1	9.6.48	15.7.48	24.9.48	23.11.48	21.1.48	16.2.48		
927-a372/2	8.6.48	15.7.48	24.9.48	29.10.48	Fehlt Zustellungsberechtigter			
605-a367/3	8.6.48	15.7.48	Ergänzungs- beschl.	erneut 18.12.48	(Zwangsvorsteigerungsakten)			
106-a380/4	10.6.48	15.7.48	18.9.48					
			Erg.Beschl. Rechtsanwalt d.Berechtigten angemahnt					
			13.10.48					
1063-a384/5	10.6.48	15.8.48	24.9.48	14.11.48	Auf nächster Sitzung			
588-a347/6	14.6.48	15.7.48	24.9.48	22.11.48	Fehlende Unterlagen vom Landgericht (nachgefragt)			
568-a352/7	14.6.48	15.7.48	25.9.48	6.11.48	Fin. Min. untersucht noch		Versicht 7.10.48	Gehälter
5-a350/8	14.6.48	15.7.48			Grundbuchauszüge fehlen			VK
556-a353/9	14.6.48	15.7.48	27.9.48	15.11.48				VK
1810-a424/10	14.6.48	15.7.48		5.12.48	Weitere Zustellungen.			

IV. Unterfranken

7628-a643/11	28.6.48	15.7.48	8.9.48	21.10.48	29.11.48	13.12.48		
7774-a668/12	28.6.48	15.6.48	13.9.48				Zurückweisgs.Be- schluss 22.12.48	
							Erl.	
2840-a498/13	25.6.48	15.7.48	8.9.48					VK
3774a-a566/14	25.6.48	15.7.48	8.9.48	8.11.48				VK
3446-a 560/15	25.6.48	15.7.48	8.9.48	4.11.48				VK
2468-a 558/16	25.6.48	15.7.48	18.9.48	15.11.48				Geschäft
3066-a 469/17	29.6.48	15.7.48	13.9.48		21.10.48	26.10.48	Neuer Termin nach Klärung	VK
2222-a 511/18	29.6.48	15.7.48	19.9.48	11.11.48				VK
2239-a515/19	29.6.48	15.7.48	15.9.48					VK
2749-a476/20	29.6.48	15.7.48	11.9.48					
			u.24.11.48					

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sheet 2

Number	Received from GFA	Forwarded to RA	Served on	Objection 62.3	Amic. Settl. Comm.on	Amic. Settl. Board Meet. on	Result	Perwd. Chamb en	RG
9562-a884/21	8.7.48	26.7.48	11.9.48				Vergl. 22.10.48	Grundstück	466
4709-a737/22	5.7.48	26.7.48	21.9.48		20.1.48	28.1.48		VK	
34670-a733/23	6.7.48	26.7.48	7.10.48	5.11.48	8.1.48	14.1.48	Vergl. 14.1.48 mit 14-taegiger Erklaerungs-	Bauplatz	Entry 1604
8713-a735/24	6.7.48	26.7.48	21.9.48	23.11.48				VK	
8714-a883/25	7.7.48	26.7.48	21.9.48	Aufklaerungsbeschluss 6.10.48 Fristverl. 22.11.48 Fortdauernder Schriftwechsel	6.10.48 Bericht: geb. frist			VK	
8341-a901/26	8.7.48	26.7.48	21.9.48		22.11.48			VK	
2151a-a859/30	13.7.48	9.8.48	5.10.48	23.11.48				Waren- best.u. Einkr.	
				1.12.48					
2151-a858/31	13.7.48	9.8.48	12.11.48	13.1.49				VK	
835-a1036/32	19.7.48	9.8.48	31.8.48	23.9.48	1.10.48	11.10.48	Wegen Einspruch zur 8.11.48 W.G.Kammer	8.11.48 VK	
1989-a467/41	29.6.48	9.8.48	Abgewiesen	27.10.48	Einspruch 22.11.48, jetzt bei W.G.Kammer			{ 25.11.48 Konsess. Bücher	

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Authority NWD 968095

Entry 160-A

By AT NARA Date 7-22-99

Box 1

254.)

APP

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
 PROPERTY DIVISION
 Property Control and External Assets Branch
 MUNICH, GERMANY APO 407-A US ARMY

AG 386 MGBPP

4 February 1949
 JHL/OCY/gt**SUBJECT:** Monthly Report

TO : Director, Office of Military Government
 for Bavaria, APO 407-A, US Army
Attn: Historical and Reports Section

INTERNAL RESTITUTION

The machinery set up to handle Military Government Law 59 (internal duress) cases is beginning to function. Most initial reports indicate that the first cases have been handled amicably or at least in a very fair and impartial manner. However, cases involving influential people are being postponed and apprehension exists that, unless Military Government maintains an active interest in these courts, the program will take a similar trend to that of the denazification law. At the present time Property Control employees observe the amicable settlements and cases tried before a Restitution Court, but are not permitted to make official or unofficial comments on the proceedings.

PETITION FILING DEADLINE DEFINED

Military Government Law 59 and its implementations provide that any petition for restitution of property must be submitted to the Central Filing Agency in Bad Nauheim on or before 31 December 1948. Regulation No 5 pursuant to this law issued on 5 January 1949 states that the petition shall be deemed to have been submitted

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Authority NND 968095 Entry 160
by AT NARA Date 7-22-99 Box 4

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OF

SUBJECT: Monthly Report, dtd 4 February 1949, cont'd.

within the specified period, if it is postmarked on or before 31 December 1948 and is received by the Central Filing Agency not later than 31 March 1949. Any petitions submitted erroneously to the British or French Military Government which are received at the Central Filing Agency on 31 March or before will be admitted if the British or French authorities certify that the conditions specified above have been met.

BUSINESS CREDIT - GOOD OR BAD

Somewhat unusual evidence of resistance to the internal duress programs was reported in Aschaffenburg. A department store which is under control pending adjudication of the claim of the former Jewish owner, may not be able to continue operations because the local bank refuses to give any credit to the custodian. The bank indicates that it has no confidence in the custodian, who appears to be a good business man and is considered entirely trustworthy by Property Control. It is believed, that the two present owners of the firm desire to get back into the management of the firm and, allegedly, have arranged for the refusal of the credit to the custodian in order to make themselves indispensable. The bank would be willing to grant them the loan without any difficulty but the claimant has requested that they be kept out of the firm. In addition, a member of the Parliamentary Committee of the Landtag, has called on the CAH and custodian numerous times insisting that the present holders be allowed to work in the firm.

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Entry 160A
By AT NARA Date 7-22-99 Box 1

SUBJECT: Monthly Report, dtd 4 February 1949, cont'd.

HOLY'S REFUSAL TO APPEAR IN GAC OFFICE

An interesting development in the release of Nazi owned property has appeared recently. Several cases have been reported where property had been taken under control because the owner was charged a Class II offender and after he came through the Spruchkanzler as a Class IV Follower, he refused to appear in the GAC's office to sign for his property which was to be returned to him. The owner stated "Property Control took my property into custody without asking me and so they should release it too without asking to see me and requiring signature on a lot of papers". If this attitude continues Property Control intends to take action through the German Courts in releasing the property.

RUBENS PAINTING EXPORTED

On 18 January 1949 Property Control issued an Export License for a painting by Peter Paul Rubens, entitled "The Mystical Marriage of St. Catherine". This painting has an estimated value of \$ 75,000. Hermann Goering appropriated it from a certain Mr. Koppel in 1934 and an Military Government Law 60 Restitution Agency returned it to Mr. Koppel's heir, who lives in New York City.

In all, thirty-one Export Licenses for Household Goods and Personal Effects were issued during the month of January. GACUS ruled that the provisions of this program are only applicable to property owned by natural persons. This decision is made in answer to a request of an Austrian monastery to export certain property located in Germany.

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By AT NARA Date 7-22-99 Box 1

SUBJECT: Monthly Report, dated 4 February 1949, cont'd.

FIELD REPORT WORK

The weekly report form used by the field Property Controllers gives a clear picture of the status of the Release and Decontrol Program which now has top priority in the Property Control Branch. From these reports certain conclusion may be drawn.

- a) Contact with foreign owners is unsatisfactory in that responses to recommendations to decontrol are not coming from owners as rapidly as hoped.
- b) The majority of foreign owned property under control consists of low value units.
- c) The time lag in releasing properties subject to release is such as to require continued expediting by field controllers.

As of 23 January 1949 2016 properties were owned by absentee or foreign nationals. In approximately 50 % of the properties investigated the owners have not answered letters addressed to them. Attempts have been made to trace these people through the Postal Tracer System but there has been little success to date. This is particularly in countries controlled by Russia. Apparently the people have moved or the mail is just not delivered or the addressee fears to answer. A survey of these 2,000 properties shows that the properties under 60,000 DM value average only 12,000 DM. OMGUS is formulating a plan to release small properties directly to relatives in Germany without going through the lengthy decontrol procedure.

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SUBJECT: Monthly Report, dated 4 February 1949, cont'd.

Property Control Branch is now concentrating on the larger properties to urge and expedite their decontrol. It is hoped that after the OMGUS directives are published it will be possible to dispose of all decontrollable properties by April or May 1949.

A break down of the controlled properties in Bavaria is as follows:

Foreign or absentee owned	2,016
Nazi Party	1,044
Reich	1,080
Nazi Party members	1,705
External Restitution	2,203
Internal Restitution (Duress)	8,314
Miscellaneous	90
Total	16,452

In all except the first two categories Property Control cannot take unilateral action in disposition because

- a) no directive has been published permitting the turn over of Reich property to any agency;
- b) Nazi party members property is released or confiscated as a result of action by Spruchkammer;
- c) External Restitution property is released as soon as the foreign Missions secure it and transport it to their country.
- d) Internal Restitution (Duress) property is disposed of by the qualified agencies and courts provided for in Military Government Law No. 59.

J. H. LENNON
Land Property Control Chief

Munich Military
4-329

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C O P YAnlage 3M e l d u n g

ueber Eingang von Anmeldungen
Gemaess Gesetz Nr.59
vom Zentralanmeldeamt, Bad Nauheim

Stand: 4.2.1949

<u>Wiedergutmachungs- behoerde</u>	<u>bisheriger Stand</u>	<u>Neuzugang</u>	<u>heutig. Stand</u>	<u>heutig./Stand zum heutig. Gesamt- bestand %</u>	<u>davon fuer untenstehende Anzahl Anmeldungsakte Karteikarten er- stellt u.an MR u.Wiedergutmachungs- behoerden weitergeleitet</u>
Oberbayern I	884	31	915	32,8	878
Niederbay/Opfalgz II	341	22	363	13	335
Mittel-/Ofrank, III	807	52	859	30,8	801
Unterfranken IV	395	26	421	15,1	390
Schwaben V	212	21	233	8,3	212
<u>Insgesamt</u>	<u>2639</u>	<u>152</u>	<u>2791</u>		<u>2616</u>

Muenchen, den 4.2.1949

Landesamt fuer Wiedergutmachung
gez. Dr. Endres
(Dr. Endres)
Vizepraezident

C O P Y

C O P Y

Anlage 4

303015

M e l d u n g

ueber Eingang von Anzeigen
gemaess Gesetz Nr.59
vom Zentralanmeldeamt Bad Nauheim

Stand: 4.2.1949

Wiedergutmachungsbehoerde	bisheriger Stand	Neuzugang	heutig. Stand	heutig. Stand zum heutig. Gesamtbestand %	davon fuer untenstehende Anzahl Anzeigenakte Karteikarten erstellt und an MR u.Wiedergutmachungsbehoerden weitergeleitet
Oberbayern	I	519	3	522	16,4
Ndbay./Obpfalz	II	261	-	261	8,2
Mittel/Obfrank.	III	1432	6	1438	45,2
Unterfranken	IV	696	1	697	21,9
Schwaben	V	264	-	264	8,3
Insgesamt		3172	10	3182	1501

Muenchen, den 4.2.1949

Landesamt fuer Wiedergutmachung
gez. Dr. Endres
(Dr. Endres)
Vizepraesident

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Authority NWD 968095
By AT NARA Date 7-22-99

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Entry 160A
Box 4

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OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY

OFFICE OF ECONOMIC AFFAIRS
Property Division
Munich Germany, APO 407-A

20 January 1950

Mr. Werner M. Loewenthal,
Chief, Internal Restitution Supervision Branch,
Office of the US High Commissioner for Germany,
Office of Economic Affairs, Property Division,
Bad Nauheim, Germany, APO 807, U.S. Army.

Dear Werner,

In compliance with telephone call of Mr. Lake of your office,
concerning the percentage of revoked settlements in Land Bavaria,
we offer the following figures:

AMICABLE SETTLEMENTS AS OF
25 December, 1949

	TOTAL including conditional agreements	Revoked	%
Restitution Agency Munich	493	15	3 %
Restitution Agency Regensburg	149	6	4 %
Restitution Agency Nuernberg	361	14	3.8 %
Restitution Agency Wuerzburg	224	42	18.75%
Restitution Agency Augsburg	207	38	18.4 %
TOTAL:	1,434	115	8 %

These figures are for the period September 1948 to and including
December, 1949.

Very truly yours,

George E. Dickerson
GEORGE E. DICKERSON
Land Supervisor
Internal Restitution Supervision Branch

G.E.D.

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Authority NWD 968095

Entry 160A

By AT NARA Date 7-22-99

Box 4

Table of Comparisons Showing Disposition of Restitution Cases
by Oberlandesgerichte as of February 31, 1953

INDIVIDUAL

Oberlandesgericht

	Cases received	Total on hand	Total disposed of	%
Munich	1,080	169	911	= 84.4 %
Frankfurt	1,214	391	823	= 67.8 %
Stuttgart	195	29	166	= 85.1 %
Karlsruhe	201	13	188	= 93.5 %
Bremen	80	16	64	= 80.0 %

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Authority NND 968095

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Entry 160A

By AT NARA Date 7-22-99 Box 4

253.4

Table of Comparisons Showing Disposition of Restitution Cases
by Oberlandesgerichte as of December 31, 1952

Oberlandesgericht	Cases received	Total on hand	Total disposed of	%
Munich	1,016	149	867	= 85.3 %
Frankfurt	1,149	372	777	= 67.6 %
Stuttgart	193	31	162	= 83.9 %
Karlsruhe	198	17	181	= 91.4 %
Bremen	80	31	49	= 61.2 %

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Authority NWD 968095 RG 166
Entry 1604
By AT NARA Date 7-22-99 Box 1
253.4

Form HICOG-8
(15 Sept 49)

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

OFFICE MEMORANDUM

To: Acting U.S. High Commissioner - Mr. Samuel Reber
From: Acting General Counsel - Mr. Knox Lamb *KL*
Subject: Progress of Restitution in Land Bremen under MG Law 59

Date: Jan. 20, 1953

Attached is a proposed letter to Buergermeister Wilhelm Kaisen, the purpose of which is to bring to his attention the fact that the whole restitution program in Land Bremen is lagging because the Bremen Oberlandesgericht is not deciding restitution cases promptly. As appears from the attached table of comparisons, the Bremen Oberlandesgericht compares unfavorably with all other Oberlandesgerichte in our Zone. Bremen has 864 cases in the Agency, more than 600 of which are JRSO monetary claims against the Reich, 20 cases in the Restitution Chambers and 31 in the Oberlandesgericht. The situation is such that the key to over 100 cases of individuals in the Agency is held by the Oberlandesgericht and its failure to decide its pending cases results in an almost complete stoppage of the program. The 600 JRSO monetary claims against the Reich are capable of bulk settlement with the Federal Republic and, for the time being at least, are not a matter of concern.

On the whole, Bremen has been reasonably cooperative on restitution. On the other hand, it has so relatively few claims that it can bring its part of the program to an early close if and when it makes the effort. In order to clear the way for our next step in Bremen, it is necessary to promote some action by the Oberlandesgericht and, accordingly, it is recommended that the attached letter to Buergermeister Wilhelm Kaisen be signed and despatched.

Enclosures:

1. Proposed letter to Buergermeister Wilhelm Kaisen
2. Copy of "Cumulative Statistical Report for Restitution Authorities"
3. Table of Comparisons.

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Tel. 3247/3248

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Entry 160A

By AT NARA Date 7-22-99

Box 4

Table of Comparisons Showing Disposition of Restitution Cases

by Oberlandesgerichte as of December 31, 1952

Oberlandesgericht

	Cases received	Total on hand	Total disposed of	%
Munich	1,016	149	867	= 85.3 %
Frankfurt	1,149	372	777	= 67.6 %
Stuttgart	193	31	162	= 83.9 %
Karlsruhe	198	17	181	= 91.4 %
Bremen	80	31	49	= 61.2 %

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RG 466

Authority NWD 968095

Entry 160A

By AT NARA Date 7-22-99 Box 1

2534

GC - Mr. Schwarzenau was familiar with the case in which the
CC - Mr. Schwarzenau in the Agency and we asked him for an October 29, 1953

as the delay in a decision by the Chamber. We said that the Chamber
GC:ODs - Mr. Hulser decided the case upon receipt of an expert opinion.

The opinion was one month ago but the expert asked for additional
Restitution Report on Bremen aware of the effect of delay in this case
and inquired whether there were other cases in the Chamber on which
Agency decisions had ended. Agency Mueller told him all were back.

There was a time when Bremen made a very good showing. There never
was a time when its showing was as outstanding as circumstances permitted
- or so it seemed to us. A year ago, we began to inquire a little and
more closely and we were told that the Bremen Agency was tied up because the
Bremen Oberlandesgericht was not performing. In January of this year we
prepared a letter to Kaisen which Mr. Reber would not send because he
thought that in the first instance McNaughlin should take up the matter.
Rather than add to the tail of the kite we abandoned that effort. A report
A comparative study of the Oberlandesgerichte as of December 31, 1952 is
attached. This is a copy of the report of the panel that was established
at the end of last year to rule on the grounds of an expert to be the

In the month of January the Bremen Oberlandesgericht made 11 final
dispositions and we thought our problem was solved. It turned out that
the 11 final dispositions were in reality one case and while the statistical
position of Oberlandesgericht Bremen was improved our immediate problem
remained unsolved. From January 1, 1953 to September 30, 1953, the activity
of Oberlandesgericht Bremen consisted of 11 final dispositions, 3 cases
forwarded to CORA, 4 remanded to the Chamber, 1 amicably settled and 1 with-
drawn. A comparative study of the Oberlandesgerichte and CORA as of
September 30, 1953 is attached. Called Mueller and asked him to tell me

about his talks with the President of the Bremen Oberlandesgericht

In April of this year I talked with Buengemeister Dr. Spittli who is
Kaisen's deputy and Minister of Justice. Present at the conference were
the Agency Chief and the President of the Restitution Chamber. All I had
hoped to accomplish was an opening of the subject of the Oberlandesgericht
with the further hope that in due course the local mill would grind out
a solution. This seems to have occurred. At present the CORA Restitution

Chamber is in charge of the Bremen Oberlandesgericht. At that time and present
Two weeks ago we were in Bremen and spent some time with Dr. Mueller,
the Agency Chief, and Dr. Mai, representing Dr. Hulser, President of the
Chamber. Agency Chief Mueller had prepared an analysis of the non-JRSD
cases in terms of his troubles and after going over it with him we found
that he had 35 cases dependent on a single decision of the Chamber,
23 dependent on a single decision of CORA, 16 dependent on a single decision
of Oberlandesgericht Bremen and 5 groups of 6 each on which he had to make
decisions. The balance of 82, including 49 new cases, he regards as routine.
The settlement of 10 cases awaits certificates of heirship and 23 others are
in some state of development but need documentation. He has 606 JRSD cases
603 of which are against the Reich. The Bremen Agency was created January 25,
1948 with effect from January 1 as the responsibility of the Senator for
Finance. In April 1950, the responsibility was shifted to the Senator for
Labor and Dr. Mueller became the Agency Chief and is the present holder of
that office. The Agency has disposed of 2077 cases to September 30, 1953,
1739 of which are final dispositions.

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Authority NWD 968095

Entry 160A

By AT NARA Date 7-22-99 Box 4

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Dr. Mai of the Chamber was familiar with the case on which the 35 cases depend in the Agency and we asked him for an explanation for the delay in a decision by the Chamber. He said that the Chamber is prepared to decide the case upon receipt of an expert opinion. The opinion was due two months ago but the expert asked for additional time. Dr. Mai had not been aware of the effect of delay in this case and inquired whether there were other cases in the Chamber on which Agency decisions depended. Agency Mueller told him there were not.

Dr. Spitta was busy conducting affairs of state as Kaisen's deputy and we could not see him during our time in Bremen. This turned out to be good luck. I talked with Oberregierungsrat Dr. Koehnen of the Senate for Justice and from him we learned that the Bremen Oberlandesgericht was overworked, there were not enough restitution cases to justify a full-time restitution panel, there had been a local law requiring the presence of a persecutee on the restitution panel, Bremen ran out of qualified persecutees willing to serve, the ordinance requiring a persecutee to be a member of the panel had been repealed, attempts had been made to retain the services of an expert to be the member of the restitution panel but these attempts had failed because experts wanted too much money, in June Frau Dr. Bolling has been appointed to the restitution panel and she was "now working", these matters have taken and do take time, it was not known that one case in the Oberlandesgericht had 16 cases dependent on it and that immediate action would be taken.

I returned to Mueller's office after my talk with Koehnen and shortly thereafter Koehnen called Mueller and asked him to tell me that he had talked with the President of the Bremen Oberlandesgericht and that the President promised to do the necessary to have the case in which we were interested decided at an early date. I have written to Marc Robinson about the case in CORA on which 23 cases depend in the Bremen Agency.

In October 1948, Bremen appointed 5 persons to the Restitution Chamber one of whom had an alternate. At that time Amtsgerichtsrat Dr. Mueller was appointed President and he continues to hold that appointment. None of the members of the Chamber have been occupied full time with restitution work. On November 31, 1948, the Senator for Justice announced the formal creation of the Chamber and on December 11, 1948, the Chamber held its first sitting. At the end of March, 1950, the Chamber had received 73 cases, disposed of 26 and had 47 cases in progress. As of September 30, 1953, the Chamber had disposed of 309 cases, 169 of which are final dispositions. As of September 30, 1953, the Chamber has 34 cases on hand 14 of which are cases against the Reich. It has no JESO cases.

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Entry

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Box

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Authority NND 968095

By AT NARA Date 7-22-99

- 3 -

Considering the number of cases involved, it may seem at first glance that Bremen is the object of more attention than it warrants. On the other hand, it is an example of why our zone-wide interest has shifted from the number of cases, which are sometimes described as "few", to the number of months required to wind up, which, under present conditions, appear to involve a relatively long haul.

Enclosures:

1. Comparative study
as of December 31, 1952.

2. Comparative study
as of September 30, 1953.

	Total	Total	Grouped by	
Altona	1,246	249	667	31.3%
Bremen	1,247	272	777	62.1%
Flensburg	135	52	103	76.4%
Hamburg	132	37	121	91.4%
Kiel	82	11	49	60.5%

CC:OD:FGHulse/lw.
Tel. 3247/3248.

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DECLASSIFIED
Authority NWD 968095 RG 466
Entry 160 Box 1
By AT NARA Date 7-22-99

Table of Comparisons Showing Disposition of Restitution Cases

by Oberlandesgerichte as of December 31, 1952 Appendix

as of September 30, 1953

**Oberlandesgericht
Kreisgerichtspersonal**

	Cases received	Total on hand	Total disposed of	%
Munich	1,016,273	149 101	867,074 =	85.3% *
Frankfurt	1,149,369	372 356	777,031 =	67.6% *
Stuttgart	193 210	31 31	162 162 =	83.9% *
Karlsruhe	198 232	17 32	181 203 =	91.4% *
Bremen	60 67	31 19	49 69 =	61.2% *

Count of Restituted Cases
Germany 2,622 263 759 = 74.3%

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Authority NND 968093

Entry

160 A

BY AT NARS Date 7-22-99 Box

B. Table of Comparisons Shewing Disposition of Restitution Cases
 by Oberlandesgerichte and Court of Restitution Appeals

as of September 30, 1953

He was told that the U.S. made a very bad mistake. He was told that the American people were continually making mistakes and that they would continue to do so until they got rid of their Negroes. He was told that the Negroes were the cause of all the trouble in America. He was told that the German Agency was tied up because they had been overcharged. In view of this fact he prepared a letter to Schlesinger which Mr. Tolson would not read because he was afraid that it would prove to the German Agency that he was trying to obtain information that would be useful to the Germans.

Oberlandesgericht	Cases received	Total on hand	Total disposed of	%
Munich	1,275	201	1,074	= 84.2 %
Frankfurt	1,389	358	1,031	= 74.2 %
Stuttgart	210	21	189	= 90.0 %
Karlsruhe	239	32	203	= 86.4 %
Bremen	87	18	69	= 79.3 %
Court of Restitution Appeals	1,022	263	759	= 74.3 %

The remains after we were in Bremen and spent some time with the family
of the deceased father, said Dr. Neff, represented Dr. Mueller's judgment of the
case. "That doctor Mueller had prepared an analysis of the non-tuber-
culous disease which he had treated and which going over it with him
we found his analysis in agreement on a single diagnosis of the disease.

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RG 466

Authority NWD 968095

Entry 1604

By AT NARA Date 7-22-99 Box 4

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Form HICOG-8
(73 Sept 49)

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

RECEIVED

DEC 20 1950

PROPERTY
DIVISION

OFFICE MEMORANDUM

To: E/PY, IRSB Frankfurt - Mr. Yager
From: E/PY, IRSB Stuttgart c/o OLC W/B *hell.*

Date: December 15, 1950

Subject: Special Report on Deficient Set-Up of Mannheim Restitution Agency

Continued observation of the Mannheim RA over a period of several months showed that responsible German authorities are not prepared to increase staff and facilities at the Mannheim RA to an extent required for completion of processing individual petitions by December 31, 1951, although neither the present head of the RA, Dr. Fixson, nor the former head Dr. Runge, nor Mr. Malende of the Ministry of Justice consider the present set-up as sufficient to meet the target date.

A short statistical summary shows that arrears of undisposed cases make it impossible, even under the most favorable conditions, to accomplish processing of individual petitions by 1951 with the present inadequate set-up.

Individual petitions received by RA:

Total of cases	5333
Disposed of until November 25, 1950	2055
Balance of cases on hand	3278

Number of monthly dispositions required to finish by December 1951, i.e. 13 months from hence 252

This monthly requirement will rise when part of the transfers to the Landesbezirksstelle, 200 cases, are turned back to the RA because General Claims Law authorities determine the cases to come under MG Law 59 and not under the General Claims Law.

The output of last month, 104 dispositions, compares most unfavorably with the required monthly figure of 252 dispositions. In the face of an increased workload of JRSO cases it will mean hard work for the four arbitrators to dispose by December 1951 of even half of the present balance of individual cases, so probably leaving undisposed arrears of about 1600 cases. - This anticipated discrepancy was brought to the attention of Mr. Malende, Ministry of Justice, Karlsruhe. His ready answer was that he expects these arrears of 1600 cases cannot be disposed of anyway because he does not believe there will be an early determination of the successor to liabilities of the

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RECOMMENDATION

Reich. It was suggested to him that independent of his personal opinion as to the likely delay in determination of the Reich succession, he should provide for adequate personnel and facilities at the Mannheim RA to meet the target date. He answered difficulties to overcome would require a report from HICOG to German authorities pointing out the need for more adequate provisions at the Mannheim RA.

Since arrears at Mannheim RA amount to 3278 individual cases, to 3831 JRSO cases (plus JRSO petitions so far retained, approximately another 2000 cases), it is considered necessary that the Mannheim RA be brought to the following minimum strength:

(required increase)

Arbitrators:	5	1
Legal Assistants:	2	0
Clerical Personnel:	18	0
Rooms:	10	2

The increase suggested above may seem insignificant but it means to overcome the bottlenecks which hinder speedy progress at the Mannheim RA.

Certainly a request for such limited increase should not be considered as unreasonable by German authorities. However German authorities will not provide even for such limited increase without another letter from HICOG pointing out the deficiency at Mannheim RA. They rather entertain the fancy of cutting now the present staff in order to forestall employment problems after completion of the restintion program.

It is understood that the minimum strength stated above does not provide for any unexpected difficulty, such as prolonged absence for reasons of illness, etc.

Telephone STUTTGART 93221/552

IRSB:Hans Schlenker:sh

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253 3

Mr. W.M. Loewenthal - A \$3000 end of the year, 15 July 3, 1951
is unable to believe that this is the result of political and
E. A. Lederer - A \$10000 land according to the activity report was
always disposed of, and the number of cases which are reported
Report on Visits to Restitution Agencies in Land Wurttemberg-Baden
the employment of additional administrators since the work to be
done did not come in at a faster pace.

This report is a compilation of the information we obtained
through our visits to the Restitution Agencies and the Depart-
ment VI of the Ministry of Justice in Land Wurttemberg-Baden on
June 28, 29 and 30. We are unable to interview Minister Hennig.

Head of the Agency is Oberjudicialrat Krämer who was not present.

1. Restitution Agency Mannheim

On May 28, 1951, Mr. Lederer and I visited the Restitution
Agency in Mr. Mannheim we interviewed Dr. Buenger. The Head of
the Agency, Dr. Pfeiffer, was on vacation.

The Restitution Agency Mannheim is staffed with
3 arbitrators, 2 assistant arbitrators and 17 employees. One
of the arbitrators, Dr. Buenger, will terminate his service by
July 31, 1951 having reached the age limit on this date (he is
68 years old). It is contemplated to replace Dr. Buenger by one
of the assistant arbitrators.

The Agency had at the time of our visit 2,815 cases on
hand. 1,700 thereof are monetary claims against the German Reich.
These cases cannot be processed since the Ministry of Finance in
Wurttemberg-Baden has declined to join the proceedings as
representative of the Reich pursuant to Article 61 of Military
Government Law No. 59. As to GORA Opinion No. 60 it is argued
that in this case which originated from Land Rasse the Ministry
of Finance had joined the proceedings and that the case could
therefore not establish a precedent for cases where the Finance
Minister does not appear.

The other cases which have not as yet been disposed of
are being delayed for various grounds. Mostly it is the claimants'
fault that the proceedings could not be terminated. Many
petitioners prosecute their claims in a very sluggish manner,
others, particularly those claimants who are the heirs of per-
secuted, to date failed to submit evidence of their right of
inheritance. Considered so far that, if the Agency advised they
could be referred to the Chambers within a short time of notice.

When we asked Dr. Buenger whether the deadline of
December 31, 1951 could be met he said that the majority of the
cases could be disposed of by that date, the monetary claims
against the German Reich being excepted. If some of the cases
dispositions. In most cases it is the fault of the claimants

-2-

-3-

would not be settled by the end of this year, it would be a mistake to believe that this is due to lack of personnel and facilities. The work load according to the arbitrators was always disposed of, and the number of dispositions reported in the statistical reports could not have been increased by the employment of additional arbitrators since the work to be done did not come in at a faster pace.

3.2. Restitution Agency Karlsruhe

In Karlsruhe we talked to Landgerichtsrat Hempel, Head of the Agency's Oberjustizrat Kraemer who was not present.

The Karlsruhe Agency has 3 arbitrators, 1 assistant arbitrator and 10 employees. One of the arbitrators will be replaced by the assistant arbitrator on August 1, 1951. The Agency has 1,620 cases on hand in the Karlsruhe Agency, 1,092 thereof are monetary claims against the German Reich. 200 or 250 cases are so-called pawnshop cases.

Regarding the monetary claims against the Reich the situation is the same as in Mannheim. There are about 800 so-called pawnshop cases. As to the pawnshop cases, the Agency is waiting for the decision by the Court of Restitution Appeals in the case Markus Stern versus Reichsfiskus. This case has been argued in March of this year and it is expected that the Opinion will be handed down in the near future and will contain a reversal of the ruling of CURA in the case Moschkowitz versus City of Nuremberg, Case No. 44, Opinion No. 35 of August 28, 1950. The reversal is expected particularly in view of the fact that the legal status of the pawnshops in Wurttemberg-Baden is different from those in Bavaria. In such a manner that the work done by him is of some value to the chances to complete the program on agency level by the end of this year Mr. Hempel stated that this could not be achieved as far as the monetary claims against the German Reich are concerned, that, however, it is hoped that all other cases would be disposed of by that time although there are quite a few which are rather complicated. All of the cases have at least been processed so far that, if the necessity arises they could be referred to the Chambers within a short time of notice.

Landgerichtsrat Hempel confirmed the statement already made by DR. Bueger in Mannheim that an increase of personnel would not have amounted to a corresponding increase of monthly dispositions. In most cases it is the fault of the claimants

-3-

In our discussions with the claimants we explained to them that their cases are still pending, so cases in which the claimants have not as yet procured the evidence necessary to establish their right of succession were compromised with the proviso that the compromised will be carried through as soon as the missing evidence has been submitted.

3. Restitution Agency Stuttgart In the Stuttgart Restitution Agency there are 2,763 cases in the monetary chamber, each in which the In Stuttgart we interviewed Oberlandesgerichtsrat Kochler who is the Head of the Agency. Kochler's present assignment is to arbitrate. The Stuttgart Agency is staffed with 4 arbitrators and 8 employees. It is contemplated to assign one of the arbitrators by August 1, 1951 to the Stuttgart Restitution Chamber but to retain at the same time as arbitrator for the Agency for approximately 60% of his time. One of the Clerk typists has recently been assigned to another job, and a replacement is urgently needed by the Agency. Pointed out that the arbitrators have done everything within their power to meet the demand. 2,763 cases are still on hand in the Stuttgart Restitution Agency, 1,840 thereof are monetary claims against the German Reich. There are further some 600 so-called pawnshop cases which are in a similar status of processing as in the Karlsruhe Agency. 100 thereof are cases against third purchasers which present special difficulties in so far as the third purchasers are partly unknown. The Amtsgerichtspräsident Haberer has only one arbitrator who is at the time. The Reich and pawnshop cases have been assigned to Amtsgerichtspräsident Haberer to whom we talked personally and who was able to give us very detailed information on the matter.

Amtsgerichtspräsident Haberer has processed the pawnshop cases in such a manner that the work done by him is of some value in any event, regardless whether the Court of Restitution Appeals will hold the pawnshops of the German Reich liable to make restitution. He has, as far as this could be done, determined, within the examination of the justification of the petition, the cause and the merits of the claim, but not the amount of indemnification to be paid, the assessment of the value of the confiscated jewelry, and gold and silverware being in all pawnshop cases extremely difficult.

The pawnshop cases present certain difficulties in Württemberg-Baden also in another respect. Although the Agency has forwarded to the Amtsgericht a compilation of all cases where the petitions filed by the JKEG are superseded by the petitions duly filed by the original claimants.

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In Wurttemberg-Baden the pawnshops are operated by the municipal savings banks which are organized under Commercial Law either as joint stock corporations or limited companies. They are thus private organizations although the shares are owned by the city. These savings banks have threatened that they will declare bankruptcy if they are held liable for the confiscation of gold and silvermarks (Swabia and Karlsruhe).

The other cases still pending in the Stuttgart office of Restitution Agency are, as in Karlsruhe and Mannheim, such in which the petitioners prosecute their claims in a very inactive manner and often do not mind the repeated requests from the arbitrators. Oberlandesgerichtsrat Koehler recommends to notify the petitioners by uniform letter of the impending action discontinuance of the activities of the arbitrators and that all cases which for reasons of default on the part of the petitioners have not been settled by the end of this year must be referred to the Restitution Chambers.

Oberlandesgerichtsrat Koehler, too, pointed out that the arbitrators have done everything within their power to meet the deadline and that by an increase of the number of arbitrators the program would not have been more advanced in the Restitution Agency Stuttgart than it actually is. The Chambers shall then be composed of one presiding judge and 2 teams of associate judges. Restitution Agency Ulm sufficient judges to dispose of the majority of the cases pursuant to Section 348 of the Code of the Civil Restitution Agency was represented by Justiz-Inspektor Kunz. The Agency has only one arbitrator who is at the same time a judge in the Civil Chamber of the Landgericht and devotes only 50% of his time to the functions as an arbitrator. There are further 5 office employees in the Agency.

Received lists from the agencies of the claims timely filed by the WO found 303 cases on hand in the Ulm Agency, 300 cases of which are monetary claims against the German Reich. 6 of the remaining 23 cases are claims filed by successor organizations pursuant to Article 8 of RG Law No. 59, and they can be disposed of only after a precedent has been established in a specific case which is now pending in the Court of Restitution Appeals.

Minister: The other cases still pending in the Ulm Agency could not yet be settled as the claimants hitherto have failed to submit proof of their personal right to claim (Aktivrestitution). procedural disposition of these monetary claims even though

it can. Justiz-Inspektor Kunz complained that the JRSG up to this time has not withdrawn its duplicates, although the Agency has forwarded to the JRSG a compilation of all cases where the petitions filed by the JRSG are superseded by the petitions duly filed by the original claimants.

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RG 466

Authority NND 968095 Entry 160A

By AT NARA Date 7-21-99 Box 4

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5. Karlsruhe Branch Office of the Ministry of Justice

valuable approach to this problem was made by the Minister of Justice. In the Karlsruhe Branch Office of the Ministry of Justice we talked to Oberregierungsrat Malende who is the Head of the Karlsruhe Branch of the Department VI of the Ministry of Justice for Land Baden (Mannheim and Karlsruhe) Office to the Chief Financial Commissioner. He already

proceeded to Oberregierungsrat Malende confirmed the statements made by the representatives of the Mannheim and Karlsruhe Agencies that in the overwhelming majority of the cases still undespised, the claimants themselves have censured the delay and often shown very little interest in an expeditious prosecution of their claims and in numerous cases did not take any action despite the repeated requests on the part of the arbitrators. It is contemplated to refer those cases in the last months of this year after preceding notification of the claimants to the Chambers.

It would be extremely difficult to satisfy claims which have been passed over by the claimants.

It is further contemplated to retain one of the other arbitrators with the necessary office personnel in each of the the Restitution Agencies for the processing of the monetary claims against the German Reich. The other arbitrators shall be transferred to the Chambers. The Chambers shall then be composed of one presiding judge and 2 teams of associate judges, so that there would be sufficient judges to dispose of the majority of all cases pursuant to section 348 of the revised Code of Civil Procedure (procedure before the single justice) in a relatively speedy manner.

It would be extremely difficult to satisfy claims which have been passed over by the claimants.

Federal Oberregierungsrat Malende also complained that the ERSO does not withdraw the duplicates although they have received lists from the agencies of the claimants timely filed and by the true claimants. It Kuester further suggested that the reasons be given to include in the tenor of a judgment the reasons

for awarding compensation or rewards, gold or silver coins,

same Rechtsanwalt Kuester, Head of the Department VI (Restitution and General Claims Administration, Oberregierungsrat Malende and Dr. Kiehn took part in the conference in the ministry of Justice. Main points of the discussion were the June 19, monetary claims against the German Reich. Rechtsanwalt Kuester of is of the opinion that it would not be useless to effect the procedural disposition of these monetary claims even though it is of the opinion that it would not be useless to effect the procedural disposition of these monetary claims even though it cannot presently be determined by whom and to what amount of German payments will be made on the basis of judgments against the former Reich. At any rate, such a disposition would constitute a. The comments were directed against such a trend.

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valuable preliminary work." From his point of view the most expedient approach to this problem would be that the Federal Ministry of Finance, in a circular to the Finance Ministers of the Laender, requested the latter to appear as a party in the restitution proceeding, or it might designate a Federal Office to act as representative of the Reich in restitution proceedings. The Oberfinanzpräsidenten would appear to be suitable agencies for this purpose. He, Müester, had already discussed this with Federal Finance Ministry people.

Küesler further proposed that the Federal Supreme Court be substituted for CORA as highest Court of Appeals in the adjudication of monetary claims against the Reich. Such a concession, he believed, would make it easier to gain the cooperation of the Federal Finance ministry, since in the Federal Parliament parties opposed to restitution have the majority. It would be extremely difficult to reach the enactment of a law intended to satisfy claims which have been passed on under the power of review of a foreign Appellate Court. Besides this, the nature of these claims appears to be rather one of compensation than of restitution. In the French Zone it is a fact that such claims are regulated under the General Claims Law and not under the Restitution Law. It is further intended to win the Federal Supreme Court as Final Court of Appeal for the proceedings under the General Claims legislation. Only the opposition of the president of the Federal Supreme Court, Mr. Weinkauf, has thus far prevented this being attained. It would be desirable that HICOG exercise influence upon the Federal Ministry of Justice in this direction. The competent official in this matter in the Federal Ministry of Justice is Ministerialdirektor Roemer.

Rechtsanwalt Küesler further stressed that it would be expedient to include in the tenor of a judgment the reasons for awarding a monetary claim in Reich cases, i.e., whether the case dealt with a confiscation of jewels, gold or silver-wares, furnishing etc., since a future law may provide for various groups of property (perhaps three groups are envisaged) with different quotas of compensation.

With respect to his comments in the Circular of June 19, 1951, Rechtsanwalt Küesler declared that Mr. McCloy's letter of June 11, 1951 had been brought into connection with the publication of HICOG Law No. 21, dated May 24, 1951, and that this had been construed to imply that all efforts on the part of German Courts and the Ministry of Justice towards effecting a change in the composition of CORA were thus too being rebutted. His comments were directed against such a trend.

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Mr. U. Leichtknecht-Kuester further expressed his regret that the Land Commissioner for Wuerttemberg-Baden, General Gross, had, after discussion with the Minister President and Finance Minister, uttered serious threats and had even alluded to a blocking of Marshall-Plan money and drastic Baden measures against the reluctant Land if the bulk settlement with JRG did not materialize. Such methods could not bear any fruit in Wuerttemberg-Baden. The conditions and the mentality of the population in this Land are quite different from Land Hesse. There were no objections to purchasing any property JRG may receive in restitution proceedings, but the general opinion in Wuerttemberg-Baden did not permit the purchases of litigation proceedings. The Suabians have always been tough old fighters for legal rights whom it would be very difficult to convince of the justification for a bulk settlement.

The Agency, Dr. Finsler, was in agreement.

The Restitution Agency Kuester is staffed with 6 attorneys, 2 assistants of litigators and 17 employees. One of the assistants, Dr. Stenger, will terminate his services by July 31, 1951 having reached the age limit on this date (he is 60 years old). It is contemplated to replace Dr. Stenger by one of the assistant attorneys.

The Agency had at the close of our visit 26,915 cases on hand. 1,700 thereof are monetary claims against the German Reich. These cases cannot be prosecuted before the Ministry of Finance in Wuerttemberg-Baden has concluded the proceedings as representative of the Reich pursuant to Article 61 of Military Government Law No. 39. As to COMIN OPINION No. 60 it is argued that in this case which originated from Land Baden the Ministry of Finance had joined the proceedings and that the case could therefore not establish a precedent for cases where the Finance Minister does not appear.

The other cases which have not yet been disposed of are being delayed for various grounds. Mostly it is the claimants' fault that the procedure could not be completed. Many petitioners prosecute their claims in a very sluggish manner, others, particularly those claimants who are the heirs of persons deceased, do not fail to present evidence of their right of inheritance.

OGC:AJHALeber

Tel.: 9801 was asked for. Stenger whether the deadline of December 31, 1951 could be met so that the majority of the cases could be disposed of by that date, the monetary claims against the German Reich being excepted. If some of the cases

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In view of the present, as we view the results of an extensive study of the problem and based upon discussions with authority on the subject undertaken by the Ministry of Justice and its representatives, on the date July 5, 1951,
OCIAL, Mr. F.G. Hulse, **Attaches (presented by the author)** **July 5, 1951.**
CC: AJ:DRSB, Mr. H.H. Loenthal **Subject:** **Other arbitration of existing the Law**
Report on Visits to Restitution Agencies in Land Württemberg-Baden
1951, Stuttgart and Karlsruhe, Germany

Attached is Mr. Hulse's detailed report on our visits to the Restitution Agencies in Württemberg-Baden and the Ministry of Justice in Stuttgart and its branch office in Karlsruhe on June 25, 26, and 27, 1951.

The situation we found is almost identical in all of the Agencies except that the problem can properly be dealt with on a land basis.

The cases now in the Agencies fall largely into the following categories:

- a) Individual (non-MFG) cases except monetary claims against the Reich, (2,594).
- b) Individual (non-MFG) cases constituting monetary claims against the Reich (4,932), found in the Agencies which handle more than 90% of the cases and wherein it is evident that the majority of the
- c) MFG claims (7,591). The only question arises if it develops that the

All of the cases in category a) are in an advanced stage of processing and it is to be expected that they will either be finally disposed of or referred to the Chambers by the end of December 1951. In most of these cases claimants have not complied with frequent requests by the Agencies to substantiate their claims. This is largely attributed to laxity on the part of claimants or their representatives. Most of the arbitrators were of the opinion that the very lenient attitude toward claimants as heretofore advocated by the Ministry of Justice should now give way to a stricter policy permitting the Agencies to either dismiss or refer these cases to the Chambers. We have discussed this matter with Mr. Ruester who agreed with the arbitrators and promised to cover this issue in an administrative instruction.

Claims in category b) are held in abeyance by the Agencies and are not being processed because the Finance Minister declines to participate in the proceedings. It is evident that this constitutes one of the major obstacles to an early completion of the restitution program. Mr. Ruester is fully aware of this situation and his views are appropriately covered on page 5, item 6 of the attached report. It is apparent that Mr. Ruester desires to place the responsibility for representation in proceedings against the Reich with the Federal Republic, apparently because Fed Rep will, in his opinion eventually be responsible for the settlement of such claims. From exploratory talks Mr. Ruester has gained the impression that, with a minimum of negotiation on the part of MFG, Fed Rep could be brought to adopt his proposed procedure.

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Mr. Rüster's proposal is no doubt the result of an exhaustive study of the problem and looks far ahead with emphasis on the actual settlement of these claims. It thus merits due consideration. On the other hand the elements of time and uniformity of procedure (procedures now in effect in Hesse and Baden) may point toward the much simpler solution of making the Land Finance Minister participate in the proceedings. It appears however that, because of the political aspects involved, the method how to accomplish this aim should not be finally decided upon until the issue has been thoroughly discussed with both, restitution and finance officials.

With respect to the JRCO claims An a) above both Dr. Rusin and Mr. Salende (the responsible officials in charge of the administration of RD Law No. 99 in Stuttgart-Baden respectively) stated that due to the apparent inactivity of JRCO, which in turn is attributed to the fact that JRCO directs all its efforts toward reaching a bulk settlement, the Agencies had no control over the processing and disposition of JRCO cases. Several of the Agency Roads complained that JRCO did not even withdraw its "disputed claims". The latter deficiency was have already brought to the attention of Mr. Nagem who promised remedial action. As to the general problem of disposition of JRCO claims an early and of bulk settlement negotiations appears to be the only solution.

It is concluded that the immediate problems which must be solved in Stuttgart-Baden are not personnel problems. In fact it has been established that the personnel now employed in the Agencies could handle more than their present workload. This does of course not preclude that the question of adequacy of personnel and facilities may again arise if it develops that the Agencies will have to dispose of both the Reich claims and the JRCO claims as listed in b) and c) above.

As to the personnel problem it is recommended that they will either be readily absorbed by the personnel of the new RD office or else a separate departmental organization will be created to handle the personnel problems of the Agencies.

Enclosure: This is herewith submitted to Landrat on behalf of the two agencies. Part of this enclosure were of the enclosure of the **Reichsbericht über die Entwicklung der Deutschen Republik im Jahre 1923** of July 3, 1923. It was given me as a Directive policy concerning the disposition of Reich claims or other claims made by the Reich. It was agreed that the Reich would proceed in accordance with the said policy.

Article 6 of paragraph 7 was held in abeyance by the Reich and are not valid. "The Reich's Directive on Finance Minister's authority to participate in the participation of the Reich in the settlement of the Reich's claims in the year of 1923" was this communication one of the main documents of the early organization of the Reichsrechtsprechung. Mr. Nagem is fully aware of this situation, and his views are correspondingly expressed in para. 6 of the enclosed report. It is agreed that Mr. Nagem continues to follow the same general representation in proceeding against the Reich.

CC: AD, JRCO, WIL, Gomont, J.W. It is further agreed that the Reich will, in this information, be informed for the settlement of such claims, from enclosures and other parts of which the Reich can be brought to accept the proposed procedure.

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By AT NARA Date 7-22-99 Box 4

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

NUERNBERG, FUERTHERSTRASSE 112

Mr. Werner M. Loewenthal
c/o Office of the United States
High Commissioner for Germany
Office of General Counsel
Office of the Director
Bad Goisberg
Mehlemer Aue

Jan. 8th, 1953

Ref.: Dr.W/i - G/6 i
Subj: Wuerttemberg-Baden Ueberleitung

Dear Mr. Loewenthal:

I thank you for your letter of Jan. 2nd, 1953 and its enclosure. Restricting my observations to those parts of the letter of the Ministry of Justice of Dec. 11th, 1952, which refer to work to be done by JRSO I should like to make the following remarks:

1. The Ministry of Justice writes:

"Im Januar 1953 werden wir noch immer nicht imstande sein, die Gesamtzahl der global erledigten JRSO Faelle melden zu koennen, denn die Listen die von der JRSO im Sinne des Vertrages uns hierueber uebermittelt werden sollten, sind bisher nicht uebersandt worden."

Para V/3/2 of the agreement reads as follows:

"Die JRSO ist insbesondere verpflichtet, Listen anzufertigen und innerhalb von 6 Monaten nach Vertragsschluss zu uebergeben, aus welchen sich die in Art. I abgetretenen Wiedergutmachungsansprueche mit der Nummer der Anmeldung beim Zentralanmeldeamt, dem Namen des urspruenglich Berechtigten und dem entzogenen Vermoegensgegenstand ergeben. Anstelle der Listen koennen die Anmeldungen der JRSO in geordneter Karteiform uebergeben werden, sofern sie die Nummer des Zentralanmeldeamtes, den Namen des urspruenglich Berechtigten, den entzogenen Vermoegensgegenstand.

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und den Namen der Pfandleihanstalt bzw. Bank ergeben. Falls die Anmeldung nur auf Anzeigen (Art.73, 74 REG) Bezug nimmt, sind ihr fuer jeden Fall auf besonderem Blatt die Aufzeichnungen des Zentralamts - Nummer der Anmeldung, der Name des oder der urspruenglich Berechtigten, der entzogene Vermoegensgegenstand und der Name der Bank - beizufügen."

In accordance with this provision JRSO had to submit either lists or the claims in the order of a card index. On 28th July and 21st Aug. 1952, i.e. within 4 months, respectively 5 months after the signing of the agreement (21st March 1952) JRSO has done both: it handed over its claims in the order of a card index, and at the same time, handed over lists of its claims. These lists complied fully with the provisions of the agreement except of the fact that they did not show the "Vermoegensgegenstand". As the claims were handed over in order of a card index no lists would have been necessary at all. The fact that the "Vermoegensgegenstand" was not shown on the lists cannot, however, in any way delay statistical work. All what really matters is the number of the Central Filing Office, which has been given twice to the Ministry of Justice: on the lists as well as in the card index.

2. On July 28th and Aug. 21st 1952 of the claims assigned to Wuerttemberg-Baden those claims were handed over which had not yet been forwarded to the Restitution Agencies, and claims against pawn shops although they were already with the Restitution Agencies. Not handed over were those claims, already with the Restitution Agencies which were not claims against pawn shops; ~~but~~ were ~~not~~ claims for immovables and for mortgages against the Reich. The reason was that in these cases it was necessary to inform the Schlichter individually in accordance with the 11th Decree to REG. JRSO was prepared to print the forms necessary and to fill them in so that Wuerttemberg-Baden had only to sign them. JRSO submitted a draft of the form on 5th May 1952. On Nov. 7th, 1952 the Ministry of Justice definitely approved the form.

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JRSO immediately started work and inspite of the December holidays the files were handed over on Jan. 7th, 1953. Altogether 1709 files were involved.

3. JRSO has still 48 claims which probably partly belong to Wuerttemberg-Baden. These claims can only be handed over after further investigations and after the claims have been devided. Statistically these claims do not matter as part of the claims will remain with JRSO anyway. Furthermore, JRSO has retained some claims in accordance with Art. I, 2 d (Art. 44, Abs. 3). It is possible, that further investigations will show that some of these claims belong in fact to Wuerttemberg-Baden. The number of such claims is also insignificant and altogether there might be a margin of about 200 or 300 claims which will later on go to Wuerttemberg-Baden or have to be returned by Wuerttemberg-Baden to JRSO. This, of course, is quite unavoidable.
4. It can, however, be said that
- a) apart from very few unavoidable exceptions no JRSO claims are with the Landesamt; if such claims will be found they will immediately be forwarded to the agency;
 - b) that the number of claims with the Schlichter in Wuerttemberg-Baden does not exceed at present

in Ulm 150
Stuttgart 400
Mannheim 1838
Karlsruhe 826

Most of these claims are covered by individual claims. Work to eliminate such claims is constantly in progress. It is to be expected that only the following number of claims are active claims:

Ulm 97
Stuttgart 88
Mannheim 579
Karlsruhe 400.

less than 750

Of these active claims a considerable part will have to be withdrawn for substantive reasons so that the workload for JRSO cases remaining for Restitution Agencies in Wuerttemberg-Baden will be less than 750 cases of which only a quite insignificant number will

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possibly go to court. Not later than by June 30th, 1953 the exact number of the active JRSO cases remaining pending in Wuertemberg-Baden will be known.

Yours sincerely

DR. GEORGE WEIS

Director

Plans and Operations Board

Tel.: 61041
Ext. 2

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(15 Sept 49)

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

OFFICE MEMORANDUM

To: IRSB - Mr. Laks

Date: December 9, 1949

From: IRSB - Mr. Yager

Subject: Individual Petitions and JRSO Petitions at the Land Central Office Hesse

During a conference on December 7, 1949 with Dr. Weissstein it was requested that he furnish up-to-date information on individual and JRSO petitions at the Land Central Office.

According to Dr. Weissstein, all individual petitions have been forwarded to the respective restitution agencies. The discrepancy in number on the figures below results either from the failure of the agencies to list the petitions or they are still in the mail.

Received from CFA 22,056

Forwarded to Agencies

Darmstadt	1,691
Eschwege	489
Frankfurt	8,239
Fritzlar	736
Fulda	946
Giessen	920
Kassel	1,215
Marburg	775
Offenbach	1,677
Wiesbaden	<u>2,467</u> 19,155

Dr. Weissstein expects to complete forwarding JRSO petitions by the end of 1949. Approximately 10,000 remain at the Land Central Office.

The following figures are up-to-date statistical records of JRSO short-form petitions received by the Land Central Office, forwarded by the Land Central Office to the respective JRSO regional offices, and stamped petitions returned to the Land Central Office:

Total number of JRSO petitions received	66,840		
1) Thereof sent to	Frankfurt I	Frankfurt II	Kassel
	25,717	18,267	15,842
2) Returned from			
a) for forward-	1,050	1,508	2,921
ing to RA's			
b) to be held	-	584	1,588
in suspense) remain with LCO
c) duplicate	-	1,494	2,084
withdrawn)
d) withdrawn	-	160	-

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OFFICE MEMORANDUM

ad a) to Darmstadt 367
 Fulda 1,824
 Kassel 1,097
 FROM - Mr. Marburg 60
 Offenbach 66

Still at the LCO for:
 Marburg 1,015
 Frankfurt 1,050

December 9, 1948

TO: DR. E. YAGER

SUBJECT: Individual and JESO Petitions at the Land Central Office Hesse

TELEPHONE ext. 543 On December 7, 1948 with Dr. Pfeilstoerl it was requested that he furnish information on individual and JESO petitions at the LCO.

IRSB:L.E.Yager:er

According to Dr. Pfeilstoerl, all individual petitions have been forwarded to the responsible investigating officials. The discrepancy in number of the figures can be explained from the failure of the agencies to list the petitions or they are still in process.

Received 12-9-48 11:00 AM

Reinhard	1,097
Ludwigsburg	1,015
Heilbronn	60
Frankfurt	1,050
Frankfurt	1,015
Kassel	1,097
Gießen	66
Offenbach	66
Darmstadt	367
Wiesbaden	1,015
Other	1,015
Total	4,644

Dr. Pfeilstoerl engaged to complete forwarding JESO petitions by January 1, 1949 at the Land Central Office.

The following is a copy of his mandate establishing records of JESO short-form petitions received by the Land Central Office, forwarded to the Land Central Office by the investigating JESO regional offices, and stamped petitions returned to the Land Central Office:

Total number of JESO petitions received 46,840

1. Revertment to: 1. Frankfurt II Kassel
2. Frankfurt III Wiesbaden
3. Frankfurt IV Offenbach
4. Frankfurt V Darmstadt
5. Frankfurt VI Heilbronn
6. Frankfurt VII Ludwigsburg
7. Frankfurt VIII Gießen
8. Frankfurt IX Wiesbaden

2. Revertment from:

a) for further use to date	LCO	1,666	2,311
b) to be held	1,024	1,192	transferred to LCO
c) released	1,694	2,314	
d) retained	1,694	2,314	
e) destroyed	1,694	2,314	

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OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY
OFFICE OF ECONOMIC AFFAIRS
PROPERTY DIVISION
INTERNAL RESTITUTION SUPERVISION BRANCH
c/o Office of the Land Commissioner for Hesse
AFO 633
Wiesbaden, Germany

SPECIAL REPORT

Frankfurt Agency

Since 8 days the agency has a new arbitrator, Amtsgerichtsrat Arndt. There are now 4 authorized restitution specialists:

Dr. Helmholtz, RAH, handling all cases of the Frankfurt area,
Dr. Lindsiepe, handling all cases of the districts Obertaunus,
Maintaunus, Usingen and Friedberg,
Attorney Weiss, handling all claims against the Reich, filed
under Military Government Law No. 59, as there
are: claims concerning compensation against
Reichsfiskus and Kommunalverwaltung,
cash and bank accounts,
claims against insurance companies,
mortgages and similar rights.

Amtsgerichtsrat Arndt, for the time being without special tasks as he
must become familiar with the proceedings
under Military Government Law No. 59.

Besides there are employed:

4 assistant restitution specialists,
2 office clerks,
6 employees handling the registry, card index, etc.,
5 typists.

This makes a total of 21 employees.

The LCO plans to assign a certain Assessor Deja and an Assessor Schulz to the Frankfurt Agency. Assessor Deja will be assigned as of March 1, 1950. A new typist will be employed as of March 15.

The statistical report as of February 25 shows a total of 1,371 cases finally disposed of. Accordingly, the agency has disposed of 186 cases

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during the month of February. This is an average of 62 cases disposed of by each of the arbitrators working during the month of February. A breakdown of these 186 cases is as follows:

56 amicable settlements
9 granted and not appealed
5 dismissed and not appealed
36 withdrawn
73 forwarded to Chamber under Art. 63
3 forwarded to Chamber under Art. 64.

The statistical report of the agency is correct now.

It has been ascertained that the report to the CFA under the key-number 6 has never been made by the agency. The CFA has recently requested this report from the agency by telephone. Mr. Aye, the statistician of the Frankfurt Agency, has promised to submit the requested report and has asked Mr. Schroeder of the LCO to inform him about the proper form for this report. However, Mr. Schrceder replied that he would not give him any information before the new form of the Schlussbericht will be known. The draft of this reporting form was to be shown during the LCO meeting on December 14, 1949. For the above reasons, Mr. Aye will now report in short form only.



LOREN E. YAGER
Land Supervisor

February 28, 1950

Internal Restitution Supervision Branch

303074

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By AT NARA Date 7-22-99 Box 4

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The effect of Dr. Weisstein's instructions should nevertheless be carefully observed since they will no doubt cause the Agencies to concentrate on the processing of JRSO petitions (soon to be assigned to Land Hesse) and E&FY. Mr. Daniels' view that this will adversely affect the February 6, 1951
date of individual cases.

E&FY: IRSB, Mr. Loewenthal

Processing of JRSO Short Form Petitions in Connection with
JRSO Bulk Assignment in Hesse

Some time ago Saul Kagan informed us that Dr. Weisstein had issued instructions to Restitution Agencies requesting them to process JRSO petitions in the same manner as they now process individual petitions. These instructions rescind previous instructions of Dr. Weisstein according to which the Agencies were to process JRSO petitions only after JRSO had notified the Restitution Agency that amicable settlement negotiations had failed. Saul Kagan indicated that with Dr. Weisstein's knowledge of the near completion of bulk settlement negotiations with Land Hesse his action could only be considered as an unfriendly act toward JRSO. He further stated that for unknown reasons Dr. Weisstein appeared to be in strong opposition to the bulk assignment and that there were indications that his views may have affected those of the new Hessian Finance Minister Dr. Troeger who had recently advised JRSO that he did not know where to find the funds to finance the bulk assignment.

During an informal discussion between Mr. Yager and Dr. Weisstein on January 30, 1951 the latter discussed the matter on his own initiative. According to Mr. Yager, Dr. Weisstein pointed out that approximately 19,000 short form petitions had been received by the Agencies of which only 3,000 had been settled, leaving 16,000 cases the processing of which had been temporarily postponed pending the final outcome of settlement negotiations. In view of the fact that Dr. Weisstein had promised the Minister of Finance that the restitution program at Agency level would be completed by the end of 1951 he could no longer take the responsibility for holding up the processing of JRSO cases and had requested the Minister of Finance to make a decision in this matter. The Minister of Finance in turn had decided that the cases must be processed because "he did not know whether or not the global settlement with JRSO would ever materialize".

Later developments supersede the facts with respect to the chances for the bulk assignment as described above.

During a telephone conversation to-date Benny Ferencz stated that initial difficulties with the Hessian Finance Minister had been overcome and the signing of the agreement is now only a question of days.

Benny Ferencz also stated that he was today leaving for Munich to start settlement negotiations there.

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By AT NARA Date 7-22-99 Box 4

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

OFFICE MEMORANDUM (for File)

To: The effect of Dr. Weisstein's instructions should nevertheless be carefully observed since they will no doubt cause the Agencies to concentrate on the processing of JRSO petitions (soon to be assigned to Land Hesse) and it remains to be seen whether this will adversely affect the rate of disposition of individual cases.

From: E:PY:IRSB - Mr. Yager

Subject: Processing of JRSO Short Form Petitions

Saul Kagan of JRSO informed the Internal Restitution Supervision Branch, HICOG, of Circular Letter VK WI 200 of the Landesamt fuer Vermoegenskontrolle und Wiedergutmachung in Hessen. This letter rescinded Circular Letter VK WI 184 and states that JRSO petitions will receive the same treatment as individual petitions and will be processed in the normal course of restitution proceedings. These Circular Letters are received by IRSB.

On January 31, 1951, a conference was held with Dr. Weisstein prior to the official closing of the Wiesbaden office. Dr. Weisstein voluntarily pointed out that at the present time his chief problem was the disposition and processing of JRSO short form petitions. There are in the Restitution Agencies at present approximately 19,000 short form petitions of which approximately 9,000 have already been settled. As JRSO negotiations with Land Hesse on the global settlement had reached an advanced stage, preparation of these cases was suspended and the 16,000 cases were not prepared. The Chief of the Land Central Office stated that he had temporarily held up further processing of these cases pending final outcome of this settlement between JRSO and Hesse.

Dr. Weisstein promised the Minister of Finance that he would complete the Restitution Program at the Agency level by the end of 1951. Consequently he would not take the responsibility for not completing JRSO cases. Present indications are that an early settlement may not be reached between JRSO and Land Hesse. As this was a matter of extreme importance and significance, he felt that he was not competent to make this decision on his own but went to the Minister of Finance and presented his problem. The Minister of Finance stated that he did not know whether or not the global settlement with JRSO would ever materialize and consequently it was decided to process these cases. Dr. Weisstein furthermore notified all Restitution Agencies and JRSO that this action was not bad will on his part but he would no longer accept the responsibility for failure to complete the program at the Agency level by the designated date. The "Landtag" had appropriated sufficient money to complete the program and it was his intention to see that it was done. As a matter of interest he stated that it was his opinion that the budget for the fiscal period 1951/52 would be the same as the budget period 1950/51.

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Form HICOG 8
15 Sept 49

OFFICE OF THE U.S. HIGH COMMISSIONER FOR GERMANY

OFFICE MEMORANDUM (for File)

To: E:PY:IRSB - Mr. Loewenthal
From: E:PY:IRSB - Mr. Yager
Subject: Processing of JRSO Short Form Petitions

Date: February 2, 1951

Saul Kagan of JRSO informed the Internal Restitution Supervision Branch, HICOG, of Circular Letter VK Wi 200 of the Landesamt fuer Vermoegenskontrolle und Wiedergutmachung in Hessen. This Letter rescinded Circular Letter VK Wi 184 and states that JRSO petitions will receive the same treatment as individual petitions and will be processed in the normal course of restitution proceedings. These Circular Letters are received by IRSB.

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Dr. Weisstein promised the Minister of Finance that he would complete the Restitution Program at the Agency level by the end of 1951. Consequently he would not take the responsibility for not completing JRSO cases. Present indications are that an early settlement may not be reached between JRSO and Land Hesse. As this was a matter of extreme importance and significance, he felt that he was not competent to make this decision on his own but went to the Minister of Finance and presented his problem. The Minister of Finance stated that he did not know whether or not the global settlement with JRSO would ever materialize and consequently it was decided to process these cases. Dr. Weisstein furthermore notified all Restitution Agencies and JRSO that this action was not bad will on his part but he would no longer accept the responsibility for failure to complete the program at the Agency level by the designated date. The "Landtag" had appropriated sufficient money to complete the program and it was his intention to see that it was done. As a matter of interest he stated that it was his opinion that the budget for the fiscal period 1951/52 would be the same as the budget period 1950/51.

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The above information is consistent with the information given to Mr. Loewenthal by Saul Kagan of JRSO on January 30, 1950, that the Minister of Finance for Hesse must study the JRSO global agreement, that the proposal was made by the former Minister of Finance and that he did not know how the required funds could be obtained.

E:PY:IRSB:LEYager/rs
February 2, 1951
Telephone 8237

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Box 4

Authority NND 968095

By AT NARA Date 7-22-99

TRANSLATION

Landesamt fuer Vermoegenskontrolle
und Wiedergutmachung in Hessen
Land Civilian Agency Head

Wiesbaden, January 23, 1951

Circular Letter VK Wi 200

TO: All Civilian Agencies for Property Control and Restitution

SUBJECT: Rescission of Circular Letter VK Wi 184
(Processing of JRSO short form petitions)

The instruction given to the effect that JRSO short form petitions shall be served upon the restitutors but on the date when JRSO has indicated that the amicable settlement negotiations have frustrated is herewith rescinded. In future JRSO petitions will be treated in the same manner as individual petitions and will be processed in the normal course of business activities. Form III, Wi 36a will no longer be used.

s/ Dr. Weisstein

JRSO sendet keine Anfragen

HESB

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Authority NND 968095 Entry 160A
By AT NARA Date 7-22-99 Box 4

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September 4, 1952

Document 3, 1952

CC:OD - Mr. Hulse

CC:OD - Mr. Leewenthal

C. J. - Mr. Preston

Discussion with Dr. Weisstein of Wiesbaden on September 3, 1952

Discussion with Dr. Weisstein of Wiesbaden on September 3, 1952

In the enclosed memorandum Mr. Preston adequately describes our recent discussion with Dr. Weisstein. Preston's statement concerning Agency work in connection with Federal legislation refers to a remark of Dr. Weisstein that Federal legislation concerning the satisfaction of certain monetary claims against the Reich may, in addition to providing for the satisfaction of awards and judgments under existing restitution legislation also provide for the satisfaction of claims which should have but had not been filed under existing restitution legislation.

a) The high figures for the amount of work done by the Enclosure: treatment committee almost exclusively Memorandum from Mr. Preston, made no time for the treatment and he directed to be referred to additional time more than in Wiesbaden. CC:OD, WHLeewenthal/lws, be discussed at in the time of 1 individual. Tel. 5861

b) The individual cases, it had to be remembered, now consisted exclusively of difficult cases and these could no longer be quickly disposed of however many people one would employ for the job. They made a lot of work for a limited number of people and there was nothing one could do about the situation. Any marked increase in individual dispensations could therefore not be expected. The difficulties, he said, had been overcome but it was chiefly the lack of time of individuals which delayed any final disposition.

c. Dr. Weisstein was asked what he intended to do regarding the difficult inheritance cases. He said that a general memorandum sent to his officials he had obtained a document from the US which had suggested the following solutions for cases held up by lack of proof of inheritance, namely:

- a) that the restitutor party had been asked to conclude an unconditional amicable settlement even though no acquaintance proof of relationship was available. Should the restitutor party refuse to enter into such a settlement then the case could be forwarded to the Chancery in accordance with Article 61 of the Law 59.
- b) to appoint a trustee.

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CC:OD - Mr. Loewenthal, Director, American Planning and Law, September 3, 1952

CC:OD - Mr. Preston, Director, Office of Control, there were other officials.

Discussion with Dr. Weissstein of Wiesbaden on September 3, 1952.
The general picture was that the Agency had been very busy in the last few days.

1. We told Dr. Weissstein that we had been struck by the steady downward trend in the dispositions of individual cases, while we had noted at the same time a rather considerable increase in Treuhand dispositions. This was somewhat surprising as the arrangement had been that all efforts would be made to dispose of individual rather than Treuhand cases. Dr. Weissstein replied that the explanation for all this was very simple.

- a) The high figures for the Treuhans were caused by the fact that Treuhand dispositions consisted almost exclusively of amicable settlements and withdrawals, particularly withdrawals, which made no work for the Agencies and had simply to be recorded. He estimated that more than 40 Treuhand cases could easily be disposed of in the time of 1 individual.
- b) The individual cases, it had to be remembered, now consisted exclusively of difficult cases and these could no longer be quickly disposed of however many people one would employ for the job. They made a lot of work for a limited number of people and there was nothing one could do about the situation. Any marked increase in individual dispositions could therefore not be expected. The difficulties, he said, had various causes but it was chiefly the lack of proof of inheritance which delayed any final disposition.

2. Dr. Weissstein was asked what he intended to do regarding the difficult inheritance cases. He said that in a general recommendation sent to his officials he had quoted a decision from the OIG Frankfurt which had suggested the following solutions for cases held up by the lack of proof of inheritance, namely:
a) that the restitutor party had been asked to conclude an unconditional amicable settlement even though no documentary proof of heirship was available. Should the restitutor party refuse to enter into such a settlement then the case could be forwarded to the Chamber in accordance with Article 63 of the German Law '79. He thought that perhaps it was all to the better that the court in the case, he should still carry on for a little while because it could

- b) to appoint a trustee.

-3-

4. Dr. Weisstein - Mr. Hulse September 4, 1952
envision new Federal legislation which would go much further than present restitution legislation and would in consequence stimulate a great number of new claims with which the Agencies could then deal, always provided that such legislation would be forthcoming within a reasonable period of time. Dr. Weisstein also pointed out that there was still a steady flow of cases into the Agencies where people had originally withdrawn their petitions owing to the uncertain definition of identifiability. These people were now again processing their cases after the OIG Frankfurt had decided that a withdrawal can be withdrawn unless the claim itself had been expressly waived. This situation also would require the continued existence for some time of one or more the Agencies. In this connection he reported that recently a British OIG and the Board of Review had rendered the following decision: A transfer of monies to the Inspector of Taxes from the purpose of paying the levy imposed upon Jews was to be considered as joint payment and the sums involved were for that reason not identifiable property. He, Dr. Weisstein, had taken this opportunity to arrange that in Hesse the new British interpretation should not be adopted but he wanted to bring this problem to your attention because he felt that any different interpretation in the British Zone reversing for the second time the definition of identifiability might create considerable unrest among all persons interested in these problems.

5. Dr. Weisstein raised the problem of JRSO short form petitions at the Landesamt and expressed his determination that all these short petitions should now go down to the Agencies irrespective of whether they still belong to JRSO or had been assigned to the Treuhand. At Agency level he had so far sanctioned a situation whereby the JRSO monetary claims against the Reich had been put into cold storage. This he had done on the assumption, as he had understood it from DR. Weisse, that a bulk settlement was in the process of being negotiated between the Federal Republic and JRSO covering all JRSO Reich claims. He was now concerned as he had just been informed that the negotiations only covered certain kinds of JRSO Reich claims and not all JRSO Reich claims. He was therefore suggesting that these JRSO cases should be taken out of cold storage and processed in the normal way.

DECLASSIFIED

RG 466

Authority NND 968095 Entry 160A
By AT NARA Date 7-22-99 Box 4

253 2

IRSB

- 2 -

Bad Godesberg, Mehlener Ave.), is based on
current reports of Office of General Counsel, U.S. Zone authorities, will furnish
you with current information on the liabilities of the Federal
Republic arising from monetary claims against the Reich which
will be most helpful to both the Federal Republic September 29, 1952.
Accordingly, it would be appreciated if you would give your
restitution authorities the opportunity to review their reports to us in the light of
the definition of monetary claims set forth in paragraph 3 above
and to make necessary adjustments with the least possible delay.
By dear Dr. Weinstain:

This is with reference to our recent conversation con-
cerning the reporting on monetary claims against the Reich
during which you expressed the desire for written instructions
on this point. A recent visit of Mr. Preston to the Frankfurt
Restitution Agency also indicated the necessity for further
clarification of the issue.

Property Office

Monetary claims against the Reich as distinguished from
other restitution claims are those claims which do not result
in actual restitution but which result in judgments or awards
given or made against the German Reich, the liability for the
payment of which up to DM 1.5 billion including Berlin has
been assumed by the Federal Republic under Article 4 of Chapter
Three of the "Convention on the Settlement of Matters Arising
out of the War and the Occupation".

In order to facilitate our observation of the monetary
claims against the Reich aspect of the restitution program, it
is necessary that this group of claims be reported on separately.
This also applies to the report on "Types and Estimated Values
of Property Restituted". As this report is designed to reflect
values actually restituted, the inclusion of amounts awarded
for monetary claims against the Reich would present an erroneous
picture and it is therefore necessary that such awards, regard-
less of whether they are expressed in DM or in RM, be reported
under a separate heading.

Attached as Annex A is a statistical summary concerning
monetary claims against the Reich which we compile monthly
from reports submitted by the U.S. Zone restitution authorities
and which illustrates the use we make of these reports. It is
emphasized that none of the value figures in this summary should
be included in the regular report of "Types and Estimated Values
of Property Restituted" which is attached hereto as Annex B.

You will

cc: Dr. Weinstain, l/w.
Rei. 366 Landesamt fuer Vermoegenskontrolle
September 30, und Niedergutachnung in Hessen,
17 Langgasse (Sportheus Schaefer),
Wiesbaden, Germany.

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- 2 -

You will note that the summary (Annex A), if based on correct reports from the restitution authorities, will furnish us with current information as to the liabilities of the Federal Republic arising from monetary claims against the Reich which will be most helpful to both the Federal Republic and this office. Accordingly, it would be appreciated if you request the restitution authorities to review their reports to us in the light of the definition of monetary claims set forth in paragraph 3 above and to make necessary adjustments with the least possible delay.

Very dear Dr. Weizsaecker:

Sincerely yours,

This is with reference to our recent conversation concerning the reporting on monetary claims against the Reich during which you expressed the desire for written instructions on this point. A recent visit of Mr. Preston to the Frankfurt Restitution Agency also indicated the ~~Summer~~ M. Leaventhal clarification of the issue.

Property Officer

Enclosed are claims against the Reich as distinguished from other restitution claims are those claims which do not result in actions against the German Reich, but which result in judgments or awards given by courts against the German Reich, the liability for the payment of which up to DM 1.5 billion including Berlin has been assumed by the Federal Republic under Article 4 of Chapter Three of the "Convention on the Settlement of Matters Arising out of the War and the Occupation".

In order to facilitate our observation of the monetary claims against the Reich aspect of the restitution program, it is necessary that this group of claims be reported separately. This also applies to the report on "Types and Estimated Values of Property Restituted". As this report is designed to reflect values actually restituted, the inclusion of awards awarded for monetary claims against the Reich would present an erroneous picture and it is therefore necessary that such awards, regardless of whether they are expressed in DM or in RM, be reported under a separate heading.

Attached as Annex A is a statistical summary concerning monetary claims against the Reich which we compile partly from reports submitted by the U.S. Zone restitution authorities and which illustrates the use we make of these reports. It is emphasized that some of the values figures in this summary should be included in the regular report on "Types and Estimated Values of Property Restituted" which is attached hereto as Annex B.

You will

CC:CD:MLeaventhal/lw.
Tel. 186Reichstrasse 10
September 29, 1958
17 Langgasse (Spartauschule),
Wiesbaden, Germany.

DECLASSIFIED

RG 466

Authority NWD 968095 Entry 160A

By AT NARA Date 7-29-99 Box 4

253-2

Dear Sirs: General Goettler, Mollnow Augst and Wiss JRSO
will be returning to Office of General Counsel

Office of the Director

JRSO claims will be sent out forwarded by the Land Central
Office should be registered as received immediately upon arrival
and reported as disposed of when final disposition (Vollabwicklung-
satz Beleidigung) has been made in accordance November 19, 1952

Justizministerium,
Abt. VI - Wiedergutmachung,
57 Gerokstrasse,
Stuttgart-6, Germany.

Sirs:

Werner H. Lichtenhal

This will confirm a telephone conversation of November 12,
1952 between Dr. Ruchn and Mr. Kielke of this office concerning
statistical reporting on JRSO claims assigned to Land Württem-
berg-Baden, January 1953.

Referring to page 3 of the "Statistical Internal Restitution
Progress Report" (copy attached), it should be noted that the
bulk assignments of JRSO claims to the Länder Hesse and Bremen
have been reported as unit transactions and therefore appear as
one entry under "Types of Final Dispositions". This procedure
is the most convenient and the least confusing and we intend
to report the bulk assignment of JRSO claims to Land Württem-
berg-Baden in the same manner.

It is understood that your current procedure for forwarding
JRSO claims from the Land Central Office (LCO) to the Restitution
Agencies provides that prior to forwarding it is determined in
each case whether it is included in the JRSO bulk settlement.
In order to report as heretofore and avoid increases subject to
misinterpretation in the number of JRSO claims reported as
"received and on hand" in the "Monthly Statistical Internal
Restitution Progress Report", it is preferable that cases for-
warded to Restitution Agencies as being included in the JRSO
bulk settlement and designated as assigned to the Land will not
be shown in the Progress Report as "received and on hand" until
you submit to us a report on the total number of claims so
assigned which we hope to receive in January 1953. Upon receipt
of your statement, the Progress Report will be adjusted simul-
taneously, i.e., the cases now being forwarded by the Land
Central Office and designated as assigned to the Land will at
the same time be listed as "received and on hand" and as "bulk
settled". There will only remain on hand for disposition

SC-OB-Wilkenenthal/lw.

Gen. 3237

those

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those JESO cases which have not been assigned and which JESO will continue to process.

JESO claims not assigned and forwarded by the Land Central Office should be registered as received immediately upon receipt and reported as disposed of when final disposition (rechtskräftige Erledigung) has been made in accordance with present practice.

ADT. VE - Very truly yours,
Werner Loewenthal,
Stuttgart, Germany.

Sir(s):

This will confirm a telephone call from Property Officer WERNER LOEWENTHAL, Dr. Kuhnke and Mr. Blaich of Stuttgart reporting on JESO claims assigned to Land Württemberg. Copy of Internal Restitution Progress Report.

Reported on page 1 of the "Statistical Internal Restitution Progress Report" (copy attached), it should be noted that the bulk assignments of JESO claims to the Landes Württemberg and Preussen have been reported as made transversely and therefore appear on one entry under "Type of Final Disposition". This procedure is the most convenient and the least confusing and we intend to report the bulk assignment of JESO claims to Land Württemberg before in the same manner.

It is understood that your current procedure for forwarding JESO claims from the Land Central Office (LCO) to the Hauptzivilamt Agencies provides that prior to transmitting it to Antwerp and in each case whether it is included in the JESO bulk assignments, to advise us before and avoid unnecessary subject to misinterpretation in the return of JESO claims as either as "received and on hand" in the "Monthly Statistical Internal Restitution Progress Report", it is preferable that access be given to Hauptzivilamt Agencies so that included in the JESO bulk assignment and designated as assigned to the Land will not be shown in the Progress Report as "received and on hand" until you consent to us a copy of the total number of claims so assigned which we hope to receive in August 1949. Upon receipt of your statement, the Progress Report will be corrected accordingly. I.C.: The cases now being forwarded by the Land Central Office and designated as assigned to the Land will in the same time be listed as "received and on hand" and as "not settled". There will only remain on hand the assignments

CC:OD:WMLoewenthal/lw.
Tel. 3247.

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RG 966

Authority NND 968095

Entry 160-A

By BM NARA Date 7/23

Box 5

254.3

November 9.

194

translation Nov 49/jf

Ministry of Justice
 Württemberg-Baden
 Branch Karlsruhe
 Restitution Section

November 9, 1949

TO: IRSE Mr. Yager
 Stuttgart, 2a Uhlandstrasse

SUBJECT: Restitution Procedure under Law No.59

You asked for our opinion to give the grounds why the Restitutors show less willingness to settle Restitution procedures in an amicable way.

1) The restitutors are of the opinion that on the West German federal territory will not always exist three various Restitution Laws, and in the western sectors of Berlin the forth one. The Federal Government will have to issue one unitary restitution law that will equalize the severity included in the American MG Law 59. They especially think of the strict liability of the Art. 30 of the MG Law, that excepts the good faith. They hope that the equalization of the various restitution laws will be modelled after the mildest one and the efforts in this respect, that are especially seen in the French Zone, will lead to a success.

2) The laymen take a standpoint that in the restitution case will be the same as in the denazification, i.e. the more the procedure is prolonged the more favorable will be decision for the restitutor. It is thought "to win time, to win all", and one day a final line will be drawn for the not settled cases. The inner policy as well as the foreign one may influence it.

3) One more cause for the reserve position of the restitutors are by the currency reform caused and not settled yet questions. How will be the after-payments, usufruct, and money compensations converted, 1:10 or 1:1? Both seems as the case may be unjust. The arbitrators frequently practice agreements on the ground 10:5 that are accepted both by the restitutors and the claimants. As long as the Board of Review has made no final decision on the conversion question, many restitutors take a reserve position in the hope that there will be made more favorable decision for them.

4) Not only the question of the immediate help, but also the future equalization of burdens plays a part. It is not settled yet who has to pay tax, in the future equalization of burdens, the restitutor of that time or the restitutee as a future owner. It is possible that in the future equalization of burdens some claimants will desist from their claims in case they are to make payments.

künftigen Lastenabzug steht noch offen, wer beim künftigen

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DECLASSIFIED

RG 466

Authority NND 968095

Entry 160-A

By LAM NARA Date 7/23

Box 5

8 November

194

- 2 -

5). Paragraph 4 influences the claimants, but in the opposite sense. They want clearance in the future equalization of burdens. The slight possibility for transfer of funds to the abroad and the unknown effect of devaluation of the pound frequently causes reserve on the claimant's part.

signature illegible

4.7 künftigen Lastenausgleichs steht noch offen, wer beim künftigen

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DECLASSIFIED

RG 966

Authority NND 968095

Entry 160-A

By DCM NARA Date 7/23

Box 5

254-3

TRANSLATION

Wuerttembergisch-Badisches
Justizministerium
Nebenstelle Karlsruhe
Abt. Wiedergutmachung

Karlsruhe, November 8, 1949
Hoffstr. 10

Ma/U.

TO : IRSB, Mr. Yager, Land Supervisor,
Stuttgart, 2a Uhlandstrasse.

SUBJECT: Restitution Proceedings under Law No. 59.

You have asked to be informed of the reasons which in our opinion are responsible for the reluctance of restitutors to settle restitution proceedings in an amicable way.

- 1.) The restitutors are often of the opinion that in the long run there cannot be in force within the territory of the Western German Federation three different restitution laws, with an additional one in the Western Sectors of Berlin, but that the Federal Government will have to issue a uniform restitution law which at the same time will equalize the severity contained in US Military Government Law # 59. They think especially of the strict liability imposed by Art. 30 of the Law which excludes the possibility of a transaction in good faith on the part of the restitutor and that the efforts in this respect, which are evident especially in the French Zone, will be successful.
- 2.) Laymen sometimes take the point of view that something similar to what has happened to the denazification proceedings may happen to the restitution proceedings, i.e. the longer the proceedings last the more favorable to the restitutors will be the decisions. People believe that "He who gains time, gains everything" and that one day the final line will be drawn under the restitution cases which are not yet settled. Speculations with regard to the internal as well as to foreign politics may be here of influence.
- 3.) Another reason for the reserved attitude of the restitutors are the problems resulting from the currency reform which have not been solved as yet. How are additional payments, usufruct and monetary claims for damage converted, 1:10 or 1:1? Both alternatives seem unjust as the case may be. Arbitrators have often been able to reach an amicable settlement on the basis of 10:5. As long as the Board of Review has not finally decided on the question of conversion, many restitutors will delay the restitution in the hope that the question of conversion may be decided in their favor.
- 4.) Auch die künftigen Lastenausgleichs Spiele, die beim künftigen Lastenausgleich die steht noch offen, wer beim künftigen Lastenausgleich die

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Authority NND 968095

By BAM NARA Date 7/23

RG

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Entry 160-A

Box 5

- 2 -

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- 4.) The question of the Immediate Help Program (Soforthilfe) as well as of the future equalization of burdens is also of importance in this connection. It is still to be decided who will have to pay the tax in the future equalization of burdens, the present restitutor or the restitutee as future owner. It may well be possible that the tax to be paid in the future equalization of burdens will induce many a restitutee to desist from his restitution claim if he has to pay the tax or if he can be charged with it.
- 5.) Point 4 is also of importance to the restitutees, however in the opposite sense. In the first place they wish to be clear about the future equalization of burdens. Because of the lack of a possibility to transfer the additional payment to a foreign country and the effect of the devaluation of the Pound Sterling which cannot yet be overlooked, a reserved attitude on the part of the restitutors may also often appear advisable.

By order of:

/s/ Malende.

4.) Auch die Frage nicht nur der Soforthilfe spielt hierbei eine Rolle. Fü künftigen Lastenausgleichs steht noch offen, wer beim künftigen Lastenausgleich di

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Authority NND 968095
By BAM NARA Date 7/23RG 966
Entry 160-A
Box 5

2SS (2052)

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ZENTRALANMELDEAMT
(Central Filing Agency)
Bad Nauheim, Germany

30. September 1949

SUBJECT: Register of Securities Claimed under MG Law No. 59

TO : Office of the U.S. High Commissioner for Germany
Office of Economic Affairs
APO 742, U.S. Army

Attn: Mr. Frank Miller

1. The accompanying packages contain one complete set of the Register of Securities claimed under Military Government Law No. 59 (1,328 petitions, numbered 10 to 142 971).
2. Three sets of this register had been transferred to PC&EA Branch in Wiesbaden.
3. This register was prepared in accordance with instruction no. 14 and is classified as "Confidential".
4. Please sign attached copy of this letter in acknowledgment of receipt.

Bernard Fischbein
BERNARD FISCHBEIN
Chief

Tel.: BAD NAUHEIM 5093

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~~DECLASSIFIED~~

RG 966

Entry 160-A

Box 5

255 (20F2)

Authority NND 968095
By BAM NARA Date 7/23

OFFICE OF THE HIGH COMMISSIONER FOR GERMANY (U.S.)
 Office of Economic Affairs
 APO 807 US Army

26 October 1949

TO : OEA - Mr. Loewenthal
 FROM : OEA - Mr. Herman
 SUBJECT: Control Records of CFA

The routing of the correspondence for the Central Filing Agency through the Internal Restitution Supervision Branch, and the pre-screening and grouping of the correspondence by the Internal Restitution Supervision Branch into two major categories which are forwarded to the Central Filing Agency for action, namely Functional and Routine Correspondence, has made it necessary for the Central Filing Agency to adjust the control records for incoming correspondence.

The previous control record (see annex A) has proved inadequate. Therefore, the revised control record (see annex B) is submitted for your approval. It is requested that this matter be given your immediate attention insofar as it will be overburdensome to determine statistics regarding correspondence routed through the Internal Restitution Supervision Branch if the old control record remains in use.

The undersigned recommends immediate approval.

Telephone BAD MAUHEIM 5093

CES: John J. Herman ST

O.K.
M.J.

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RG	466
Entry	160-A
Box	5

Authority NND 968095
By BM NARA Date 7/23

255
(20F2)

(Uebersetzung)

OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY
OFFICE OF THE UN Office of Economic Affairs FOR GERMANY
Office Property Division Aids
Property APO 807
APO 807

27 October 1949

27. Oktober 1949

SUBJECT: Instruction No. 3: Forwarding to Restitution Agencies of Correspondence at Present Held in Suspense by the Central
An Filing Agency
das Zentralenmeldeamt
ETO-Nauheim Central Filing Agency
APO 807
z.Hd. Herrn Bad Nauheim, Germany

Attn: Mr. Dehn

Betr.: Anweisung Nr. 3: Weiterleitung an die Wiedergutmachungsämter von der Zeit vom Zentralenmeldeamt zurückgehaltenen Schriftstücke.

1. The Central Filing Agency is hereby authorized to forward to the appropriate Restitution Agency or to the Restitution Agency with General Jurisdiction established by Regulation No. 6 to Military Government Law No. 59, all correspondence appearing to be in the nature of or relating to a claim whenever said correspondence is held in suspense because of deficiencies in form or contents and correspondents have been informed accordingly. leiten, sofern besagte Schriftstücke bisher zurückgehalten worden sind, 2. If correspondence referred to above has been received in single copies only, a brief extract of the pertinent facts contained therein will be made for the records of the Central Filing Agency before forwarding said correspondence to Restitution Agencies. In der genannten Art nur in einfacher Ausfertigung eingegangen, so ist vor Weiterleitung an die Wiedergutmachungsämter ein kurzer Auszug des wesentlichen Inhalts für die Akten des Zentralenmeldeamtes zu machen.

WERNER M. LOEWENTHAL
Chief

1 Incl: Translation Internal Restitution Supervision Branch

Telephone: BAD NAUHEIM 2041, 2241
Ext. 174 Internal Restitution Supervision Branch

Tel: Bad Nauheim 2041
App. 174

303093

DECLASSIFIED
Authority NND 968095 RG 966
By BAM NARA Date 7/23 Entry 160-A
Box 5
2SS
(20F2)

28 Oct. 49
WML/er

CFA

DRAFT

1. Reference is made to your communication dated
regarding your intention to file a claim for Restitution with the Central
Filing Agency under Military Government Law No. 59, and to our letter dated
..... informing you of the requirements for filing petitions under
Military Government Law No. 59. According to our records a reply to the afore-
mentioned letter has not been received.

2. Under the provisions of Military Government Law No. 59 the
Central Filing Agency is responsible for the transmittal of a claim or petition
received by it to the Restitution Agency of the district in which the property
is located. In the event the location of the property cannot be determined,
the Central Filing Agency is authorized to forward such claims or petitions to
the Restitution Agency with General Jurisdiction situated at Wiesbaden, Germany,
established in accordance with Regulation No. 6 to Military Government Law
No. 59.

3. In compliance with the above, the Central Filing Agency is now
clearing its files and forwards all correspondence received by it appearing to
be in the nature of or related to a claim, to Restitution Agencies.

4. The aforementioned correspondence has, therefore, been forwarded
to the following Restitution Agency on:

5. The responsibility of the Central Filing Agency thereby ceases.
Final disposition of your correspondence is a function of the above-mentioned
Restitution Agency which will in due time communicate with you and to whom any
future correspondence in this matter should be addressed. *to social agency*

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RG 966

Authority NND 768095

Entry 160-A

- " BATT 7/23

5

ZSS 20P2

ZENTRALANMELDEAMT
 (Central Filing Agency)
 Bad Nauheim, Germany

Reference Number: _____
 Please use in all correspondence
 Date: _____

Dear

Reference is made to your communication dated [redacted], regarding your intention to file a claim for restitution with the Central Filing Agency under Military Government Law No. 59, and to our letter, dated [redacted], informing you of the prerequisites required to file a petition for restitution under Military Government Law No. 59.

According to our records, the aforementioned letter has not been answered by you; however, under the provisions of Military Government Law No. 59, the Central Filing Agency is responsible for the transmittal of a claim or petition to the Restitution Agency of the district in which the property subject to restitution is located, or, in the event it is not possible to determine the location of subject property, then to forward said claim or petition to the Restitution Agency with General Jurisdiction, located at Wiesbaden, Germany, which has been established in accordance with Regulation No. 6 of Military Government Law No. 59.

In order to terminate the responsibility of the Central Filing Agency, your communication has been forwarded to the following Restitution Agency:

You will in due time receive notification from the Restitution Agency named above as to the future disposition of your correspondence.

Therefore, all further correspondence pertaining to your communication should be directed to the afore-indicated Restitution Agency.

ZENTRALANMELDEAMT

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DECLASSIFIED
Authority NND 968095
By LM NARA Date 7/23

RG 466
Entry 160-A
Box 5

255 Z OF 2

5 October 1949
WML/kj

MEMORANDUM

SUBJECT: Telephone Conversation between Mr. Daniels and Mr. Loewenthal
on 3 October 1949.

In a telephone conversation on 3 October 1949 between Mr. Daniels and the undersigned, the following matters were discussed and authorizations were obtained:

- a) This office was authorized to instruct the Central Filing Agency to forward inquiries received by it and concerning the General Claims Law to the Office of the Attorney General for Racial, Religious and Political Persecutees.
- b) Authorization was obtained for this office to instruct the Central Filing Agency to answer on its own routine correspondence covered by form letters and correspondence the reply to which is covered by established policy. Such correspondence shall be signed by Mr. Dehn across the word "Zentralanmeldeamt" which will appear at the end of all letters of this nature originating with the Central Filing Agency.
- c) With respect to inquiries of persons seeking remedy because they have failed to file their petitions under MG Law No. 59 within the time limit prescribed, Mr. Daniels stated that he would have to give some thought to the reply to be given by the Central Filing Agency in answer to correspondence of this nature. Such correspondence will be held in suspense until further notice.

WERNER M. LOEWENTHAL

Chief

Telephone: BAD NAUHEIM 2041
Ext. 174

Internal Restitution Supervision Branch

303096

DECLASSIFIED
Authority NND 968095
By BAM NARA Date 7/23

RG 466
Entry 160-A
Box 5
ZSS 20F2

WML/kj

AMERICAN OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY
Office of Economic Affairs
Proprietary Division
APO 607

Referenznummer:

6 October 1949

SUBJECT: Instructions No. 1: Processing and Forwarding of Petitions

To the Central Filing Agency
APO 607
Bad Nauheim, Germany
2. Rd. Herrn Dehn
Attn: Mr. Dehn

Betreff: Anordnung Mr. L. Bezeichnung und Weiterleitung von Annullungen

1. Effective this date, the Central Filing Agency will forward to Restitution Agencies single delinquent petitions and supplements to petitions received by it, after extraction of all pertinent facts contained therein, and make for its file an annual register, die nur in einem aufzufertigende eingereichte werden sind, nach Auffertigung von Anspesen. This procedure shall also apply to general claims now received by the Central Filing Agency and which, in accordance with present instructions, are being forwarded to the Restitution Agency with General Jurisdiction. Einzelanträge sollen auch aufzufertigende Einfachanträge ausgeschlossen ausgenommen werden, die jetzt beim Zentralamtsdepartement eingehen. 2. Acknowledgment to claimants or their agents will be made by stamp-form letter No. 6, which has previously been therunterliegt worden.

4. This supersedes all previous instructions issued with respect to the processing and forwarding of petitions, if any.

5. Verordnung habe alle bisherigen Vorschriften auf, die für Rechtlich auf die Bezeichnung und Weiterleitung von Annullungen erlassen wurden.

WERNER M. LOEWENTHAL

Chief

Internal Restitution Supervision Branch

Telephone: BAD NAUHEIM 2061
Ext. 174

WERNER M. LOEWENTHAL

Chief

Internal Restitution Supervision Branch

Info Copy to Prop.Div.
Tel.: BAD NAUHEIM 2061
Ext. 174

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DECLASSIFIED

Authority NND 968095
By BAM NARA D-16 7/23RG 966
Entry 160-A
Box 5255 (20F2)

JJH/hn

OFFICE OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY
Office of Economic Affairs
Property Division
APO 807

30 September 1949

SUBJECT: Change of Title

TO : Office of the United States High Commissioner for Germany
Office of Administration
Mail Room
APO 807
Bad Nauheim, Germany

1. Due to the liquidation of CMGUS and the establishment of the Office of the United States High Commissioner for Germany and due to the contraction of personnel, the Central Filing Agency will be administered and supervised from this office.

2. It is requested that all mail addressed to Central Filing Agency or personnel of the Central Filing Agency be channeled through this office.


WERNER M. LOEWENTHAL
Chief
Internal Restitution Supervision Branch

303098

DECLASSIFIED

Authority NND 968095
By BM NARA Date 7/23RG 466
Entry 160-A
Box 5

255 (20P2)

255

Memorandum for the Contractors of Sept 22 September 1949
 and for the Secretary of Restitutional Authority of the Central
 Office of Supervision Section

MEMORANDUM

SUBJECT: Instructions for the Contractors of Sept 22 September 1949
 (see para. I, Agency all of the Central Filing Agency and the staff and
 utilized for the project will be devoted to getting out the approximately
 10,000 pieces of Form Letter No. 6). This, on the basis of Mr.
 Fischbein's estimates, should require approximately a week. The completion
 of this task Attn: Messrs. Fischbein and Leewenthal it will substantially
 diminish the number of inquiries addressed to the Central Filing Agency
 which require recourse to the files because each claimant will then have
 been advised of the Restitution Agency handling his case, with regard to most
 I. Present Status of the same. The project will be given full priority
 over any of the other items under Section II, above.

1. According to the best estimates of Mr. Fischbein all petitions and reports will have been forwarded to the Restitution Agencies by 30 September 1949. This includes the petitions by Public Prosecutors under Art. 70 of MG Law No. 59, as well as all reports under Arts. 73 and 74 of that Law. It also includes all cumulated correspondence consisting of substantiating material to petitions already filed. As of this date there are approximately 15,000 acknowledgments to be made on Form Letter No. 6 of which 5,000 will have been sent out by 30 September 1949. Subsequent to the mailing of this letter, the work for forwarding to Property Division will be correspondingly less.
2. The Central Filing Agency receives approximately 50 pieces of miscellaneous correspondence per day. Examination of examples of this correspondence reveals that the bulk thereof is not essentially different from or more important than, correspondence presently being handled directly by LCAHs and the HVW. Approximately 90% of it is in the German language and a substantial proportion of this originates in Germany. A substantial proportion of this correspondence does not require reference to files or other source materials in the Central Filing Agency for intelligent reply, but does require a knowledge of Law No. 59 and of Internal Restitution Procedures and practices. Those letters the answering of which requires recourse to Central Filing Agency files will substantially diminish in number when the mailing of Form Letter No. 6 acknowledgments has been completed.

3. All other office furniture, equipment, supplies, etc., required by the IRSO will also accept transfer of responsibility for Central part.

3. 10,000 acknowledgments (Form Letter No. 6) remain to be sent out. Mr. Fischbein estimates that with most of his staff working on this project it would be possible to send out about 2,000 acknowledgments a day.

and handling has begun in this office by Mr. Leewenthal will.

4. The Action Record Card System (Kontrollkartei) remains to be set up and made current.

5. The correspondence which will continue, but at a diminishing rate, must be handled.

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Authority NWD 968095
By BAM NARA Date 7/23RG 466
Entry 160-A
Box 5

Memo to CFA and IRSS dtd 22 Sept. 49, subj.: Instructions with Respect to Activities of CFA

-2-

III. German personnel will be authorized for the Central Filing Agency. Instructions for the Contraction of Central Filing Agency Activities and for the Transfer of Responsibility therefor to the Internal Restitution Supervision Section.

6. Immediately after all petitions and reports have been forwarded (see par. 1, above) all of the Central Filing Agency staff that can be utilized for the project will be devoted to getting out the approximate 10,000 acknowledgments (Form Letter No. 6). This, on the basis of Mr. Fischbein's estimates, should require approximately a week. The completion of this task as soon as possible is important since it will substantially diminish the number of inquiries addressed to the Central Filing Agency which require recourse to the files because each claimant will then have been notified of the Restitution Agency handling his case, with which he may correspond regarding the same. This project will be given full priority over any of the other items under Section II, above.

7. Beginning immediately, the Internal Restitution Supervision Section will receive for processing all mail addressed to the Central Filing Agency. The IRSS will process this correspondence in substantially the same manner as it processed the correspondence received by it after the break-up of the Property Control & External Assets Branch. This will require separation of the mail into three general groups: one for forwarding to the HWV for answering (the bulk of the correspondence will probably fall into this group), one for forwarding to Property Division (this correspondence will be very small and consist only of inquiries by Congressmen or matters of a similarly important nature), and a third group which discloses matters which the IRSS feels warrant investigation by it or require a reply for which reference to Central Filing Agency files will be necessary. The IRSS will immediately begin preparation of such additional form letters as it may feel will be helpful to itself or to the HWV in answering correspondence. A study of the Rules for Guidance of HWV in Handling of Correspondence, dated 20 July 1949, and the form letters attached thereto may be helpful for this purpose. It is expected that the transfer of this function will free Mr. Fischbein for full devotion of efforts to forwarding the balance of petitions and reports and getting out the acknowledgments (Form Letter No. 6).

8. All the office furniture, equipment, supplies, etc., charged by the Post against Mr. Fischbein should be transferred as soon as possible to the IRSS. IRSS will also accept transfer of responsibility for German personnel and for all other matters which the Post may require in transferring responsibility for the Central Filing Agency to the IRSS. It is contemplated for this purpose that Mr. Herman will be considered as located in, and having his office in Friedberg and that he or Mr. Loewenthal will, after Mr. Fischbein's departure, actually spend a portion of each day at the Central Filing Agency. Mr. Loewenthal will determine and make such changes in Message Center operation and other work practice as may be necessary.

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ZSS (202)

Authority NND 968095
 By BAM NARA Date 7/23

Memo to CFA and IRSS dtd 22 Sept. 49, subj.: Instructions with Respect to Activities of CFA in UNTER AND THE HIGH COMMISSION FOR GERMANY

-3-

9. Sixty German personnel will be authorized for the Central Filing Agency after 1 October 1949 with eventual reduction to a permanent staff of 15 to 20 employees. The authorized strength of sixty will give an actual strength of approximately 50 employees making allowance for absence due to leave, sickness, etc. This staff should be kept intact and employed full time until completion of all assignments under Section II hereof before reduction to permanent staff size is contemplated.

10. The degree of use of the Action Record Card System will be finally determined by what experience shows can be accomplished by the ten employees which are contemplated for the assignment. It is generally recognized that it will not be advisable to attempt to receive reports of and post on the Action Record Cards all the 62 actions set forth on the Key Card. The number of actions which will be actually reported and recorded on the Action Record Cards is presently being studied by Messrs. Fischbein and Loewenthal who will advise Property Division of their recommendation as soon as possible.

11. According to the best estimation of Mr. Fischbein all petitions and communications containing supplementary material with respect to petitions already filed will continue to be processed until the publication of a regulation under MG Law No. 59 is in process of preparation which will relieve the Central Filing Agency of any obligation to accept further petitions. Petitions will continue to be processed until the publication of this regulation unless for one reason or another they cannot be properly routed to the Restitution Agency pursuant to Instruction No. 4 to the Central Filing Agency, dated 6 January 1948. Such petitions will be returned to the sender with appropriate form letter. After publication of the regulation all petitions will be returned to the sender with appropriate form letter. Communications containing supplementary material with respect to petitions already filed will continue to be processed until 31 October 1949. After that date such communications will be returned to the sender advising him to correspond directly with the Restitution Agency handling the case.

12. Messrs. Fischbein and Loewenthal are requested to call to the attention of the Property Division any problems connected with the transfer of responsibility for Central Filing Agency activities to the Internal Restitution Supervision Section which are not dealt with or sufficiently settled in the foregoing instructions.

WILLIAM G. DANIELS

Deputy Chief, Property Division

13. All 62 assignments (Form Letter No. 6) remain to be sent off. Mr. Fischbein estimates that with most of his staff working on this project it would be possible to send out about 8,000 acknowledgments a day.

14. The Action Record Card System (Kontrollkarte) needs to be used and made available.

15. The time schedule which will estimate, but at a diminishing rate, must be rigidly observed.

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DECLASSIFIED
 Authority NND 968095 RG 466
 By B.M. NARA Date 7/23 Entry 160-A
 Box 6

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20 July 1949

Rules for Guidance

of the

Hauptbuero fuer Vermoegenskontrolle und Wiedergutmachung in der U.S. Zone
 in the Handling of Correspondence

I. GENERAL RULES.

1. Letters and other communications from property owners or others will be answered directly by the Hauptbuero unless the reply requires material which a LCAH has or is in the best position to obtain. The Hauptbuero may, in its discretion, transfer full responsibility for direct correspondence in a given case to a LCAH or may simply request of the LCAH information upon which to base the reply.
2. The British and French Property Control authorities have not agreed to exchange correspondence directly with German Property Control agencies in the U.S. Zone. Accordingly all communications to the French or British authorities which will require a reply to or further exchange of messages with Military Government shall be forwarded through the Chief, Property Group, Office of the Economics Adviser, OMGUS, APO 742. This does not, however, preclude the HVW or the LCAHs from simply forwarding with appropriate form letter communications directly to appropriate French, British or Russian offices in the Zones of Occupation or the Sectors of Berlin for direct reply to the inquirer in accordance with the rules hereinafter set forth.
3. The Hauptbuero may carry on correspondence in either German or English in accordance with what seems most desirable in each individual case.
4. In all cases where communications are received by the Hauptbuero which charge misfeasance or malfeasance or other dereliction of duty on the part of any Property Control or Restitution official or personnel a copy of such communication shall be forwarded to the Chief, Property Group. The original communication will be brought to the attention of the appropriate German authorities for whatever action they deem necessary.
5. Where communications are received by the Hauptbuero containing claims or inquiries relating to property located in or events occurring in the Polish administered territories of Germany or in any other territory once a part of Germany but not located within the boundaries of Germany as those boundaries existed on 31 December 1937 the Hauptbuero will return the communication to the sender advising that the matter is not one in which the Military Government or German authorities can aid and suggesting that the sender address his inquiry to the Department of State, Washington 25 D.C. (Attached Form Letter No. 1 a). Where such an inquiry is receiv-

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Authority NND 968095
By B.M. NARA Date 7/23

ed from someone other than a citizen or resident of the United States the Hauptbuero will not refer the sender to the Department of State but will advise that the sender must by his own means ascertain and communicate with the proper authorities in the country administering the territory in question. (Attached Form Letter No. 1 b).

6. Where communications received by the Hauptbuero refer to claims or matters relating to commercial, business or personal transactions not connected with a property presently under control or with transactions involving an element of duress because of race, religion, or political opposition to National Socialism, the Hauptbuero will return the communication to the sender, advising that the matter is one which the sender should settle through ordinary business, commercial or private channels and that transactional communications with German authorities or with German firms or individuals are authorized for that purpose. (Attached Form Letter No. 2).

7. All communications of the Hauptbuero intended for the Land Property Control Chief for the US Sector of Berlin will be sent directly to that office by the Hauptbuero using the following address :

Office of Military Government for Berlin Sector
APO 742-1, US Army

Attention: Property Control Branch

The Land Property Control Chief for Berlin Sector will generally transact all matters with the Property Control offices in the US Zone through the Hauptbuero.

III. RULES PERTAINING TO CLAIMS OTHER THAN THOSE FOR THE RETURN OF IDENTIFIABLE PROPERTY.

1. If the claim is alleged to arise from property located in or events occurring in the U.S. Zone of Occupation or the U.S. Sector of Berlin the Hauptbuero will acknowledge the receipt of the inquiry stating that at present no special legislation for the handling of such claims exist, that the new German federal government may at some future time enact such legislation but until that time the claimant has no remedy other than those which may be available under the general law and that the claimant must by his own means ascertain and exploit such remedies, if any exist. (Attached Form Letter No. 3).

2. If the claim is alleged to arise from property located in or events occurring in the British Area of Control the Hauptbuero shall acknowledge receipt of the claim advising that the letter has been forwarded to and future correspondence pertaining to the matter should be made by the claimant directly to the following address:

Property Control Branch
Office of the Assistant Financial Adviser
Zonal Executive Offices
C.C.G. Minden
64 H.Q. C.C.G. (B.E.)
B.A.O.R. 1.

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Authority NMD 968095
By [initials] NARA Date 7/23

(Attached Form Letter No. 4).

The Hauptbuero will then forward the original inquiry to the British authorities at the above address asking them to take such action as they deem appropriate and to communicate directly with the inquirer.

(Attached Form Letter No. 5).

3. If the claim is alleged to arise from property located in or events occurring in the French Area of Control the Hauptbuero shall acknowledge receipt of the claim advising that the letter has been forwarded to and future correspondence pertaining to the matter should be made directly to the following address:

Service Central du Controle des Biens
de la Division de l'Economie Generale
et des Finances, Baden-Baden, Germany.

(Attached Form Letter No. 6).

The Hauptbuero shall then forward the original request to the French authorities at the above address asking them to take such action as they deem appropriate and to communicate directly with the inquirer.

(Attached Form Letter No. 7).

4. If the claim is alleged to arise from property located in or events occurring in the Russian Area of Control the Hauptbuero will acknowledge receipt of the letter advising the claimant that action in such cases is limited to written requests to the Soviet Military Administration for an investigation and protective action, that the U.S. Military Government has no jurisdiction over claims relating to properties or arising from events outside the U.S. Area of Control and that the HMW will forward any reply or report received from the authorities in the Russian Area of Control. (Attached Form Letter No. 8). The Hauptbuero will then forward the original communication asking the Soviet Military Administration for investigation and protective action. The following address shall be used:

Soviet Military Administration in Germany
Finance Division
Berlin, Karlshorst

Attn: Mr. Maletin

(Attached Form Letter No. 9).

III. RULES PERTAINING TO CLAIMS RELATING TO RESTITUTION OF IDENTIFIABLE PROPERTY.

1. a. If the claim appears to fall under Military Government Law No. 59 the Hauptbuero, if it can not reply directly, shall forward the communication to the appropriate LCAH requesting him to make direct reply or to forward the communication to the appropriate Restitution authorities and advise the inquirer that he has done so.

b. If the LCAH finds that no petition has been filed in accordance with Article 56 he will advise the inquirer that the period for

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Box 6Authority NND 968095
By ~~BEM~~ NARA Date 7/23

filling a petition has lapsed and that his claim for restitution cannot be considered under the provisions of M.G. Law No. 59 and that any remedies, if any, must be found in the provisions of the general law.

2. If the claim pertains to identifiable property in the United States, French or British Sectors of Berlin the Hauptbuero will advise the claimant of the existence and address of the Berlin Central Filing Office for Restitution Claims the address of which is

Treuhaender der Amerikanischen, Britischen
und Franzoesischen Militaerregierungen
fuer zwangsuetertragene Vermoegen
Berlin W 30, Nuernbergerstrasse 53/55.

The original correspondence will be dispatched directly to the Berlin agency. (Attached Form Letter No. 10).

3. If the claim pertains to identifiable property in the British Zone the Hauptbuero will acknowledge receipt of the inquiry and notify the claimant of British General Order No. 10 and that the claim should be submitted to the

Central Claims Registry
Bad Nenndorf
186 H.Q. C.C.G. (B.E.)
B.A.O.R. 5.

The inquirer shall also be informed that appropriate forms may be secured from the nearest British Consulate or from the Central Claims Registry at the address indicated above. The claimant shall be advised that future correspondence pertaining to the matter should be made directly with the Central Claims Registry at the above address. (Attached Form Letter No. 11). A copy of the reply to the inquirer attached to the original communication will be forwarded to the Central Claims Registry at the above address. (Attached Form Letter No. 12).

4. If the claim pertains to identifiable property in the French Zone the Hauptbuero will acknowledge receipt of the inquiry and advise the sender that his communication has been forwarded to the French authorities at the following address:

Service Central du Controle des Biens
de la Division de l'Economie Generale
et des Finances, Baden-Baden, Germany.

The claimant should also be advised to address all future communications directly to the office above given. (Attached Form Letter No. 13). The claimant's communication shall be forwarded to the office above given. (Attached Form Letter No. 7).

5. If the claim pertains to identifiable property in the Russian Area of Control the Hauptbuero will acknowledge receipt of the communication advising that action is limited to written requests to the Soviet

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Box 6Authority NND 968095
By bem NARA Date 7/23

Military Administration for an investigation and protective action; that U.S. Military Government has no jurisdiction over claims relating to properties outside the U.S. Area of Control and that the Hauptbuero will forward any reply or report received from the authorities in the Russian Area of Control. (Attached Form Letter No. 14). The original communication together with a request for investigation and protective action will be forwarded to the Russian authorities at the following address:

Soviet Military Administration in Germany
Finance Division
Berlin, Karlshorst

Attention: Mr. Maletin

(Attached Form Letter No. 9).

IV. RULES RELATING TO CORRESPONDENCE PERTAINING TO BANK ACCOUNTS OR SECURITIES. (Other than those falling under M.G. Law No. 59)

1. If the bank accounts or securities in question are alleged to be or to have been in the U.S. Area of Control the Hauptbuero will acknowledge receipt of the letter stating that the communication has been forwarded to the Office of the Finance Adviser for appropriate action, that the Office of the Finance Adviser has been requested to reply direct to the inquirer, and that the inquirer should thereafter address all communications relating to the matter to the Office of the Finance Adviser, OMGUS, APO 742. (Attached Form Letter No. 15). The Hauptbuero will forward the original communication together with a copy of the reply to the Office of the Finance Adviser, address as above.
2. If the bank account or securities in question are alleged to be or to have been located in the British Area of Control the Hauptbuero will acknowledge receipt of the letter stating that the letter has been forwarded to, and request made for an investigation and a direct reply to the inquirer by the Office of the British Financial Adviser whose address is as follows:

Property Control Branch
Office of the Assistant Financial Adviser (Exec)
Zonal Executive Offices
C.C.G. Minden
64 Hq. C.C.G. (B.E.)
B.A.O.R. 1.

(Attached Form Letter No. 16). The original communication will be forwarded to the British Financial Adviser, address as above. (Attached Form Letter No. 5).

3. If the bank accounts or securities are alleged to be or to have been in the French Area of Control the Hauptbuero will acknowledge receipt of the letter stating that the inquiry has been forwarded to the French Financial Adviser at the following address:

Service Central du Controle des Biens
de la Division de l'Economie Generale
et des Finances, Baden-Baden, Germany

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By <u>BAM</u>	Box	<u>6</u>
NARA Date <u>7/23</u>		

(Attached Form Letter No. 17). The original inquiry will be forwarded to the French authorities at the above address. (Attached Form Letter No. 7).

4. If the bank accounts or securities are alleged to be or to have been in the Soviet Area of Control the Hauptbuero will acknowledge receipt of the letter stating that the inquiry has been forwarded to the Soviet authorities at the following address:

Soviet Military Administration in Germany
Finance Division
Berlin-Karlshorst

Attention: Mr. Maletin

(Attached Form Letter No. 18). The original inquiry would be forwarded to the Soviet authorities at the above address. (Attached Form Letter No. 9).

V. RULES CONCERNING CORRESPONDENCE REGARDING DECONTROL OF PROPERTIES.

1. If the property is located in the U.S. Area of Control the Hauptbuero will forward the communication of the owner to the appropriate LCAH with instructions to advise the owner that the administration of the property in question has been or is in process of being turned over to a German court. The LCAH shall advise the owners giving the name and location of the court, the name and address of the court-appointed custodian and such other information as the LCAH may have which will be of aid to the owner. The attached Form Letter No. 19 a will be used by the LCAHs for this purpose in case of citizens and residents of the United States and the attached Form Letter No. 19 b will be used in all other cases.

2. If the property is in the British Area of Control the Hauptbuero will acknowledge receipt of the letter informing the owner that the communication has been forwarded to the competent British authorities at the following address:

Property Control Branch
Office of the Assistant Financial Adviser (Exec)
Zonal Executive Offices
C.C.G. Minden
64 Hq. C.C.G. (B.E.)
B.A.O.R. 1.

The owner will be further informed that the British authorities have been requested to reply to him directly and that he should address any future correspondence directly to the above address. (Attached Form Letter No. 20). The original communication will be forwarded to the British authorities at the above address. (Attached Form Letter No. 5).

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By BAM NARA Date 7/23

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3. If the property is located in the French Area of Control the Hauptbuero will acknowledge receipt of the letter informing the owner that the communication has been forwarded to the competent French authorities at the following address:

Service Central du Controle des Biens
de la Division de l'Economie Generale
et des Finances, Baden-Baden, Germany

The owner will be further informed that the French have been requested to reply to him directly and that he should address any future correspondence directly to the above address. (Attached Form Letter No. 21). The original communication will be forwarded to the French authorities at the above address. (Attached Form Letter No. 7).

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Authority NWD 775113

By AP NARA Date 8-5-99RG 260
Entry Prop
Box 6

Republic of Portugal
 Province of Extremadura
 City of Lisbon
 Embassy of the
 United States of America

The story of the yacht "Hungaria" in short.

Originally I received the yacht "Hungaria" as a present from Hitler, on the occasion of my 75th birthday in 1943, which occasion he used, to try to ameliorate the tension that was existing between us. This surprise was very unpleasant to me at that time, but considering our political situation I could not risk a refusal. Nevertheless, I was resolved not to use it and ordered it to be laid up at once. It was anchored in the Danube port of Obuda (Budapest) and lay there until the Germans evacuated Hungary. I was a prisoner of the Gestapo at the time when the evacuation was carried out, and as I have since been informed it was carried out by Lieutenantcommander Lautenschläger under the directions of Heeresgruppe Süd Transportofficer Major Hausmann and the whole evacuation was supervised by "SS Sonderbeauftragter" Becher. Like all the Danube vessels, the yacht Hungaria also was included in the general evacuation and was taken - together with the other vessels - first to Linz and then on to Passau (Niederbayern). At the end of the War the "Hungaria" was taken over by the American Occupation Army.

In October 1944, when I was taken to Germany and interned there, I was not supposed to take any valuables with me, the SS-troops in Budapest invaded my residence and took everything we possessed there, and in my country-home in Kenderes. When I found myself in Germany after the War and realised that the only possession I had was the Yacht Hungaria - the Communist Government meanwhile had taken all real estates I had in Hungary - I put in my claim for the restitution of the yacht, being penniless at the age of 81 with a family to support.

Admiral Nicholas de Horthy

10
Estoril, December 4, 1949

Subscribed and sworn to before me, Buford G. Rogers, Vice Consul of the United States of America in and for the consular district of Lisbon, Portugal, duly commissioned and qualified, this 10th day of December, 1949.

Service No. 3216.
 Fee U.S. currency \$2.00
 Equivalent to Esc 60.00
 Item No. 24.



Buford G. Rogers,
 Vice Consul of the United States of America.

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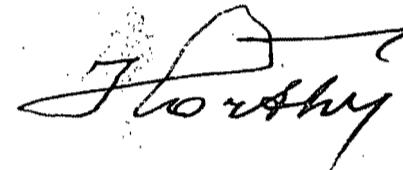
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Authority NND 775119
By AM NARA Date 8-5-79

RG 260
Entry Prop
Box 6

In case a witness should be needed to state that the yacht Hungaria is my private property, I hereby suggest the questioning of Admiral Raeder.

Admiral Raeder was in Supreme Command of the German Navy when he brought the yacht Hungaria personally to Hungary, handing it over to me as a personal present of Hitler.



Admiral Nicholas de Horthy

10
Estoril, December 4, 1949



303110

DECLASSIFIED	RG 260
Authority NND765072	Entry FIN. DIV.
6/SR NARA Date 7-20-99	Box 420

Rest-General

OFFICE OF MILITARY GOVERNMENT IN GERMANY
Finance Division
P.O. 742

File Nr. ~~24417~~ 96015

21 January 1946

SUBJECT: Claims for the Restitution of Property - Staff Study

TO : Property Control Branch

1. It is requested that the following comments be incorporated in the Finance Division reply to the Legal Division with reference to the subject "Staff Study".

a. Paragraph 4 (a) should be amended to read substantially as follows:

"The restitution of tangible and identifiable property, both real and personal but exclusive of foreign exchange assets as defined in Military Government Law No. 53, including works of art, literature and science; intangible property, exclusive of foreign exchange assets as defined in Military Government Law No. 53, including stocks, bonds, bank accounts, evidences of indebtedness, and interest in business or commercial enterprises, including patents and patent rights, which have been the subject of transfer under duress or wrongful acts of confiscation, disposition or spoliation, whether pursuant to legislation or by procedure purporting to follow forms of law or otherwise. The method of settlement of claims arising out of Nazi persecution or discriminatory acts in Germany and involving foreign exchange assets will be made on exactly the same basis as other claims presented by individuals whose foreign exchange assets have been placed under Military Government control through the operation of Military Government Law No. 53. In all other respects, however, claims arising out of Nazi persecution or discriminatory acts in Germany and involving foreign exchange assets will be handled as outlined herein."

b. Paragraph 6 (a) should be amended to read substantially as follows:

"Return of the property in its present condition is all that the claimant can demand. Compensation measured by its present value in lieu of restitution will be permitted only in special instances and after Control Council approval has been given."

c. Paragraph 6 (c), next to the last sentence should contain the following additional statement:

"or by a charge against the German State."

d. Paragraph 6 (c), last sentence should include the same statement as noted in the paragraph next above.

e. Paragraph 6 (e), final sentence, delete "to the Marshall-Account" and change "or such indebtedness" to "of such indebtedness".

f. Paragraph 6 (f), should be amended to read as follows:

"A monetary award in lieu of property restitution (which will be permitted only with Control Council approval) or for damage or injury will be paid in RM and, in all those instances involving tangible or intangible property, exclusive of RM held in the form of cash or bank account, on the basis of the current RM value of the claim at the time of the award. Claims involving RM which were held in the

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THE NATIONAL ARCHIVES
DECLASSIFIED
Authority NND760072
By SR NARA Date 7-20-99

RG 260
Entry FIN. DIV.
Box 420
940.15

Staff Study

f. Cont.

form of cash or in bank accounts will be subject to restitution in the exact amount of the original confiscation, disposition, transfer under duress, etc. Any depreciation in the purchasing value of the RM will be borne by all the people of Germany and a claimant, as defined in this Study (Para. 7), should not be put in a better position than others similarly situated and who are not claimants."

g. Paragraph 6 (i) should be amended by deleting the clause "and a devaluation of its currency".

h. Paragraph 9 (a). It is suggested that the second and third sentences be deleted due to the fact that all claims will be paid in RM, and the two sentences are misleading as they indicate that payment to non-resident claimants may be in a currency other than RM.

i. Paragraph 9 (b 2). This paragraph should be amended to read substantially as follows:

"It must be accepted that many of the claimants in this class are not willing to return to Germany for the purpose of prosecuting claims and may seek their damages in the currency of the country in which they now reside. This will not be permitted as all claims must be settled in RM. The ability of the recipient to exchange such RM into a foreign currency or to remove to a foreign country movable chattels purchased with such an award in RM would, of course, depend upon Germany's future economic position. This cannot be predetermined."

j. Paragraphs 9 (b 3), 9 (b 3a), and 9 (b 3b), should be deleted entirely. There is no reason why non-resident claimants should receive compensation in a currency other than RM, thereby possibly receiving preferential treatment over claimants residing in Germany.

k. Paragraph 10 b, first sentence, should be amended to read substantially as follows:

"Such a Marshalling would assist the German State and its political sub-divisions in meeting the financial burden imposed by the program."

l. Paragraph 13, last sentence of first paragraph.

We raise the question as to whether any claim adjudicated under this program can be considered as a local rather than a national charge. It is our opinion that all of the claims which have been considered in this Staff Study as eligible for ultimate awards in the form of RM compensation, as distinguished from direct restitution of property other than cash or bank accounts, should be regarded as a charge against the German State or the Marshalling Account.

L. A. JENNINGS
Capt FD
Acting Chief
Foreign Exchange and Blocking
Control Branch

L. A. Jennings
Tel. Berlin 43731
Room 319, Finance Bldg.

303112

DECLASSIFIED
Authority NND 745072
By SP2 NARA Date 7-20-99

RG 260
Entry FIN. DIV.
Box 420
940.15

FED Policy

*Replies to
last memo*
HEADQUARTERS
U. S. FORCES EUROPEAN THEATER
Office of Military Government (U. S. Zone)
Financial Branch
Currency Section

File Nr 940.15

GE-FIN 151

(main) APO 757
31 October 1945

SUBJECT: Restitution Policy as to Items in Foreign Exchange Depository

TO : All Sub-Sections

1. Interim Policy: - Cables CC-15668, 4 September 1945, W-65159, 17 September 1945, S-27954, 14 October 1945, and WX-77546, 20 October 1945, establish interim policy as to claims for restitution of gold and silver coin and bullion, securities, jewelry, precious stones and similar valuables held in Foreign Exchange Depository. In effect the policy is that no action will be taken at this time on such claims other than the recording of same. This applies also to non-German currencies. (See WX-59041, 3 September 1945, which authorizes reply to request for such currencies by stating that we are obliged to retain them pending inter-governmental agreement as to disposition.) Only exception to this rule is as to objects of art, which may be restored through Reparations, Deliveries and Restitutions Section, Economics Branch, in coordination with Monuments, Fine Arts and Archives Section.

2. Proposed Policy: - Cable WX-75141, 12 October 1945, to USFET requested comment on proposed restitution directive being considered by State, War and Navy Coordinating Committee in Washington. This proposal in effect is as follows: Eventual restitution is dependent on submission by interested governments, of consolidated lists of claims, followed by visitation from missions from such countries for the purpose of substantiating claims, locating, identifying, and inspecting properties involved. Provision is to be made for a system of receipts to be given. Enumerated allied countries are being invited first to prepare lists and will later send such missions. No claims of individuals are to be considered or dealt with except as submitted in such consolidated lists by their respective governments. Currency is to be delivered to the country of issue without necessity of proof that it was looted or otherwise acquired from that country during German invasion or occupation. Suggestions and comments have been submitted by Office of Military Government for Germany (U.S.), CC-17817, 20 October 1945, and by Financial Branch, Office of Military Government (U. S. Zone), S-29224, 25 October 1945. A comprehensive directive is expected from Washington when discussion is concluded.

3. It is anticipated that during the interim policy period qualified personnel will have begun the work of inventorying and cataloguing items such as securities, jewelry and precious stones now held in the Foreign Exchange Depository. (See WX-77546, 20 October 1945.)

H. D. Cragon
H. D. CRAGON
Lt. Col., FD
Chief, Currency Section

303113

DECLASSIFIED
Authority NND7605072
By SIC NARA Date 7-20-99

RG 260
Entry FIN. DIV.
Box 420

940.1S

dhm

USFET MAIN 209/25

TOD 201130B OCT

TOR 250609A OCT

SECRET

ROUTINE

FROM : CMC FOR GUS SIGNED CLAY
TO FOR ACTION : AGWAR FOR WAROP DIV
FOR INFO : USFET MAIN
REF NO : CG-17617 20 OCTOBER 1945

Subject is WZ-75141 addressed to USFET Main.

These are our comments on proposed directive on restitution (directive generally already in effect as result of WARCAB cables W-63159 and W-70762).

Comments

1. Does "requirements" in last line include military requirements such as transport equipment needed for redeployment or other military purposes? Recommend clarification.

2. A. Subparagraph 2 A omitted.

B. Recommend subparagraph 2 B read as follows: "Works of art and cultural works of either religious, artistic, documentary, scholastic or historic value including, as well as recognised works of art, such objects as rare musical instruments, books and manuscripts, scientific documents of an historic or cultural nature and all objects usually found in MUSEUMS, Collection, Libraries and Historic Archives which can be identified as having been looted, plundered or purchased under duress by GERMANS from the UNITED NATIONS during the German Occupation." This definition is being used and will probably be agreed in present quadripartite negotiations.

C. Does "Acquired in any way" in subparagraphs 2B, 2C and 2D include ordinary commercial transactions not carried out under duress? British have raised this point in quadripartite discussion. They have indicated informally that their policy will be not to make restitution under those conditions. Recommend restitution be limited to commodities looted, plundered or purchased under duress.

3. A. Assume lists would be delivered to us through US Embassies in claimant Countries and that it is not contemplated lists would be sent first to WASHINGTON. Suggest clarification so claimants will understand clearly where to deliver lists.

303114

DECLASSIFIED	RG	260
Authority NND765072	Entry	FIN. DIV.
By SC NARA Date 7-20-99	Box	420

WAR

USFET MAIN 532/12

TOD 121542Z OCTOBER

TOR 121813A OCTOBER

SECRET ROUTINE

FROM : AGWAR FROM WAROPDIV
 TO TOR ACTION : USFET (MAIN), HQ US FORCES AUSTRIA
 REF NO : WK 75141, 12 OCTOBER, 1945

Now being considered by State War Navy Coordinating Committee is the issuance of a similar directive to both AUSTRIA and German Zone Commanders on restitution. Your comments and recommendations are requested on the proposed directive. The draft directive follows:

"1. You will seek to obtain agreement in the Control Council to the application in the other zones of occupation of the policies laid down in this directive. If, in your judgment, it appears impossible to obtain Quadripartite agreement, you will explore the possibilities of a Tripartite agreement applicable to the Western Zones and make appropriate recommendations to the Joint Chiefs of Staff. You will proceed with the application of this directive in your own zone even prior to agreement, provided, however, that restitution of property defined in Paragraphs 2(C) and 2(D) will be effected only when the return of such property is certified by the appropriate representative of the claimant country to be urgently required for the rehabilitation and reconstruction of his country. The restitution or distribution of items subject to restitution shall not be delayed on the ground that they are needed to meet the requirements in any zone of occupation.

"2. Without prejudice to the formulation of a definitive restitution program, the following categories of property shall, as an interim measure, be subject to restitution in accordance with the provisions of this directive:

B. Works of Art, books, artistic or historic archives, and other artistic, historic, cultural or religious property identified as having been looted or acquired in any way by Germans from United Nations countries during German occupation;

C. Heavy and power driven industrial and agricultural machinery and equipment, railling stock, locomotives, barges and other transportation equipment (other than sea going vessels) and communication and power equipment identified as having been looted or acquired in any way by Germans from United Nations during German occupation;

D. Other goods, valuables, materials, equipment, livestock and other property found in storage or otherwise in bulk form and identified as having been looted or acquired in any way by Germans from United Nations during German occupation.

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DECLASSIFIED	RG 260
Authority NND745022	Entry FIN. DIV.
By SP2 NARA Date 7-20-99	Box 420

PROCEDURES FOR RESTITUTION

"3. Your Government will transmit to you from the governments of the USSR, FRANCE, BELGIUM, LUXEMBOURG, NETHERLANDS, NORWAY, DENMARK, POLAND, CZECHOSLOVAKIA, YUGOSLAVIA and GREECE lists of property claimed to have been taken from their countries during the period of German invasion or occupation. Such lists will include wherever possible all relevant information regarding the circumstances and date of removal of such property by the Germans and the reported location of the property in AUSTRIA.

"4. After examination of these lists you will indicate to your Government which of these countries should be invited to send missions into your Zone for the purpose of:

(A) Substantiating claims for the restitution of property mentioned in Paragraphs 2(A) to (D);

(B) Receiving information regarding the location of property which has been the subject of restitution claims by their government;

(C) Identifying any such property to be restored or distributed in accordance with the provisions of this directive. You will furnish such missions facilities necessary to the proper discharge of their functions in your Zone.

"5. You will take steps in your Zone to uncover and secure possession of all paper currency of United Nation countries invaded or occupied by Germans, and to deliver such currency to the government of the country of issue without the necessity of proof that it was looted or otherwise acquired from that country during the period of German invasion or occupation.

"6. You will take steps in your Zone to uncover and secure possession of property covered by Paragraphs 2(B), 2(C) and 2(D), mentioned in lists submitted by claimant governments, and to restore such property to the government of the country from which it was taken.

GENERAL PROVISIONS

"7. You will require the claimant governments to give receipts for items received by them in accordance with the provisions of the directive. These receipts shall contain a brief description of the item received and its condition, and a waiver of any further claim as reparation or otherwise based upon the removal of the item concerned by the Germans or the exaction of funds used by the Germans to pay for it.

"8. You will keep a complete record of items returned or distributed in accordance with the provisions of this directive; and you will submit to the Control Council and your Government bi-monthly reports on the progress of the restitution program.

"9. The cost of administering this program of restitution shall be counted as part of the costs of occupation."

SMC IN 6203 12 OCT 1945 2114A BMH/wml REF NO: WL-75141

303116

DECLASSIFIED
Authority NND765022
By SIC NARA Date 7-20-99

RG 260
Entry FIN. DIV.
Box 420

940.15

HEADQUARTERS
UNITED STATES FORCES, BUREAU OF REVENUE
Office of Military Government (U. S. Zone)
Financial Branch

file 151
Claims

(Main) APO 757
27 October 1945

TO : Mr. Joseph N. Dodge
FROM : A. U. Fox

Attached is copy of a cable sent to Washington on 23 October 1945 in connection with cable WL-75141, 13 October 1945, on restitution, referred to in your memorandum of 24 October.

A. U. FOX
Acting Deputy Chief
Financial Branch

1 Enclosure a/s

AUF/61

cc: Lt. Col. Cragan
Colonel Robinson
Major Walitschek

303117

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Authority NND 745072	Entry	FIN. DIV.
By SIC	Box	420

NARA Date 7-20-99

A. U. FOX

O/MS
XXX

Financial

23 October 1945

AGWAR FOR STATE AND TREASURY

Secret

Ref NO. 5-29224

Routine

Reference your WK 75141, 12 October 1945, the following comments relating to financial assets are submitted:

Your paragraph 2(D) appears to cover foreign securities, precious stones, jewelry, gold teeth and other valuables held in the Foreign Exchange Depository in Frankfurt and referred to in our S-27954 of 14 October 1945. Until expert technical personnel requested in our S-25854 of 30 September 1945 is available and functioning here, it will be impractical to review claims, permit inspection, or make restitutions of such valuables. We construe your WK 77546, 20 October 1945, to exempt property of above-mentioned type from provisions of proposed directive until adequate facilities for the handling of such property are established.

We further assume that proposed directive paragraph 2(D) is not applicable to gold and silver bullion and coin held in Foreign Exchange Depository, Frankfurt. It is our view that until origin of such bullion and coin has been determined by investigations to be made outside Germany and overall policy in respect to the disposition of such bullion and coin determined, no inspections or restitutions of such property by or to claimants should be made. In this connection refer to wire dated 27 September 1945 to WARCAB for State and Treasury from USGOC signed Glay. This situation is well known to Mr. Orvis Schmidt, Director, Foreign Funds Control Treasury Department, Washington.

Reference paragraph 5 paper currency of United Nations countries invaded or occupied by the Germans is presently impounded or frozen in Germany pursuant to

- (a) Military Government Law No. 52, which blocks property within Germany of absentee owners of United Nations nationality, in addition to blocking the property of Nazis, militarists and their collaborators and of other persons named in General Order I.
- (b) Military Government Law No. 53, which requires the delivery to Reichsbanks of foreign exchange assets held within Germany and owned by persons within or outside Germany. This includes paper currency of the type referred to in your paragraph 5.

Consequently paper currency within Germany of invaded countries may be owned by desirable, as well as undesirable, persons. Your paragraph 5 would appear to require that all such paper currency without distinction as to ownership be delivered to the invaded or occupied United Nations of issue. The desirability is suggested of further consideration being given to this matter.

law 53 currency

JOSEPH M. DODGE, Chief
Financial Branch

SMC OUT 5590

303118

DECLASSIFIED	RG 260
Authority NND 7165072	Entry FIN. DIV.
By SC NARA Date 7-20-99	Box 420
	990.15

RESTRICTED **ROUTINE**

TO : ADJUTANT GENERAL WAR DEPARTMENT
FOR INFO : CG, OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US) ✓
FROM : US FORCES EUROPEAN THEATER MAIN SIGNED MONTGOMERY
REF ID : S-27954 **CITE:** AGENG **TOD:** 141000A

Reference CG-15666 of 4 September 1945 and your reply V-65159 of 17 September 1945 relating to restitution policy.

Your V-65159 establishes policy for restitution during present interim period of property located in the U. S. Zone excluding Gold, Silver and currencies. Apparently not covered is property such as foreign securities, previous stones, jewelry, gold teeth, silver plate and other valuables presently held in the foreign exchange depository, Financial Branch, FRANKFURT. In respect to such property please refer our S-25854 of 29 September 1945, which indicates the magnitude of the cataloging and inventory job in connection with such property and the early anticipated lack of adequate personnel due to accelerated redeployment and recommends the sending to this Theater of a team of experts to deal with the problem of handling, cataloging and inventorying such property.

Several requests from various countries mentioned in your V-65159 have been received requesting restitution of foreign securities, jewelry, and valuable property of a similar nature now held in the foreign exchange depository.

Until such property has been property cataloged and tabulated, it would be impracticable to deal with consolidated lists submitted by interested governments permit inspection or effect individual restitutions in connection with such claimant lists.

Request that you advise what policy is to be followed in cases involving requests for restitution of property of the type referred to herein.

CG-15666 is not identified in USFET MAIN SMC files
 V-65159 is not identified in USFET MAIN SMC files
 S-25854 is SMC OUT 7939, 30/9/45, 6-5

ORIGINATOR : NG US ZONE **AUTHENTICATION:** O. L. ADGOCK
INFORMATION : G-1, AG, AG Records **Maj Gen**

SMC OUT 3442 14 Oct 45 1407A DMR/gkm

REF ID: S-27954
TOD: 141000A

303119

DECLASSIFIED	RG 260
Authority NND 7450072	Entry FIN. DIV.
By SP2 NARA Date 7-20-99	Box 480
	990.10

Headquarters
U.S. Group C.C.
A.G. Cables
Outgoing Classified Message

Restricted

Priority

To AGWAR FOR WARCAD
FROM US GROUP CC SIGNED CLAY
REF NO CC-15668 TOO: 041300C Sept

A clearer definition of United States Restitution policy is desired. Pauley has advised us by letter of his views that we should begin restitution not only of cultural objects but also of heavy industrial equipment, transportation and rolling stock, livestock and agricultural implements. The carrying out of his letter would of course be unilateral on our part as there appears to be no Tripartite or Quadripartite Governmental policy covering this question. It is our view that the following principles should govern:

Restitution of identifiable articles taken without payment by Germany should be made to the extent that

- (a) Such restitution does not interfere with agreed reparations program and
- (b) That such restitution will not result in relief needs in Germany which would lead to the United States financing in part such restitution.

In view of administrative difficulties in any other procedure all claims for restitution should be submitted in consolidated lists by the governments concerned giving preliminary evidence as to the location of the items claimed for restitution and the circumstances connected with their removal by the Germans. It would be impossible administratively to permit missions from the countries concerned to scour Germany to find items produced in their country and then build their cases for restitution. Moreover, it is our view that rolling stock, livestock and agricultural implements required for a minimum economy in Germany and which if not available would result in increased imports into Germany and which if not available would result in increased imports into Germany, would militate against the ability of Germany to pay reparations and would inevitably result in calls for relief on the United States. We also believe that the countries entitled to restitution should be listed by the State Department. They should be required to submit promptly their lists of the claimed items and quantities. After each list has been examined by the Zone Commander concerned, the several countries should be permitted to send small missions into each Zone for identification of these items and to arrange for their return. Separate policies in the several Zones would lead to serious misunderstanding. We are not advised as to French policy in their Zone but do not understand that they have yet opened the gate to identifying missions from other countries. We further believe that this should be a Quadripartite policy and propose to place this before the Control Council since this question is pressing. prompt advice is requested.

Above does not apply to Art and Cultural objects which are already being returned to the liberated countries.

ORIGINATOR O/SS

AUTH: L D CLAY, Lt. Gen.

INFORMATION

R D & R FOOD & Agri
Pol Affairs Industry
Transport Trade and Commerce

Finance
AG
AG Records

CC-15668

4 Sept 1945 2115C RG/djj

RESTRICTED

303120

DECLASSIFIED
Authority NND765072
By SR NARA Date 7-20-99

RG 260
Entry FIN. DIV.
Box 420

940.15

HEADQUARTERS
U. S. GROUP C. C.
A. G. Cables

File Nr 940.15

Jan 26

DATED 161712Z

File 151

FROM : AGWAR SIGNED WARCAD
TO : US GROUP CC
REF NO : W-65159

S E C R E T

R O U T I N E

RECD 1623000 SEPT
630/16CORRECTED COPY: 17 Sept 45

Correction underlined

Formulation of definitive United States restitution policy for negotiation with our Allies and application in United States Zone now under way Washington. Meanwhile, policy set forth urad CC-15668 Sept approved as a policy for prompt and full application in your zone during present interim period, subject to following modifications:

1. Not necessary to investigate question of payment by Germany for property taken from occupied countries since United States together with other United Nations are on record that they refuse to recognize acquisition of such property by Germany no matter how acquisition was effected.

2. Interference with agreed reparation program-your point A- will be avoided if a system of receipts and records is maintained. Receipts should not impose any contingent liability for payment on country to which property is returned but should leave open the question whether returned property will be incorporated within reparation accounts.

3. Restitution looted property should not be delayed on ground that return of such property would give rise to import requirements - your point B- as a matter of United States policy use of looted property to reduce financing burden on occupying powers cannot be justified to claimant countries.

Procedures propose your cable with respect to preparation of lists and dispatching small missions for identification of items also approved. Restitution should be confined for present to allied countries and all your dealings should be with official representatives of such countries not private claimants. State Dept inviting following governments to prepare lists of items taken by Germans in order to facilitate identification such property in United States zone: France, Belgium Luxembourg,

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DECLASSIFIED
Authority NND 7465022
By SR NARA Date 7-20-99

RG 260
Entry FIN. DIV.
Box 420

Netherlands, Norway, Denmark, Poland, USSR, Czechoslovakia, Greece,
Yugoslavia.

Above instructions do not for present apply to gold, silver
and currencies with respect to which you are not authorized to state any
policy of this government.

Ambassador Pauley concurs.

CC-15668, 4 Sept 45, o/SS

ACTION : O/SS

INFORMATION : RD & R
RI Affairs
Transport
Food and Agri
Industry
T & C
Finance
AG (M)
AG Records

SCC III 8952 17 Sept 45 0100C BFS/Jm REFNO: W-65159

303122

DECLASSIFIED	RG 260
Authority NND 760072	Entry FIN. DIV.
By SC NARA Date 7-20-99	Box 420

940.15

WARE

USFET MAIN 32/21

TOD 2020072 OCT

TOR 210020A OCT

	RESTRICTED	ROUTINE
FROM	: AGWAR SCD WARGOS	
TO FOR ACTION	: US FORCES EUROPEAN THEATER MAIN	
FOR INFO	: ENG FOR GERMANY (US)	
REF NO	: WK-77546, 20 OCT 45	CITE: CAD

Reurad S-27954.

Subject is restitution policy.

Not covered in policy communicated in W-65159 is property such as foreign securities, precious stones, gold teeth, silver plate and other valuables presently held in the Foreign Exchange Depository, Financially, Frankfurt. Also jewelry not covered except those items you consider in category of art objects.

No action should be taken on requests received for restitution of property not covered in interim program. However such requests may be retained in your records.

Problem of personnel to deal with handling, cataloging and inventorying being expedited.

S-27954 is SMC OUT 4332, 14/10/45, MO (US ZONE)
W-65159 is not identified in US FORCES USFET MAIN SMC FILES

ACTION	: MO (US ZONE)
INFORMATION	: G-1 AG SUMMARY AG RECORDS
SMC IN 10866	21 Oct 1945 0646A SL/MF REF NO. WK-77546

303123

DECLASSIFIED

Authority NND 812006
By BAM NARA Date 7/9

RG 43

Pkgnd to Paris Conf
Box 11 Entry 318

files

SECRET

PARIS CONFERENCE

TELETYPE CONFERENCE

PARIS CONFERENCE

DECEMBER 15

OUTER OPERATOR - PARIS

INNER OPERATOR - PARIS

CONFIDENTIAL

J. R. ARTHUR

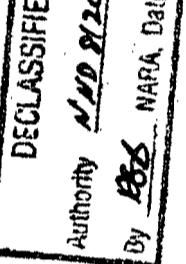
D. H. PHILIPS

G. S. OLIVER

J. R. HOWARD

R. ABRAHAMS

TELE TYPE



Please answer now whether you have received cable 153 of this morning on teletype conference, cable 152 of last night on separation quota and draft of final act submitted to Banks of Delegations, and cables 147 and 148 on non-votingable persons.

ALL OTHER MEMBERS

Attempted teletype conference failure because of non-attendance in Washington and poor circuit. We shall send our material as soon as teletype circuit is available. Except for quota discussion Paris Conference work is virtually at standstill pending your replies to our earlier cables. Require answers before 10 A.M. December 15 Paris time to questions asked in teletype material which will be transmitted to you tonight December 14 Paris time. Sorry that's the state of affairs.

If someone is there for question 9 only, suggest you answer it out of order of transmission to you.

303124

DECLASSIFIED

Authority NND 812006
By DPM NARA Date 7/9

RG 43

Background to Paris Conf
Box 11 Entry 318

- 6 -

by the countries whose sovereignty over the disputed territory has been recognized."

It had been assumed that above paragraph would go into an annex to Final Act containing expression of views not unanimously accepted by the Conference. Togo and Czech wish this paragraph to go into section on external assets in Final Act itself. No one has objected. Should I object?

~~My suggestion~~ Following are questions concerning share for nonrepatriables in addition to those raised in my tele from Angell No. 147 and 148:

A. Would Department approve application of concentration camp criterion to refugees from formerly occupied countries? In that event, eligible classes would be:

1. German and Austrian nationals, now resident in Germany and Austria, who were victims of Nazi persecution, who do not wish to remain in those countries, and who will leave those countries within a reasonable time;

2. Nationals of countries formerly occupied by the Germans who cannot be repatriated within a reasonable time and who were victims of Nazi persecution. In order to exclude persons whose loyalty to the United Nations is doubtful, aid shall be restricted to nationals of formerly occupied countries who were victims of German concentration camps.

3. German and Austrian nationals who are not refugees from Germany and Austria.

B. Valley handed me note today expressing willingness to accept following text, have put in telegraphic style:

Quoto. The Conference recommends that the governments of France, UK, USA, Czechoslovakia and Yugoslavia in consultation with the intergovernmental committee on refugees should work out urgently a scheme on following general lines:

303125

RG 43
Regrnd to Paris Govt
Box 11 Entry 318

- 3 -

1. Share of \$25 million for rehabilitation and resettlement of nonrepatriable victims of German action;
2. Share to be satisfied from all non-monetary gold and a portion of proceeds of German assets in neutral countries;
3. Neutral governments to be requested to make available for this purpose (in addition to \$25 million) funds deposited in such countries by victims of Nazi action who have died without heirs, insofar as such funds are not made available as German external assets and remain blocked by neutral government concerned.
4. Classes of persons eligible for aid should include refugees from Nazi Germany and Austria who require aid and cannot be repatriated within reasonable time due to reigning conditions.
5. Funds made available to be administered by a Board of Trustees of five members to be appointed by inter-governmental committee.
6. Non-monetary gold to be placed at disposal of Board of Trustees immediately.
7. Trustees to have power to carry out purposes of fund through appropriate public and private field organizations.
8. Funds to be used, not for individual compensation, but for rehabilitation and resettlement of persons in eligible classes.
9. Nothing in proposals to prejudice claims of individual refugees against future German Govt. unquote.

In accompanying letter, Wiley states that Yugoslav Govt will not (repeat not) accept scheme excluding Spanish refugees. On the other hand UK will not (repeat not) accept scheme unless Spanish refugees are (repeat are) excluded, if only because inclusion would mean that amount available would be too small to give real help to number of persons eligible. He adds quote,

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Authority NND 812.006
By BAM NARA Date 7/9RG 43
Background to Paris Conf
Box 11 Entry 318

- 10 -

It would be very unfortunate to raise hopes which are bound to be disappointed when the five Govts come to consider the matter and, personally, I doubt whether it is wise to make any recommendation unless it is really likely to lead to a scheme agreed on all sides. Unquote.

C. Would Dept approve Valéry's scheme, including restriction of eligible classes to refugees from Nazi Germany and Austria.

D. Would Dept approve allocation to fund of blocked deposits of refugees who have died without heirs, considering that such funds would in Valéry's scheme be used for German and Austrian refugees. This seems broadly consistent with provisions of Weissmann letter though Weissmann asked that Jewish property go to Jewish people.

E. Would Dept approve Valéry's scheme if eligible classes were broadened by adding quote: and each additional group as may be agreed by the five-power committee? unquote.

Following is repeat of mtel from Angell No. 148:

Quote. Will require greater flexibility in negotiation of fund for non-repatriables than is explicitly requested in mtel from Angell No. 147.

A. French, Czech and Yugoslav delegates may insist on inclusion of refugees from Fascist countries other than Germany. This would increase eligibles by 200,000 Spanish refugees in France according to our information. At same time it may be impossible to secure increase of fund from \$35 million to \$40 million as suggested in mtel from Angell No. 147. What would be lowest sum acceptable assuming that Spanish refugees must be covered?

303127

DECLASSIFIED

Authority NND 812006
By BAM NARA Date 7/9

RG 43

Referred to Paris last
Box 11 Entry 318- 11 -
- 12 -

We are not in position to judge how many Spanish refugees would, in fact, be deemed to require aid.

B. On further reflection, I consider acceptance of vote by interested governments of aid for nationals of formerly occupied countries a difficult matter. Department will be conscious of possibility that acceptance of such vote may prejudice U.S. position with respect to UNRRA aid for displaced persons from Eastern European countries while acceptance of vote is desirable in narrow context of problem of aiding resettlement of nonrepatriable victims, a decision on this point clearly involves wider aspects of U.S. policy.

C. If vote by interested government with respect to aid for nationals of formerly occupied countries is unacceptable to Department, it may be possible to restrict scheme to German and Austrian victims both inside and outside Germany. Would such restriction be acceptable? What would be lowest sum acceptable in that event? What would be minimum additional sum if Spanish refugees are covered?

D. Saturday, December 13 is likely to be last opportunity to secure Conference action on this proposal. We are arranging teletype conversation with Washington for Friday evening, Dec. 14, Paris time. Urgently request Department's answer at that time to questions raised in my tel from Angell No. 147 and in the present telegram. Repeated to London for Stevenson as from Angell 13 from Paris Unquote. Signed Gaffery.

B2

303128