

DECLASSIFIED
 Authority NND 765012
 By SPM NARA Date 6/8/99

RG 260 Box 414
(FED)

INVENTORY FORM

INVENTORY BY E.P. Keller TAG NO _____ FORM NO 15010
 INVENTORY BY _____ SHIP NO 1 CLASSIFICATION Currency
 SECURITY 0 Capt. Ruth CONTAINER NO _____ UNIT CONTROL 2
 RECORDED _____ CONTAINER _____ DATE 6 February 1948
 APPROVED E.P. Keller APPRAISAL NO _____ LOCATION 12 LMV

QUANTITY: X 2

DESCRIPTION: German Reichsbank, 10 Pfennig notes

C/L	<u>15</u>
S/L	<u>15-36</u>
C/L	<u>50</u>
C/L	
<u>AM</u>	<u>R</u>
AUTH	POST. VER.

INVENTORY FORM

INVENTORY BY Vuillequez TAG NO 25149 FORM NO 15011
 INVENTORY BY _____ SHIP NO 33 CLASSIFICATION Law 53
 SECURITY 0 Capt. Brewer CONTAINER NO C 1410 UNIT CONTROL 20
 RECORDED _____ CONTAINER wooden box DATE 11 June 1947
 APPROVED Edwin P. Keller APPRAISAL NO _____ LOCATION 7 ARS.

QUANTITY: 20

DESCRIPTION: Reichsbank Leipzig
From: Erblandischer Ritterschaftlicher Creditverein in Sachsen,
Leipzig C T, Springerstrasse 24.
20 5 1/2% German Government International Loan bearer bonds of 1930
denomination 1000 Dutch Florins each, Nos. 22383 through 22402,
with certificates of the Leipziger Kassen-Verein Co. Nos. 252925
through 252944, and coupons Nos. 30 through 70 due 1 June 1945
through 1 June 1965 attached Dutch stamped.
Maturity date 1 June 1965.
Shown on MGAX (2) Form but missing in inventory:
Germany
4 5 Mark silver coins.

<u>32</u>		<u>53</u>	<u>AM</u>
C/L	S/L	C/L	S/L
AUTH	POST.	VER.	

304177

DECLASSIFIED
Authority NND 765072
By SPM NARA Date 6/8/99

RG 260 Box 4K
(FED)

INVENTORY FORM

INVENTORY BY E.P. Keller TAG NO _____ FORM NO 15008
INVENTORY BY _____ SHIP NO 1 CLASSIFICATION Currency
SECURITY Capt. Ruth CONTAINER NO _____ UNIT CONTROL 4
RECORDED _____ CONTAINER _____ DATE 6 February 1948
APPROVED E.P. Keller APPRAISAL NO _____ LOCATION 12 LMV

QUANTITY: 4

DESCRIPTION: German Reichsbank, 1 Mark notes

G/L	<u>15</u>
S/L	<u>15-36</u>
C/L	<u>50</u>
AUTH	<u>AMM</u>
POST	<u>R</u>
AMOUNT	

INVENTORY FORM

INVENTORY BY E.P. Keller TAG NO _____ FORM NO 15009
INVENTORY BY _____ SHIP NO 1 CLASSIFICATION Currency
SECURITY Capt. Ruth CONTAINER NO _____ UNIT CONTROL 1
RECORDED _____ CONTAINER _____ DATE 6 February 1948
APPROVED E.P. Keller APPRAISAL NO _____ LOCATION 12 LMV

QUANTITY: 1

DESCRIPTION: German Reichsbank, 5 Mark note

G/L	<u>15</u>
S/L	<u>15-36</u>
C/L	<u>50</u>
AUTH	<u>AMM</u>
POST	<u>R</u>
AMOUNT	

DECLASSIFIED

Authority NND 765072

By SPM NARA Date 6/8/99

RG 260 Box 44
(FED)

C r o a t i a

58	10	Kuna notes
48	2	Kuna notes
23	1	Kuna notes

Shown on MGAX Form but missing in inventory:

301.- Kuna

304179

DECLASSIFIED
Authority MINO 765072
By SR NARA Date 7-20-99

RG 260
Entry FIN. DIV. 940.157
Box 421

No. 2 of five Copies.

No. 181

SHIPPING TICKET

File 940.157

Date 6 Dec 1948 Place Frankfurt/Main, Germany

(Received this date from the Foreign Exchange Depository, the following described assets:)

Yugoslavian Dinars 6,224,611.50 paper currency, Yugoslavian dinars 6,172.75 coin, as per attached Annex A. The amount referred to is as counted by Foreign Exchange Depository personnel and is accepted by the Yugoslav authorities as correct. This currency is released under the provisions of Cable W-90078.

(Note: All Supporting Documents to be Listed above and attached hereto)

Witnessed:

Signature of Authorized Recipient:

Pearl B. Beckwith
U.S. Civitan AGO # 491227

On behalf of the Yugoslav Government



Jay J. Parker
U.S. Civilian AGO-# 428837

by *Milica Breje*, accredited representative Yugoslav Mission for Restitution

Wm. Kappell
U.S. Civ AGO # 440861

Approved:
Depository Section *[Signature]*
Security Officer *[Signature]*
Acting Chief of Branch *[Signature]*
OMG-W

Accounts: Credit:		
Classification	Unit	Amount

AGI (R) 6-48 500 13596

DECLASSIFIED
 Authority NND 765072
 By SC NARA Date 7-20-99
 RG 260
 Entry FIN. DIV.
 Box 421

ANNEX A

CURRENCY ASSEMBLY

YUGOSLAVIA

CAN No. 170

<u>Quantity</u>	<u>Denomination</u>	<u>Aggregate Amount</u>
1	1 Dinar note	-.50
1	" "	1.--
1164	10 " notes	11,640.--
8606	20 " "	72,120.--
10821	50 " "	541,050.--
3783	100 " "	378,300.--
5437	200 " "	2,718,500.--
2303	1000 " "	2,303,000.--
Total Currency Dinars:		6,224,611.50

CAN No. 171

<u>Coins</u>		
631	1 Dinar coins	631.--
484	2 " "	968.--
409	10 " "	4,090.--
6	20 " "	120.--
1	25 " coin	25.--
8	50 " coins	250.--
1	5 Para coin	-.05
11	10 " coins	1.10
2	20 " "	-.60
46	25 " "	11.50
161	50 " "	75.50
Total Coins Dinars:		6,172.75

Total Currency : Dinars 6,224,611.50
 Can No. 170

Total Coins : Dinars 6,172.75
 Can No. 171

Grand Total : Dinars 6,230,784.25

DECLASSIFIED
 Authority NND 765072
 By SR NARA Date 7-20-99
 RG 260
 Entry FIN. DIV.
 Box 421

ANNEX A

Currency Assembly

YUGOSLAVIA

CAN No. 170

<u>Quantity</u>	<u>Denomination</u>	<u>Aggregate Amount</u>
1	1 Dinar note	--.50
1	1 " "	1.--
1164	10 " notes	11,640.--
3606	20 " "	72,120.--
10821	50 " "	541,050.--
3783	100 " "	378,300.--
5437	500 " "	2,718,500.--
2508	1000 " "	2,508,000.--
	Total Currency Dinars:	6,224,611.50

CAN No. 171

<u>Coins</u>		
631	1 Dinar coins	631.--
484	2 " "	968.--
409	10 " "	4,090.--
6	20 " "	120.--
1	25 " coin	25.--
3	50 " coins	250.--
1	5 Para coin	--.05
11	10 " coins	1.10
3	20 " "	--.60
46	25 " "	11.50
151	50 " "	75.50
	Total Coins Dinars:	6,172.75

Total Currency :	Dinars	6,224,611.50
Can No. 170		
Total Coins :	Dinars	6,172.75
Can No. 171		
Grand Total :	Dinars	6,230,784.25

DECLASSIFIED
 Authority MMO 765072
 By SR NARA Date 7-20-99
 RG 260
 Entry FIN. DIV.
 Box 421

INVENTORY OF YUGOSLAVIAN DINARS

Paper Currency and Coin Seized in Germany by American Military Government and held by the Foreign Exchange Depository, Frankfurt/Main, Germany, examined in the presence of Foreign Exchange Depository representatives at Frankfurt/Main, 5 November 1948 by Major Bozidar Breje, accredited representative of the Yugoslav Mission for Restitution to Yugoslavia.

PAPER CURRENCY

Container No.	Total Amount:	Denominations as Follows:		
Can #	Amount	Quantity:	Denominations:	Amounts:
170	6,224,611.50			
	Dinars			
		1	1/2 Dinar notes	0.50
		1	1 " "	1.00
		1,164	10 " "	11,640.00
		3,606	20 " "	72,120.00
		10,821	50 " "	541,050.00
		3,783	100 " "	378,300.00
		5,437	500 " "	2,718,500.00
		2,503	1000 " "	2,503,000.00
			Total	6,224,611.50

COINS

171	6,172.75	631	1 Dinar Coins	631.00
		484	2 " "	968.00
		409	10 " "	4,090.00
		6	20 " "	120.00
		1	25 " "	25.00
		5	50 " "	250.00
		11	10 Para " "	1.10
		3	20 " "	0.60
		46	25 " "	11.50
		151	50 " "	75.50
		1	5 " "	0.05
			Total	6,172.75

The above currency is valueless.

Certified Correct:

Mr. Breje
 Major Bozidar Breje

P.L. 105-186

LAWS OF 105th CONG.—2nd SESS.

June 23, 1998

that would assist the Commission in analyzing the disposition of the assets of Holocaust victims.

(4) **ADVISORY PANELS-** The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

Deadline.

(5) **DATE-** The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

President.

(c) **CHAIRPERSON-** The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

(d) **PERIOD OF APPOINTMENT-** Members of the Commission shall be appointed for the life of the Commission.

(e) **VACANCIES-** Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) **MEETINGS-** The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

(g) **QUORUM-** 11 members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

22 USC 1621
note.**SEC. 3. DUTIES OF THE COMMISSION.****(a) ORIGINAL RESEARCH-**

(1) **IN GENERAL-** Except as otherwise provided in paragraph (3), the Commission shall conduct a thorough study and develop a historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government, including the Board of Governors of the Federal Reserve System and any Federal reserve bank, at any time after January 30, 1933--

(A) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c);

(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c); or

(C) in the case of assets consisting of gold bullion, monetary gold, or similar assets, after such assets had been obtained by the Nazi government of Germany from governmental institutions in any area occupied by the military forces of the Nazi government of Germany.

(2) **TYPES OF ASSETS-** Assets described in this paragraph include--

(A) gold, including gold bullion, monetary gold, or similar assets in the possession of or under the control of the Board of Governors of the Federal Reserve System or any Federal reserve bank;

(B) gems, jewelry, and nongold precious metals;

(C) accounts in banks in the United States;

(D) domestic financial instruments purchased before May 8, 1945, by individual victims of the Holocaust,

June 23, 1998

HOLOCAUST ASSETS ACT, 1998

P.L. 105-186

whether recorded in the name of the victim or in the name of a nominee;

(E) insurance policies and proceeds thereof;

(F) real estate situated in the United States;

(G) works of art; and

(H) books, manuscripts, and religious objects.

(3) **COORDINATION OF ACTIVITIES-** In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

(4) **INSURANCE POLICIES-**

(A) **IN GENERAL-** In carrying out its duties under this Act, the Commission shall take note of the work of the National Association of Insurance Commissioners with regard to Holocaust-era insurance issues and shall encourage the National Association of Insurance Commissioners to prepare a report on the Holocaust-related claims practices of all insurance companies, both domestic and foreign, doing business in the United States at any time after January 30, 1933, that issued any individual life, health, or property-casualty insurance policy to any individual on any list of Holocaust victims, including the following lists:

(i) The list maintained by the United States Holocaust Memorial Museum in Washington, D.C., of Jewish Holocaust survivors.

(ii) The list maintained by the Yad Vashem Holocaust Memorial Authority in its Hall of Names of individuals who died in the Holocaust.

(B) **INFORMATION TO BE INCLUDED-** The report on insurance companies prepared pursuant to subparagraph (A) should include the following, to the degree the information is available:

(i) The number of policies issued by each company to individuals described in such subparagraph.

(ii) The value of each policy at the time of issue.

(iii) The total number of policies, and the dollar amount, that have been paid out.

(iv) The total present-day value of assets in the United States of each company.

(C) **COORDINATION-** The Commission shall coordinate its work on insurance issues with that of the international Washington Conference on Holocaust-Era Assets, to be convened by the Department of State and the United States Holocaust Memorial Council.

(b) **COMPREHENSIVE REVIEW OF OTHER RESEARCH-** Upon receiving permission from any relevant individuals or entities, the Commission shall review comprehensively any research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either--

Reports.

(1) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or
 (2) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).
 (c) GOVERNMENTS INCLUDED- A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945--

- (1) the Nazi government of Germany;
- (2) any government in any area occupied by the military forces of the Nazi government of Germany;
- (3) any government established with the assistance or cooperation of the Nazi government of Germany; and
- (4) any government which was an ally of the Nazi government of Germany.

(d) REPORTS-

(1) SUBMISSION TO THE PRESIDENT- Not later than December 31, 1999, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

(2) SUBMISSION TO THE CONGRESS- After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

22 USC 1621
note.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS- The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES- The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

(c) POSTAL SERVICES- The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS- The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) ADMINISTRATIVE SERVICES- For the purposes of obtaining administrative services necessary to carry out the purposes of this Act, including the leasing of real property for use by the Commission as an office, the Commission shall have the power to--

- (1) enter into contracts and modify, or consent to the modification of, any contract or agreement to which the Commission is a party; and
- (2) acquire, hold, lease, maintain, or dispose of real and personal property.

DECLASSIFIED
Authority AND 775 042
By TJ NARA Date 8/09/99

RG 260
Entry Decimal Etc
Box 110

Gen. Interest

OFFICE OF MILITARY GOVERNMENT FOR GERMANY
AG CABLE CONTROL

*Substitution Br
Econ Div*

DATED 122110Z

REF ID: A66131155B JULY 46
E/13/wea

INCOMING MESSAGE

SECRET

SECRET
PRIORITY

Call 304

FROM : ACC HUNGARY FROM WEEMS
TO : AGWAR FOR WDGID
INFO : USFET, OPD, G-2; USFA G-2; MTOUSA G-2;
OMGUS
REF NO : Z-3370

Subject: Economic and political situation

Economic and political situation still deteriorating. Food has almost disappeared from markets as farmers refuse to sell food for pengo. As of today only adp pengo (that is tax pengo) is accepted. Pengo was last quoted at 300 quintillion to dollar. Pound Sterling is quoted on free market at 2.60 to 2.80 dollars per pound. Gold 1 gram for \$1.30. This indicates depreciation of the dollar from former rate of 1 gram \$1.

Russians have forced resignation of Oltvanyi, President of the National Bank and have been demanding resignation of General Manager Farago and Director Karasz which would strip bank of its only competent direction. This was presumably based on the theft of Rubles by Russian representative in bank. See our Z-3111. Russians were demanding trial of above but so far government says they cannot be tried on any charge under existing law.

Inter-party negotiations in progress with president during past few days to solve the new inner political crisis, a state of affairs recreated every few weeks by Leftist bloc to gain more and more control. Small holders are weakening and it is reliably reported that 4 ministers Dobl, Gordon, Antall, Balla (all Smallholders) (see our Z-3316 and Z-3317) have been forced to resign. Soviet control is tightening.

ACC IN 32257

SECRET

SECRET

Copy No. *9*

Exempt from paraphrase. Handle in compliance with AR 380-5.

DECLASSIFIED
Authority NND775042
By TJ NARA Date 8/09/99

RG 260
Entry Delmas/Eto
Box 110

AC208

S E C R E T

REF NO: Z-3370

- 2 -

The Communist police continue to harass anyone who is suspected of being anti-communist and on Sunday they arrested over 100 persons at Lake Balaton because they had money enough to spend a day at lake resorts.

- Z-3111 is AGC IN 30291, 16 June 46.
- Z-3316 is AGC IN 32142, 12 July 46, info.
- Z-3317 is AGC IN 32162, 12 July 46, info.

I N F O R M A T I O N

- O/SS - C/S
- ECON
- POL AFF
- FIN
- LEGAL
- IA&C
- CIV ADMIN
- INFO CONT
- PR
- AF
- POW & DP
- INTELL
- AG RECORDS

File
DJ Weiss
Gene
Supply
Reservists
INDUSTRY
INTELL
Food
Reg of
Public
Report
Personnel
Exec
Branch
ECON DIV

AGC IN: 32257 13 July 46 1420B CB/vea REF: Z-3370

S E C R E T

DECLASSIFIED

Authority WD 775117
By AW NARA Date 8-5-77

RG 260
Entry PROP
Box 15

PROP Liquidation
304139

**Third Inter-Allied Inspection Commission
for Checking the Liquidation of German
War Industrial Potential**

**PLAN FOR LIQUIDATION OF
GERMAN WAR INDUSTRY
IN THE
U.S. ZONE**

**Mr. O. R. McJunkins
Chief RR & D Section
U.S. Observer**

DECLASSIFIED
Authority NND 775119
By AY NARA Date 8-5-99

RG 260
Entry PROP
Box 15

I N D E X

1. Itinerary
2. Directive No. 39
3. Terms of Reference - Inter Allied Inspection Commissions
4. Liquidation Plans - Form 224
5. Certificate of Liquidation
6. Date to be submitted to Commission at each plant
 - a. Layout Plan of the plant
 - b. Inventory & Evaluation of Plant equipment
 - c. Production data
 - d. Data on buildings.

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Authority NND 775119
By AM NARA Date 8-5-97

RG 260
Entry PROP
Box 15

22 December 1947

ITINERARY

FOR INTER-ALLIED INSPECTION COMMISSION TO U.S. ZONE

- 2 January 1948 - Leave Berlin 11.45 a.m.
- 3 January 1948 - A 1/3/23 - 5 Messerschmitt Plants, Regensburg, Bavaria
- 4 January 1948 - Sunday
- 5 January 1948 - A 1/3/76 - Messerschmitt Plant, Augsburg, Bavaria
- 6 January 1948 - A 1/3/76 - Messerschmitt Plant, Augsburg, Bavaria
- 7 January 1948 - A 1/4/25 - Fabrik Fritz Sauer, Gersthofen, Bavaria
- 8 January 1948 - A 1/2/10 - Kloeckner-Humboldt-Deutz A.G., Ulm, Bavaria
- 9 January 1948 - A 1/4/13 - Gustav Genschow, Durlach nr. Karlsruhe, W.-B.
- 10 January 1948 - A 1/4/12 - Gustav Genschow, Wolfratsweier, W.-B.
- 11 January 1948 - Sunday
- 12 January 1948 - A 1/3/67 - Max Gerner G.m.b.H., Werk III, Frankfurt, Hesse
- 13 January 1948 - A 1/3/39 - Henschel Flugmotorenwerke, Kassel-Altebauna, Hesse
- 14 January 1948 - A 1/3/39 - Henschel Flugmotorenwerke, Kassel-Altebauna, Hesse
- 15 January 1948 - A 1/3/58 - Fieseler Aircraft Factory, Lohfelden, Hesse
- 16 January 1948 - Return to Berlin

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Authority MND 775119

By AM NARA Date 8-5-99

RG 260
Entry PCOP
Box 15

ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

Directive No. 39
(Reference CORC/P(46)308 Final)

Liquidation of German War and Industrial Potential

The Potsdam decisions call for the liquidation of German war and industrial potential.

The Agencies of the Control Council have worked out a number of regulations with regard to the above problem, in particular regarding the prohibition and limitation of a number of industries (paper CONT/P(46)14 and a Plan for Reparations and Level of Post-war German Economy in accordance with the decisions of the Berlin Conference), concerning the prohibition and restriction of production, export, import, transportation and storage of war materials (a draft law is being considered), the liquidation of underground plants (Directive No. 22 of the Control Council), and Control over scientific research (Law No. 25 of the Control Council). When all these measures have been actually carried out, the industrial basis for Germany's aggressive war actions will have been destroyed.

The Allied Authorities are faced with the task of implementing these decisions.

In the absence of a general plan of liquidation, practical measures for carrying out these decisions were taken by each zone independently. It is necessary to draw up an overall concrete plan for the systematic liquidation of the war potential showing dates of liquidation insofar as is practicable, and establishing the order of carrying out the work. In order to attain this objective and keep a constant watch on the progress of liquidation of the war and industrial potential, the Control Council directs as follows:

1. That a complete census of that potential be taken with an account of the liquidation already carried out in the Zones.
2. That a clearly defined procedure of liquidation be worked out.
3. That the machinery to keep a watch on the progress of liquidation be established.

I. CENSUS

A. Classification by Categories

The census will consist of drawing up complete lists of plants, workshops, industrial installations, etc. (including their laboratories) which wholly or in part constitute a war potential. Hereafter all the enumerated items will be called "plants".

304192

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Authority NND 775119By AM NARA Date 8-5-77

RG	<u>260</u>
Entry	<u>PROP</u>
Box	<u>15</u>

Laboratories, in the actual meaning of the word, research institutions, experimental stations, which constitute a war potential, are not taken into account in this memorandum, as their liquidation forms the subject of other documents (Law No. 25)

These lists will contain the following categories of Plants

Category I

Plants specially constructed, or principal shops of plants specially constructed, for the production of war materials, specified in Table 1, paragraph "A", of the Plan for Reparations, namely:

1. Tanks and special tank equipment
2. General armament, except tanks
3. Aircraft and special aircraft equipment
4. War explosives and shell filling
5. Poisonous war substances
6. All underground plants

Category II

Plants specially constructed, or principal shops of plants specially constructed for the production of materials specified in Table 1, paragraph "A" 2-11, "B" and "C", of the Plan for Reparations, namely:

7. Sea-going ships (not interpreted to include small fishing vessels)
8. Magnesium
9. Primary aluminum and alumina for the purpose of producing aluminum
10. Beryllium
11. Vanadium produced from Thomas slags
12. Radio-active materials
13. Hydrogen peroxide above 41% strength
14. Radio transmitting equipment
15. Heavy tractors above the limits of capacity determined by the Allied Control Authority
16. Heavy machine tools of the sizes and types prohibited by the Allied Control Authority
17. Synthetic gasoline and oil
18. Synthetic rubber
19. Ball and taper roller bearings
20. Synthetic ammonia

Category III

Plants specially constructed, or principal shops of plants specially constructed for the production of materials specified in schedule B to a Control Council Law to be published, entitled "Law to Prohibit the Manufacture, Import, Export, Transport, and Storage of War Materials", and other materials included in paragraphs 5, 6, 7, and 8 of the Plan for Reparations, as may be determined by the appropriate authority of the Allied Control Authority.

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Authority NND 775119
By AM NARA Date 8-5-79RG 260
Entry PROP
Box 15Category IV

Peace-time plants, in which was specially installed the special purpose equipment for the production enumerated in Categories I and II, or containing shops which were not principal shops, specially constructed for production enumerated in Categories I and II.

B. Preparation of Lists for each Category

The lists of plants of Categories I and II shall be prepared by the Committee for the Liquidation of German War Potential which shall keep in close contact with the Industry Committee.

The Lists of plants of Categories III and IV shall be prepared by the Industry Committee which shall forward them to the Committee for the Liquidation of German War Potential.

2. RULES FOR LIQUIDATIONA. Principles

War plants in Germany must be liquidated, which means that buildings and equipment of these plants must be:

- (a) destroyed, or
- (b) declared available for reparations, or
- (c) left for the peace-time economy in cases where they can be used for the peace-time economy as provided for in paragraphs 3 and 5 below

When dealing with each category, the following shall be the guiding principles:

Category I

1. Materials and equipment, suitable for reparations and not needed in other plants for permitted production in accordance with the Plan for Reparations, should be declared available for reparations and those not suitable for this purpose should be destroyed.
2. (a) All buildings specially adapted for the production of war materials, as well as buildings specially constructed for war purpose (anti-aircraft defense constructions, etc.) shall be destroyed.
 - (b) However, in cases of urgent necessity, the Zone Commander will have the right to use certain of these buildings for occupation requirements. During the time these buildings are being used, all steps will be taken to avoid the possibility of further utilization of these enterprises for war production. After being used as mentioned above, the buildings must be destroyed.
3. (a) As an exception, buildings of a general type can be converted or kept for peace-time use in manufacturing products or semi-finished products for permitted industries including their use as warehouses, or can be used by the Zonal authorities for occupation needs.

REPRODUCED AT THE NATIONAL ARCHIVES
DECLASSIFIED

RG 260
Entry PROP
Box 15

Authority WND 775119
By AM NARA Date 8-5-77

(b) This exception may also, in very special cases, be extended to equipment on condition it is assured that maintaining this would not render possible without great difficulty, reconverting these into war factories.

4. Embankments, foundations, electric communications, water, sewage, and gas mains, railway sidings and any other means of communications shall be considered in the spirit of the decisions set out in the above paragraphs.
5. Underground plants must, in accordance with Control Council Directive No. 22 be blown up or flooded, in order to reduce them to a condition which would render their subsequent utilization impossible

However, if the plants are situated in mines or in railway tunnels, etc., they may be reduced to a state in which they can be used for peace-time purposes.

Category II

Same measures as shown above. However, they may be temporarily suspended in respect of industries provided for in paragraphs B and C of Table 1 of the Plan for Reparations, namely:

1. Synthetic gasoline and oil
2. Synthetic rubber
3. Ball and taper roller bearings
4. Synthetic ammonia

Production should then be in accordance with the plan. Plants of this type which have not yet begun operation again may do so by a decision of the Zone Commander. The latter shall inform the Control Council on 1 November 1946, and then quarterly thereafter, of the volume of production in each plant in these industries which are operating. The Control Council will have the right to stop the operation of these plants if this is required for security reasons.

Category III

The Industry and Fuel Committees have been instructed to draw up lists of plants which are to be retained in Germany to cover peace-time requirements.

The Industry and Fuel Committees, taking into account the recommendations of the Committee for the Liquidation of German War Potential, must also consider the nature of equipment to be retained, as essential for such production, with a view to eliminating, as far as possible, those types of equipment which constitute a serious war potential.

The part of the plant which is to be retained after removal of reparations or destruction of the prohibited equipment, may be used, by the decision of the Zone Commander, for peace-time purposes, permitted under the Plan for Reparations and the Level of Post War German Economy.

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Category IV

Equipment elected for the types of production listed in Categories I and II must be considered in the light of the decisions mentioned above for these categories.

B. Liquidation Program

After the Committee has received lists of plants in Categories I and II, the Committee for the Liquidation of German War Potential, keeping in close touch with the Industry Committee, will, within the next one or two months, draw up a program for the liquidation of these plants, which are to be destroyed, indicating dates for completion of liquidation as far as is practicably possible.

The Zone Commanders may proceed with the destruction of War Plants without waiting to receive the overall plan, and after the removal of equipment declared available on account of reparations. Every possible precaution must be taken to safe-guard equipment, and dismantling must be carried out by specialists who shall be instructed at the same time to prepare all the necessary documentary records required for subsequent re-assembling of the equipment.

3. CONTROL OF EXECUTION

A. Certificate of Liquidation

After the liquidation of each plant, the Zone Commander shall draw up a certificate stating that liquidation has been carried out, and send it to his national delegate in Berlin, who, in his turn, will submit it to the Committee for the Liquidation of German War Potential.

B. The Committee for the Liquidation of German War Potential, which is responsible for keeping account of the liquidation of plants will, for this purpose, draw up a register in which it will enter all the information to be communicated to it on the liquidation of plants.

C. The Committee for the Liquidation of German War Potential, will, at least every three months, submit a report to the Economic Directorate on the work of liquidating the war industry potential in Germany.

D. The Liquidation plan will provide for the immediate organization of Inter-Allied Commissions who will work under directives of the Committee for the Liquidation of War Potential for checking the degree of liquidation and of production of plants in Categories I and II, in all four zones of Germany, and these Commissions, by direct inspection and by other means, will prepare for the Committee for the Liquidation of War Potential information in the form of a report which, after it has been approved, will be submitted to the Economic Directorate for confirmation.

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Done at Berlin on the 2nd day of October 1946.

R. NOIRLET
General de Division

G. S. LUKYANCHENKO
Lieutenant General

LUCIUS D. CLAY
Lieutenant General

B.H. ROBERTSON
Lieutenant General

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R E S T R I C T E D

24 April 1947

Appendix "C" to
CORC/F(47)103

ALLIED CONTROL AUTHORITY

TERMS OF REFERENCE OF QUADRIPARTITE COMMISSIONS FOR THE
EXAMINATION OF DISARMMENT, DEMILITARIZATION AND DISBAN-
DMENT OF THE ARMED FORCES AND MILITARY POWER IN GERMANY

GENERAL INSTRUCTION TO THE INTER ALLIED
INSPECTION COMMISSIONS FOR CHECKING THE
LIQUIDATION OF GERMAN WAR INDUSTRIAL
POTENTIAL

A. GENERAL PROVISIONS

- 1) The Commission will be guided in its work by Coordinating Committee Directive No. 39 of 2 October 1946 and by the Instructions of the Liquidation of War Potential Committee.
- 2) The work of the Commissions will for the time being be limited to plants of categories 1 and 2 as indicated in Directive No. 39, Section 1 "Census" which have been or are being included in the general or partial plan for the liquidation of German War industrial potential.
- 3) On the adoption of this instruction paper CLM/F(46)418 will be considered to have lost its effect.

B. ORGANISATION AND COMPOSITION OF THE COMMISSIONS.

- 1) The Commissions will be called: "Inter-Allied Inspection Commissions for checking the liquidation of German war industrial potential."
- 2) In its work the Commission will be responsible to the Liquidation of War Potential Committee.
- 3) The Commissions will operate simultaneously in all four zones.
- 4) Four Inter-Allied commissions of four members each will be created - one from each zone. The Chairman of a Commission will be the member in whose zone the checking is being carried out. Commissions will have equal rights and will operate on equal bases.

The above persons will be the chief delegates of their respective zones of occupation and will be able, if necessary, to appoint on a reciprocal basis assistants whose help they may require.

Each occupation zone must provide its delegation with interpreters, cars and drivers. Secretaries will be appointed by the Chairman.

- 5) Each Zone Commander shall allow (within the terms of reference of the Commission) a free and unhindered investigation of any plant, any shop, or any of their branches, wherever located, irrespective of the nature of their present activities, after such plants have been selected by the War Plants Bureau from the consolidated lists of plants of categories 1 and 2 and submitted by the Liquidation of War Potential Committee to the respective Zone Commander for investigation by inspection commissions.

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CORC/F(47)103

6) The Commissions shall carry out their work as often as the Liquidation of War Potential Committee will decide, or a special decision will be given each time a commission departs on a tour.

7) Each tour of a commission shall not last longer than 15 days within which each commission shall investigate nine plants. In the case this time limit is insufficient the Commission may limit itself to the inspection of only seven out of the nine plants selected according to the plan.

8) Nine plants shall be selected for each tour of a commission. These plants shall be freely selected by the delegations at the War Plants Bureau of the Liquidation of War Potential Committee from the lists of plants of categories 1 and 2 and submitted by the CLWF, three plants by each of the delegations, excluding the delegate from the lists of whose zone the plants are being selected. To implement the checking of any plant, Form CLWF 224 - 2nd revise (Plant Liquidation Plan) shall be drawn up and completed in full.

9) It is recommended that plants be selected with the object in view of shortening as much as possible the time of travelling from one plant to another.

It is necessary for Commission to attempt first of all to begin work on the most important plants of each class, at which liquidation measures have already been taken.

10) In each zone the occupying power will act as host, provide an organization for the recipient and accompanying of the commissions, and solving administrative problems in accordance with the desires of the commissions within their terms of reference.

11) The Liquidation of War Potential Committee may recommend any amendment to the terms of reference and procedure of the work of the commissions which may be desirable for the improvement of their work.

12) During the examination of war plants the commissions will not give any information to the press, unless special instructions are given by the Coordinating Committee to this effect.

13) The investigation of the plants shall commence in ten days after the selection by the delegations at the War Plants Bureau of plants to be investigated.

C. METHOD OF OPERATION

1) The Commissions shall visit the zones and carry out their checking in the field, draw up report and submit them to the War Plants Bureau of the Liquidation of War Potential Committee for its conclusions.

2) On receipt of the reports from Commissions, the War Plants Bureau shall study and consolidate such reports, draw up their conclusions and then submit them to the Liquidation of War Potential Committee.

3) The decisions of the commissions shall be unanimous. In case of disagreement with any part of the report or minutes of a commission, each delegation shall have the right to add its unilateral statement to the report or minutes.

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CORG/F(47)103

In the event of any one of the delegations on a commission demanding within the plan of work of the commission the investigation of a certain objective, or investigation of circumstances, such a demand shall be sufficient for an investigation to be made by the commission.

4) Each commission shall draw up its own plan and itinerary for its work in the zone to be visited.

5) A Commission shall have the right to demand from any industrial or scientific organization of German or non-German nationality not belonging to the occupying forces or Allied missions all available documents, statistical data and other material bearing the liquidation of the plant under inspection.

A Commission may also be able in case of necessity or on demand of any one delegation, to question, on matters relating to the installation under inspection, Germans and also persons of non-German nationality, excluding members of the Allied occupation forces or of Allied missions.

All such checkings must be conducted on a quadripartite basis. All members of a Commission shall be present during the inspection, excepting those occasions when individual members do not consider it necessary to attend.

The representatives of the occupying powers in each zone must submit the necessary information at the request of the Commissions within their terms of reference.

6) The Commission's general report must be submitted to the Economic Directorate not later than a month after the completion of its work.

D. BASIC TASKS OF THE COMMISSIONS AND THEIR DUTIES

The basic task of the Commissions is to check the degree of liquidation of War Plants and to determine the manner of such liquidation and its conformity to the requirements of CORC Directive No. 39, based on the appropriate liquidation plan form CLWP/F(46)224-2nd Revise.

For this purpose:

1) the Commission must determine the technical condition of a plant at the time of inspection, in accordance with form 224, item 5:

(a) Equipment:

A Commission will determine, at the site of the plant, the general condition of a plant with regard to the dismantling, removal and destruction of its equipment:

- (1) not dismantled
- (2) partly dismantled
- (3) completely dismantled
- (4) awaiting transport by recipient nation
- (5) removed to the place of storage
- (6) awaiting allocation for liquidation
- (7) destroyed

Local representatives of the official occupation authorities, who are present at an inspection, must have an official document relating to the equipment removed.

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Commissions will determine approximately the percentage of liquidation achieved according to information and statements obtained in the field.

However, if the measures of liquidation, as provided for in Section 6, paras. 1, 2 and 3, appear to the Commission incompatible with the general principles of liquidation, as laid down in CORC Directive No. 39, the Commission must submit its remarks.

(b) Building and Constructions

- (1) dismantled
- (2) transferred for use in peacetime economy
- (3) destroyed

(2) Commissions will inspect at the site of the plant parts of plants, subject to retention or to conversion, or already converted in fulfillment of the liquidation plan.

Commissions will calculate the percentage of liquidation as submitted in the plan for the plant as a whole. If liquidation measures intended to take the form of retention or conversion appear to the Commission to be incompatible with the general principles of liquidation laid down by Directive No. 39, the Commission must submit its conclusions.

(3) Dates for liquidation: Form 224 - 2nd revise, column 8, items "a" and "b"; column 9, items "a" and "b".

Commissions will determine whether the liquidation data provided for by the plan is being adhered to and will note any divergence from this plan.

If time limits figuring in column 8, item "b", and column 9, item "b", of this plan, with regard to removal or destruction to be completed, appear unduly extended the Commission must submit its conclusions.

(4) Commissions will draw general conclusions on the degree of liquidation achieved in a war plant, and will determine the quality of the work.

(5) Present production of plant. In the event of the plant continuing to operate either wholly or in part, Commissions must obtain information at the site of the plant as to the amount of production maintained in Reichsmark or units of production.

E. DOCUMENTATION

(1) Before its departure to a zone, a Commission must have the following documents:

- (a) CORC Directive No. 39.
- (b) Copy of the present instructions.
- (c) For each plant visited, which is subject to inspection, a copy of the liquidation plan CLWF/P(46)224 - 2nd Revise.
- (d) For each plant visited, if the plant has already been destroyed, the Certificate of Liquidation.

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(2) At the time of visiting a plant the Chairman of the Commissions must submit the following papers for consideration by the Commission's members:

- (1) Extracts from the Zone Commander's orders on the liquidation of the plant.
- (2) General plan of the plant with a legend and an indication of buildings destroyed by the war or by the action of the occupation forces, and buildings retained for the purpose of peacetime economy.
- (3) Decision on the destruction of buildings and construction of the plant, with a nomenclature of all buildings subject to destruction, and buildings retained or converted for the needs of peacetime economy.
- (4) General inventory of equipment designated for reparations.
- (5) In addition, if necessary and if possible, the following must be submitted at the request of the Commission:

Book-keeping records, bank documents, insurance societies documents, legal documents.

(3) It is desirable that all papers have the signature of official and responsible persons.

F. GENERAL REMARKS

(1) After the inspection of each plant the Commission will prepare minutes in which it will note all the data received in checking items of Section D 1, 2, 3, 4, 5. The minutes will be uniform for all commissions.

The minutes must be signed at the place of checking and handed personally to each member of the Commission. No papers mentioned in Section "E" will be attached to the minutes except those papers mentioned in Section "E" Item 1.

(2) On the completion of all work and on return to Berlin the Commission will compile a general report on its work, indicating in the report principally the items contained in Section "D" and giving its general conclusion on the progress attained in the liquidation of war industrial potential at the inspected plants and also the general conditions under which the tour was made and the difficulties met.

This report will be compiled in a standardised form.

(3) All general reports must be submitted to the War Plants Bureau not later than seven days after the return of the Commission to Berlin.

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2) Building and constructions. Indicate:

- 1) Whether dismantled
- 2) Whether transferred for peacetime use.
- 3) Whether destroyed
- ✓ 4) Percentage of liquidation
- ✓ 5) Commission's remarks as to conformity of liquidation measures with the liquidation principles laid down by Directive No. 39

3) Dates of liquidation. Whether the time limits for liquidation provided for by the plan are being adhered to. Note any divergence from the plan

Conclusions as to the adequacy of time limits indicated in column 8 item "b" and column 9 item "B" of the liquidation plan.

4) General conclusion on the degree of liquidation achieved at the plant (preferably in percentages) and estimate of the quality of the work.

5) Appreciation of documents produced for the Commission and indication of the Commission's requests, if any, to the Allied occupation authorities for the submission of supplementary documents, indicating the dates of submission of these papers, agreed with the Chairman.....

6) Commission's proposals and special comments.....
.....
.....

This Inter-Allied inspection commission for checking the liquidation of war industrial potential in Germany, testifies the accuracy of the above

Signatures:

Chairman:

Members:

..... 1947

..... Place

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

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DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF

Soviet Security Claims

10 May 1949

No. 1654

TO : Mr. O. R. McJUNKINS
Chief, Reparations, Deliveries and Restitution Branch
US Military Government for Germany

Dear Mr. McJUNKINS,

I acknowledge receipt of your letters of 14 and 15 April 1949.

As to your inquiry, I communicate the US registration numbers corresponding to the numbers of the Soviet claims mentioned in our letters of 30 March 1949, No. 979, and of 9 April 1949, No. 1166:

- | | |
|-------------------|--------------------|
| A/4-125 = 8212 R | A/4-986 = 18747 R |
| A/1-133 = 18225 R | A/4-988 = 18749 R |
| A/4-148 = 8232 R | A/4-1024 = 18759 R |
| A/4-152 = 8769 R | A/4-1107 = 18800 R |
| A/5-477 = 8857 R | A/4-1110 = 18798 R |
| A/4-681 = 9754 R | A/4-1119 = 18787 R |
| A/4-941 = 18663 R | A/4-1127 = 18780 R |
| A/4-974 = 18708 R | A/4-1128 = 18779 R |
| A/4-981 = 18738 R | A/4-1163 = 18821 R |
| | A/4-983 = 18743 R |

I would appreciate it if the missing Soviet property mentioned in these claims, would be transmitted to our representatives as soon as possible.

I think that due to these data, the last obstacle concerning the assignation of the Soviet property to our representatives is removed.

Truly yours,

L. ZORIN
Major General
Chief, Reparations and Deliveries Branch
Soviet Military Government for Germany

304205

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By AM NARA Date 8-5-77

RG 260
Entry PROP
Box 16

Liquidated Property

H. McCormick

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

STAFF CABLE CONTROL

INCOMING MESSAGE

DATE: 231000A

C O N F I D E N T I A L RECD 240230A Feb. 48
868/E4/wea

~~CONFIDENTIAL~~

P R I O R I T Y

TO: USHQ, USEAUSTRIA 204, USEAUSTRIA 204, USEAUSTRIA 204
FROM: USHQ, USEAUSTRIA 204, USEAUSTRIA 204, USEAUSTRIA 204

INFO : OMCUS
Numerous cables have been received by this Hq. from various agencies of USPA, particularly by the Commerce & Industry Division, requesting permission for entry of Austrian residents into US Zone. Purposes for which travel permission is requested include restitution of machinery and other valuable property, either "paid for" or previously owned by the subjects, negotiations on purchase of commodities, usually indicated not to involve a transfer of funds, and negotiations on sale of businesses to German individuals.

II. In general, it is the policy of this Hq. to limit such travel very strictly for security reasons. Other considerations relevant to such requests are as follows:
Restitution procedures are not authorized for Austrians. Even in the case of members of the United Nations for whom restitution is authorized, individual owners are not permitted to enter Germany for the purpose of removing their properties, but must act through duly authorized Restitution Missions. Goods which have been paid for prior to the defeat of Germany are not considered subject to restitution. Such "payments" can only be considered as financial claims against Germany, whose settlement can only be undertaken along with the other financial and other claims against Germany.

SECRET 21334

C O N F I D E N T I A L

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C O N F I D E N T I A L

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C O N F I D E N T I A L

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REF NO S-2135

billions of Reichmarks involved in clearing debts, capital investments and other similar claims against the former Reich. Therefore, property involved in ordinary commercial claims may only be removed from Germany at present as ordinary exports, payable in dollars, and without prejudice to the eventual settlement of the claim.

B. Commodities may be purchased for export from Germany against payment in dollars or other currency approved by the Allied Control Council. The fact that a transaction is proposed for consumation without a "transfer of funds" indicated it not to be permissible under this policy and presumptively in violation of MG law No. 53, Foreign Exchange Control.

C. All properties within Germany of absentee owners are blocked under MG law No. 52. No transactions in such businesses may be undertaken without a special license under MG Laws No's 52 and 53.

III. For the above reasons much of the travel of this nature for which authorizations are requested can serve no useful purpose. It is therefore requested that applications for travel authorizations, as a general rule, be made for Austrians only if restitution, unauthorized, or unlicensed transfer of business enterprise are clearly not involved, and if the visit is in the general interest of MG in Austria or in the US Zone of Germany.

IV. Such applications should be addressed to the AB, Hq., USPET, APO 737, and should include sufficient detailed information to permit a judgement to be made by this Hq. In particular the following points should be covered:

A. The name of the person for whom travel authorization is requested.

SCC IN 21354

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B. Firm or other entity for whom he is acting.

C. Exact description of nature and business of firm or organization.

D. Specific purpose of visit.

E. Method by which purpose is proposed to be accomplished EG a statement that no transfer of funds is involved will usually not be sufficient.

F. Austrian or German MG interests in requested travel, if any.

V. It is also requested that Austrians for whom such requests are submitted, be informed of their obligations under MG Laws 52 and 53 and regulations in effect in Germany and that the application stated whether or not this has been done.

INFORMATION : O/SS
 Econ.
 Intell.
 Pol. Aff.
 Finance
 Legal
 IA&C
 AG Records

SCC IN 21334 24 Feb. 46 1125A DLC/wea REF NO S-2135

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Soviet
PROP
11/13

THE OFFICE OF THE NATIONAL ARCHIVE
1115 COLLEGE PARK ROAD
COLLEGE PARK, MARYLAND 20740

Notes on Individual Claims as
a result of looking through files

8212R - property identified to be Soviet has
been restituted. Additional claimed items not
found as restitutable - manufacture was
other than Russia + no records were available
on possible listing.

8225R - claim for 4 transformers, 2 restituted
2 said to have been scrapped in 1946.

8232R - Original Soviet claim read 3 pairs;
according to declaration nos. 00858 and
declaration no. 00841, 01086.

The inspection ~~then~~ and restitutions of
1 pair appear based on declaration 00858.

File indicates no action regarding other
declaration nos.

8769R - Property was claimed also by Poland,
to whom it was restituted, after notification
to Soviet representatives.

8857R - We have receipt signed by Soviet
Restitution Officer for 1 crane carriage, 1 reduction
drive and 1 microscope. Delivery made on
Feb 9, 1948. Other items supposedly destroyed by
air-raid.

* sent in
* present Soviet
* work

304209

signature

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9754R All property in this claim - 140 pieces of land skins delivered. Receipt signed by Major Boltenov and given to him 9 Feb 48.

18683R - Snow plough and 2 caterpillar tractors claimed were not identified as Soviet property. Other 2 tractors included in original claim were delivered.

18708R - Original claim covered 2 trucks. One delivered. Other falls under Memo 5.

18738R - Shaping machine and boring machine resubmitted to Czechoslovakia. Under Russian claim the 3rd claimed item, a lathe, was delivered.

1874R - Only 2 items in this claim. Both by receipt signed by Major Tabrenko. Machine now listed is obviously ~~it~~

304210

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18749R - One of 2 lathes originally claimed delivered to Poland for restitution. Receipt for the one delivered to Russia is signed by Major Petrovko.

18800R - Original claim covered 599 motors, 65 transformers and some switches. Those not delivered not located.

18759R - Receipt signed by Major Petrovko covers the 4 motors originally claimed.

18798R - 8 electromotors and 4 high tension transformers were delivered. Other claimed items 4 high tension transformers (not located), 12 current transformers (Polish origin), and 96 integrating meters and 4 starters (were not located) - not available for restitution.

18787R - Original claim for 3 items -
1. Pivot lathe; 2. Bottom planing machine;
3. Locomotive boilers.
Last item was restituted. Other 2 items had been scrapped. Soviet Mission so notified.

304211

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AJC NARA Date 8-5-77RG 260
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18780R - Mobil steam crane.

Now in use by Reichsbahn.

Other property claimed under this no.
is said to have been restituted although
file is incomplete, and does not include
claim.18779R - Understood the diesel motor generator,
electro motor and 3 boring machines
scrapped but all other items under
this claim delivered.18821R - Claim dropped. One item of
Czech origin. 2 scrap.18743R Soviet Mission advised on 8 July 1948
that the only property of Polish or Russian origin on
Declaration No. 23389 was tools & machine parts.
Type of property listed in claim by Soviet was
not in declaration. When it corrected by Soviet
claim was dropped.

304212

Finance

COPY NO. 114

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DECLASSIFIED	RG <u>260</u>
Authority <u>NND 775038</u>	Entry <u>Finance</u>
By <u>AOJ</u> NARA Date <u>8-10-99</u>	Box <u>36</u>

STATE-WAR-NAVY COORDINATING COMMITTEE

SECOND DECISION AMENDING SWNCC 204/5

RESTITUTION FROM GERMANY AND AUSTRIA TO ITALY, HUNGARY,
RUMANIA AND FINLAND AND FROM GERMANY TO AUSTRIA

Note by the Secretaries

1. The State-War-Navy Coordinating Committee on 21 June 1946 approved the amendments to SWNCC 204/5 proposed in SWNCC 204/15.
2. Holders of SWNCC 204/5 are requested to substitute the attached revised pages 21 and 24 for the ones contained therein and destroy the latter by burning.

ALEXANDER D. REID

B. L. AUSTIN

RAYMOND E. COX

Secretariat

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Authority NND 775098

By AOC NARA Date 8-10-99

RG 260
Entry Finance
Box 36

COPY NO. 114

STATE-WAR-NAVY COORDINATING COMMITTEEDECISION AMENDING SWNCC 204/5RESTITUTION FROM GERMANY AND AUSTRIA TO ITALY, HUNGARY,
RUMANIA AND FINLAND AND FROM GERMANY TO AUSTRIANote by the Secretaries

1. The State-War-Navy Coordinating Committee in approving SWNCC 204/10 agreed to amend SWNCC 204/5 to conform to the provisions of SWNCC 277.
2. Holders of SWNCC 204/5 are requested to substitute the attached revised page 24 for the one contained therein and destroy the letter by burning.

ALEXANDER D. REID

B. L. AUSTIN

HAROLD W. MOSELEY

Secretariat

304214

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Authority NND 775038

By ACF NARA Date 8-10-97

RG 260

Entry Finance

Box 36

COPY NO. 114

Pages 21 - 25, incl.STATE-WAR-NAVY COORDINATING COMMITTEERESTITUTION FROM GERMANY AND AUSTRIA TO ITALY, HUNGARY,
RUMANIA AND FINLAND AND FROM GERMANY TO AUSTRIA

- References: a. SWNCC 204/3
b. Item 5 Minutes 36th
SWNCC Meeting

Note by the Secretaries

The enclosure, a revision of SWNCC 204/3 as approved by the State-War-Navy Coordinating Committee at its 36th Meeting, is circulated for information, guidance and, where appropriate, implementation.

ALEXANDER D. REID

B. L. AUSTIN

RAYMOND E. COX

Secretariat

SWNCC 204/5

304215

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Authority	NND 775038
By	ADJ NARA Date 8-10-99

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 Box 36

ENCLOSURE

RESTITUTION FROM GERMANY AND AUSTRIA TO ITALY, HUNGARY,
 RUMANIA AND FINLAND, AND FROM GERMANY TO AUSTRIA

THE PROBLEM

1. To consider the matter of restitution from Germany and Austria to Italy, Hungary, Rumania and Finland, and from Germany to Austria.

FACTS BEARING ON THE PROBLEM

2. The reference restitution directive, SWNCC 204/2, deals only with restitution to United Nations.

3. During the periods of German occupation, property of various types was looted from Italy, Hungary, Rumania and Finland, and removed to Germany and Austria; and was looted from Austria and removed to Germany.

4. The property in question was taken from Italy during the period of 25 July 1943 to 15 May 1945; from Hungary during the period 15 October 1944 to 15 May 1945; from Austria during the period 12 March 1938 to 15 May 1945; from Rumania during the period 23 August 1944 to 15 May 1945; and from Finland during the period 2 September 1944 to 15 May 1945.

DISCUSSION

5. It is a general policy of the United States that property looted by the enemy should be restored to its rightful owners. It is deemed appropriate that this general policy be extended to cover the restitution of property forcibly removed or removed without compensation from Italy, Hungary, Austria, Rumania, and Finland.

6. Except for works of art, property, in order to qualify for restitution, should have been removed through an act of force during the individual periods that these nations were subjected to German military occupation.

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e produces the following benefits:

Nullifies the German attempt to enrich Germany at the expense of Italy, Hungary, Austria, Rumania, and Finland;

b. It preserves intact the general U.S. restitution policy;

c. It reduces the prospective U.S. burden in support and rehabilitation of the economies of Italy, Hungary, Austria, Rumania, and Finland, to the extent that restitution of economic resources occurs;

d. It restricts restitution to cases of actual forcible seizure or removal without compensation.

CONCLUSION

8. The following categories of property should be restored to Italy, Hungary, Rumania, and Finland from Germany and Austria and to Austria from Germany:

- a. Works of art and other cultural objects;
- b. Machinery and equipment;
- c. Other goods, livestock, valuables (excluding gold, securities and foreign currencies), etc.;

provided that the claimant government submits satisfactory proof of forcible removal or removal without compensation during the respective periods of occupation indicated in paragraph 4.

RECOMMENDATION

9. It is recommended that:

a. The attached interim directive, contained in the Appendix, be approved by SWNCC as a supplement to SWNCC 204/2.

b. After approval by SWNCC, the Appendix be forwarded to JCS for transmittal to the Commander in Chief, U.S. zone of occupation in Germany and Austria.

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A P P E N D I X

DIRECTIVE TO THE COMMANDER IN CHIEF, U.S. ZONE OF
OCCUPATION, AUSTRIA, (GERMANY) ON RESTITUTION

1. This directive is issued to you as Commander in Chief, U.S. Zone of Occupation, Austria (Germany) and U.S. member of the Allied Council, Austria (Germany).

Subject directive applies to restitution from Germany and Austria to Italy, Hungary, Rumania, and Finland, and from Germany to Austria. It is an addition to WARX No. 85965.

You will seek to obtain agreement in the Control Council of 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 three 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 b and 2 c 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.

Items Subject to Restitution

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:

a. Works of art and cultural works of either religious, artistic, documentary, scholastic or historic value including, as well as recognized works of art, such objects as rare musical instruments, books and manuscripts, scientific

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or cultural nature and all objects
collections, libraries, and historic
archives.

b. Heavy and power-driven industrial and agricultural machinery and equipment, rolling stock, locomotives, barges and other transportation equipment (other than sea-going vessels restitution of which is provided for in SWNCC 277) and communication and power equipment.

c. Other goods, valuables (excluding gold, securities and foreign currencies), materials, equipment, livestock and other property found in storage or otherwise in bulk form.

3. Property mentioned in subparagraph 2 a shall be restored to the government of the country from which it was taken or acquired in any way, whether through commercial transactions or otherwise, upon submission of satisfactory proof of its identifiability by the claimant government, provided acquisition occurred during the respective periods of occupation detailed in subparagraph 4 b below.

4. Property mentioned in subparagraph 2 b and 2 c shall be restored to the government of the country from which it was taken only if:

a. The claimant government submits satisfactory proof that the property in question was acquired by Germany as the result of an act of force or was removed into Germany or Austria without compensation; and

b. The property in question was taken from Italy during the period of 25 July 1943 to 15 May 1945; from Hungary during the period 15 October 1944 to 15 May 1945; from Austria during the period 12 March 1938 to 15 May 1945; from Rumania during the period 23 August 1944 to 15 May 1945; and from Finland during the period 2 September 1944 to 15 May 1945.

5. Restitution of rolling stock, locomotives, barges and other transportation may be deferred until you have formulated an over-all program phased so as not to reduce available transportation below that required for military deployment and for

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the occupation, including restitution to the United Nations, minimum requirements of the Austrian (German) economy, removal of industrial plant and equipment for reparations, as well as such recommendations as have been, or will be made, by ECITO. You will as soon as possible submit such a program to the JCS for approval.

6. Restitution of any item mentioned in subparagraph 2 c need not be made if, in your judgment, restitution would jeopardize satisfaction of the minimum requirements of the Austrian (German) economy or would give rise to a need for additional U.S. assistance to, or imports into, Austria (Germany).

General Provisions

7. The procedures and general provisions contained in paragraphs 3 through 9 of WARX 85965, 1945, shall be applied in carrying out this directive.

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By AOC NARA Date 8-10-99

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R E S T R I C T E D

ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

Directive No. 50

Disposition of Property Having Belonged to Organizations
Listed in Control Proclamation No. 2 and Control Council
Law No. 2

The Control Council, in accordance with Section I of Control Council Proclamation No. 2 and Control Council Law No. 2, directs as follows:-

ARTICLE I

Except as provided by Article IX of this directive, all property in Germany of whatever nature having belonged to the Nazi organizations and to the military and para-military organizations referred to in Section I of Control Council Proclamation No. 2 and Article I and the Appendix to Control Council Law No. 2 shall be disposed of as provided by this directive.

ARTICLE II

1. Title to property not subject to disposal or use under Article VIII having belonged to a trade union, cooperative, political party or any other democratic organization before it became the property of any organization referred to in Article I hereof, shall be retransferred to such organization provided that it is authorized and its activities are approved by the appropriate Zone Commander.

2. Where retransfer of title to property cannot be made because no existing organization is completely identical with the organization which was the former owner of the property, title to such property shall be transferred to a new organization or organizations whose aims are found by the Zone Commander to be similar to those of the former organization.

ARTICLE III

The Control Council, in accordance with Section I of Control Council Proclamation No. 2 and Article I and the Appendix to Control Council Law No. 2, directs as follows:-
Property, not subject to disposal or use under Article VIII formerly devoted to relief, charitable, religious or humanitarian purposes, shall be disposed of or used so as to preserve its former character if consonant with democratic principles and shall be transferred to the organization or organizations formerly holding title thereto or to a new organization or organizations provided, in the latter case, that the Zone Commander finds that the aims and the purposes of the new organization or organizations are similar to those of the old organization and conform to the principle of the democratization of Germany, or shall, at the discretion of the Zone Commander, be transferred to the Laender or Provinces subject to the same conditions with respect to disposition or use.

1. Title to property not subject to disposal or use under Article VIII having belonged to a trade union, cooperative, political party or any other democratic organization before it became the property of any organization referred to in Article I hereof, shall be retransferred to such organization provided that it is authorized and its activities are approved by the appropriate Zone Commander.

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By AOT NARA Date 8-10-99

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R E S T R I C T E D

ARTICLE IV

Property transferred in accordance with Articles II and III above shall be transferred without charge except that the Zone Commanders may, within their discretion, require the transferee to pay or to assume liability for any or all debts or for any accretion in value of the property in accordance with the same principles as are established in the case of property subject to restitution within Germany to victims of Nazi persecution.

or under the authority of the zone commander.
ARTICLE V
Control

1. Title to property not subject to disposal or use under Article VIII or to restoration or transfer pursuant to the provisions or Articles II and III hereof, or which is rejected by organizations referred to in Articles II and III hereof, shall be transferred ~~by the Zone Commander~~ on behalf of the Allied Control Authority to the Government of the Land or Province in which it is located.

2. The Government of the Land or Province may hold and use the property or transfer its use to any administrative district (kreis or Bezirk) or to a municipality (Gemeinde) within its jurisdiction. The use to which the property is put must fall within the competence of the holder or the transferee and must not be in the opinion of the Zone Commander an improper use of the property.

3. The government of the Land or Province where the property is situated shall, pursuant to this directive and to the regulations of the Zone Commander, sell any property not held and used in accordance with paragraph 2 of this Article. The net proceeds of any such sale shall be accounted for in the budget of the Land or Province concerned.

4. The government of the Land or Province shall, regardless of whether it holds, transfers, or sells the property in accordance with the provisions of this Article, remain responsible for insuring that the property is not used for any purpose which the Zone Commander finds to be inappropriate.

5. Specific charges and encumbrances, whether incurred prior or subsequent to confiscation under Control Council Law No. 2, on properties transferred under this Article shall devolve on the receiving Land or Province up to an amount not exceeding the value of the property transferred.

6. A Land or Province shall accept a contingent liability for such of the debts of any organization whose property it receives under this Article as are ultimately determined to be payable under principles to be established by the Allied Control Authority. This liability shall never exceed the value of the property received by the Land or Province from the said organization, taking into account any encumbrances on that property. The debts to be paid by the Land or Province under this paragraph shall include only the balance which remains after all other funds of the organization have been utilized in

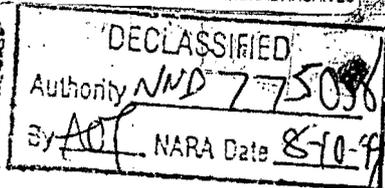
with the approval of the zone commander
or under the control of the zone commander.
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del 270000

*funds
cash receipts
etc. that
weren't transferred.*

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Directive 50



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R E S T R I C T E D

the payment of its debts. Such balance of indebtedness shall be distributed amongst all Laender and Provinces proportionately to the value of the property of such organization received by each Land or Province, but it shall not be required that this liability shall be discharged until further directions shall have been issued by the Allied Control Authority, nor that any debt shall be discharged in violation of any principle established by the Allied Control Authority and particularly debts shall not be paid in such manner as to compensate the supporters of the Nazi party and regime.

ARTICLE VI

Zone Commanders, and in Berlin, Sector Commanders, shall take measures to ensure the disposition and the use of the property in accordance with this Directive.

ARTICLE VII

Title to property located in Berlin will be transferred to the administrative districts (Verwaltungsbezirke) and be disposed of according to the same principles as are herein prescribed for property in the rest of Germany. For this purpose, the powers given to Zone Commanders in regard to property in other parts of Germany will in Berlin be exercised by the respective Sector Commanders. The functions, powers and liabilities placed upon the government of a Land or Province in regard to property in other parts of Germany will in regard to property in Berlin devolve upon the respective administrative districts, (Verwaltungsbezirke).

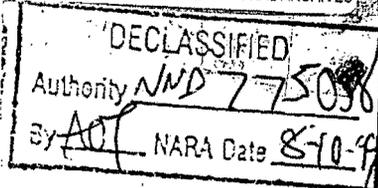
ARTICLE VIII

1. The Zone Commander shall destroy property subject to being destroyed as war potential, designate for reparations property subject to reparations, use for the purposes of occupation property subject to such use and restitute,

- a. to the government concerned, property subject to restitution under the Allied Control Authority definition of restitution,
- b. property of victims of Nazi persecution;

in the same way as similar property which is not the property of any organizations referred to in Article I hereof.

2. In order to accomplish the purposes of this Article, the Zone Commander may, at any time, set aside or modify any transactions or measures with respect to property transferred pursuant to this Directive, which he deems inconsistent with the purpose and spirit of this Directive.



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R E S T R I C T E DARTICLE IX

The following categories of property are exempt from the operation of this Directive:-

- (1) securities, cash accounts and monetary claims of the organizations referred to in Article I; these properties shall remain blocked until further decision of the Allied Control Authority;
- (2) property formerly owned by enemy, other than German, nationals or organizations;
- (3) property of the Reich, including property of Reich organizations; covered by Section I of proclamation No. 2;
- (4) property of insurance companies connected with the Deutsche Arbeitsfront.

ARTICLE X

This directive shall come into force on the day of its signature.

Done at Berlin on 29 April 1947.

F. A. KEATING
Major General

N. C. D. BROWNJOHN
Major General
for B. H. ROBERTSON
Lieutenant General

P. NOIRET
Major General

P. A. KUROCHKIN
Colonel General

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Authority NND 775098	Entry Finance
By AOC NARA Date 8-10-99	Box 37

*Securities -
policy*

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

Finance Division

APO 742

Foreign Exchange and Blocking Control Branch

11 December 1947
Berlin, Germany

MEMORANDUM

SUBJECT: Procedure for the release of non-German securities located in Germany or held outside of Germany in the name of German banks, which securities are owned by persons permanently residing outside of Germany.

TO: Mr. Theodore H. Ball
Director, Finance Division

1. Quoted below are excerpts from cables between OMGUS and DOTA concerning the release and delivery of securities located in Germany which are owned by persons outside of Germany:

A. CC-1117

"Some securities and currencies have been deposited under MG Law 53 by or in the name of non-Germans. These are reflected in MGAX(2) Declarations and are under our control. We understand British are releasing such items in their zone to owners outside Germany. We are studying possibility of doing the same in our zone by appropriate individual licenses under MG Law 53. We are inclined toward the tentative view that if this policy is adopted, releases should take place under individual licensing arrangements which would permit non-German owners to communicate directly and arrange final details for shipment with German banks when postal facilities exist for handling registered international parcels. We emphasize that these are preliminary observations and that we are not yet prepared to state a final view".

B. WX-87155

"Agree you explore possibilities releasing securities and currencies in Germany to non-German owners living outside Germany".

C. CC-2071

"After further study, have established practical procedure for investigating ownership and authorizing on case by case basis release of securities in Germany to non-German claimants outside Germany. However, there remains the problem of transmittal of securities to points outside Germany in the absence

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of international registered mail facilities. We are commencing to process the small number of pending applications and are suggesting to owner of securities possibility of their utilizing American Express facilities".

2. The release of securities held by foreign banks for the accounts of German banks which securities are established as being beneficially owned by persons resident outside of Germany has been the subject of correspondence between COMGUS and DOTA. As a result it has been decided that we will authorize the German banks to instruct the banks abroad to deliver the securities to the beneficial owners. There is quoted below an excerpt from CC-1117 on this subject:

"It will be recognized that this problem is similar to that which arises when a non-German beneficial owner applies for release of blocked securities held by (for example) a New York bank for the account of a German bank. Your letter dated 27 May AGAO-C-386.7 (23 May 1947) WDSCA, subject: Restitution certain assets to German refugees, gave US Treasury's views on this question, and we have replied in letter same subject AG-386.7 (FD) 23 June 1947 recommending that such assets be released under an agreed procedure. If blocked securities owned by non-Germans are to be so released in the US the question arises whether we should continue to block such assets in Germany when the owner is not now a resident of Germany. If the owner is resident of Germany, we strongly feel that control should continue for the time being".

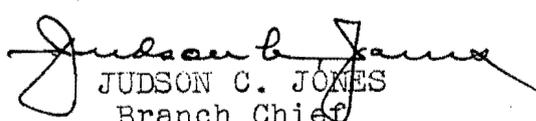
3. From the above it would appear that we have necessary authority from Washington to proceed with the release of the two types of securities mentioned.

4. It is believed that it would be helpful for uniform policies to be followed in all four zones of occupation regarding the release of securities of the nature under discussion. From negotiations with representatives of the British Finance Division it would appear that there may be a divergence of views on the matter. It is believed, therefore, desirable to obtain Bipartite agreement before submitting the matter for quadripartite consideration.

5. Accordingly, it is recommended that the attached paper be approved for presentation to the Bipartite Finance Advisors.

Incl: a/s

Tel: 43731


 JUDSON C. JONES
 Branch Chief

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Authority NND 775098

By AOC NARA Date 8-10-99

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Entry Finance
Box 37Narrative**SECRET**Background

In January 1945 the National Bank of Hungary moved its personnel and assets from Budapest to Spital am Pyhrn, Austria, in order to escape the menace of air-raids and the advancing armies. As the 3rd U.S. Army neared Spital am Pyhrn at the beginning of May 1945 the bank officials dispatched a letter to the U.S. Military authorities, Linz, stating that the bank was located in Spital am Pyhrn where the valuables were guarded by the Hungarian Royal Police, and requesting protection from the U.S. Military authorities for the bank's valuables and employees. When the 3rd Army reached Spital am Pyhrn it therefore took into custody these valuables which were located in a monastery adjoining a church.

On 16 May 1945 the 3rd U.S. Army delivered to the Foreign Exchange Depository these assets which included gold bars and coin weighing 29,875.984 kg gross weight (approximately 33 short tons) and valued at about 32 million dollars. This was said to constitute the entire gold reserve of the National Bank of Hungary.

In the Paris Reparation Conference which ended in December 1945, Hungarian gold was specifically exempted from the "gold pot" principle which was recommended for the disposition of gold taken into custody by the Allied Armies. The minutes of the conference contain the following statement:

"The gold delivered by the representatives of the Hungarian Government and of the Hungarian National Bank to the Armed Forces of the United States operating in Austrian territory is completely excluded from the scope of Part III of this agreement".

Preliminary Negotiations

As the inflation in Hungary spiraled to ever dizzy heights, the need for the stabilization of the Hungarian monetary system and economics became more and more obvious to the world at large. The Prime Minister of Hungary headed a special economics mission to Washington to present the urgency of the need for help. As a result of these negotiations between the Hungarian Economics Mission and the U.S. State Department, the Hungarian Prime Minister was handed a memorandum by the Acting Secretary of State on 14 June 1946 in which it was stated that the United States Government was prepared to return to Hungary the Hungarian gold in the custody of the U.S. Forces.

On 10 July 1946 a preliminary conference was held between 2 representatives of the Foreign Exchange Depository and the Restitution Control Branch of the Economics Division at Hoechst to discuss various procedural matters involved in the restitution of the gold.

Shortly thereafter, on 23 July 1946, a Hungarian mission headed by Dr. Nicholas Nyaradi, Under Secretary of State in the Ministry for Finance arrived in Frankfurt to make arrangements for the return of the gold.

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A week was spent by Dr. Grusz of the Hungarian National Bank, and Mr. Keller, Head of the Depository Section in checking and comparing lists of bars as to the numbers, weights etc. As the lists were established the work of typing and adding was carried on.

On the 27 July 1946 a Restitution Conference took place at the Foreign Exchange Depository to make arrangements for the restitution and movement of the gold from the Foreign Exchange Depository to Budapest, Hungary. Colonel William G. Brey, Chief, Foreign Exchange Depository, presided at the meeting which was attended by members of his staff, Dr. Nicholas Nyaradi, Under Secretary of State in the Ministry for Finance, Hungary, and other members of the Hungarian Mission for Restitution, Colonel Shackelford, ACC representative, Budapest, Colonel Kluss, Chief of the Restitution Control Branch, Economics Division, Colonel Corey and Colonel Sangston of the same Division, Colonel Preisch, General Manager, German Railways, U.S. Zone, Colonel Sprowl, Public Relations Division, Colonel Ericks, Provost Marshal Section, Hqs Com. USFET, Major Manning S-2 S-3 Section and representatives of the Transportation Division, OMGUS (Rear).

It was decided at the conference to send a cable to Brig. General Weems, Chief of the American Representation in the Allied Control Commission in Budapest, informing him that the gold would be sent from Frankfurt/Main to Budapest by train. This train was to consist of a locomotive, 3 baggage cars, 1 diner, 1 passenger car and 2 sleepers with the necessary guard personnel, American and Hungarian Officials.

Sacking of Gold

On 31 July 1946, acting on instructions from the Director of the Finance Division (letter 25 July 1946) and confirmatory directives from the Restitution Branch in Hoechst, Compartment Number 7 in the Lower Main Vault, Foreign Exchange Depository containing the Hungarian gold was opened. Colonel Brey and Dr. Nyaradi broke the seal at about 10:00 hours. It was also necessary to open Compartments Numbers 5 and 6, in order to secure sufficient bags to package the gold. These latter compartments only remained opened for a period of about ten minutes each and were immediately resealed.

A team of 7 Americans and 6 Hungarians assumed the task of packaging the gold on 31 July 1946 at 13:30 hours. One American took the bar from its pile (there were 90 piles of bars) and handed it to another American who placed it on a table and called off the number of the bar (also weight, where indicated). This was checked on separate lists by one American and one Hungarian. At the same time another American wrote on a numbered tag the numbers of the bars which went into each sack. One part of the tag was retained by the Foreign Exchange Depository as an additional receipt, and the remainder of the tag was affixed to the bag into which two Hungarians inserted the bars. A limit of about 25 kilos in weight was established per bag.

Three Americans affixed the tag and sealed the bag which

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R E S T R I C T E D1 January 1948DFIN/P(48)7ALLIED CONTROL AUTHORITYFINANCE DIRECTORATE

Procedure for the Release of Non-German Securities
Located in Germany or Held Outside of Germany in
the Name of German Banks, which Securities are
owned by Persons Permanently Residing Outside of
Germany.

(Proposal by U.S. Member)

1. Numerous requests are being received from persons permanently residing outside of Germany to obtain possession of securities which they own and which are physically located in Germany, or are located outside of Germany in the name of German banks.

2. It is considered desirable that uniform policies should be followed in all four zones in dealing with requests of the above nature. Accordingly, it is proposed that the following policy be adopted for implementation in all four zones of occupation:

- A. Each Zone Commander will authorize on a case by case basis, after appropriate investigation, the release and delivery of non-German securities located in Germany, or outside of Germany in the name of German banks, which are owned by persons permanently residing outside of Germany, subject to the following conditions:
- (i) It is established to the satisfaction of the Zone Commander authorizing the release and delivery that the securities are not subject to internal or external restitution, and that no person in Germany has any interest therein.
 - (ii) The securities have been owned continuously since 8 May 1945 by the persons requesting release and delivery.
 - (iii) The appropriate authority in the country in which the securities were issued has advised that he has no objection to such release.
 - (iv) The owner and claimant is not a German citizen who has resided in Germany since 8 May 1945.

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By AOC NARA Date 8-10-99

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~~BPA/P(47)~~~~BIPARTITE ECONOMIC ADVISORS~~

* PROCEDURE FOR THE RELEASE OF NON-GERMAN SECURITIES LOCATED IN GERMANY OR HELD OUTSIDE OF GERMANY IN THE NAME OF GERMAN BANKS, WHICH SECURITIES ARE OWNED BY PERSONS PERMANENTLY RESIDING OUTSIDE OF GERMANY

~~4~~
(Proposal by U.S. Member)

~~(U.S. PROPOSAL)~~

I. It is proposed that a paper substantially along the following lines be presented to the Finance Directorate for quadripartite consideration. It is further proposed that immediately upon such paper's being tabled the policy enumerated therein be implemented in the US and UK zones of occupation.

1. Numerous requests are being received from persons permanently residing outside of Germany to obtain possession of securities which they own and which are physically located in Germany, or are located outside of Germany in the name of German banks.

2. It is considered desirable that uniform policies should be followed in all four zones in dealing with requests of the above nature. Accordingly, it is proposed that the following policy be adopted for implementation in all four zones of occupation:

A. Each Zone Commander will authorize on a case by case basis, after appropriate investigation, the release and delivery of non-German securities located in Germany, or outside of Germany in the name of German banks, which are owned by persons permanently residing outside of Germany, subject to the following conditions:

(i) It is established to the satisfaction of the Zone Commander authorizing the release and delivery that the securities are not subject to internal or external restitution, and that no person in Germany has any interest therein.

(ii) The securities have been owned continuously since 8 May 45 by the persons requesting

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By AOJ NARA Date 8-10-99

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release and delivery.

- (iii) The appropriate authority in the country in which the securities were issued has advised that he has no objection to such release.
- (iv) The owner and claimant is not a German citizen who has resided in Germany since 8 May 1945.

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 Box 46

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 Authority UNDP67586
 By JA NARA Date 8-76

Der Bundeskanzler
 und
 Bundesminister des Auswaertigen

Bonn, den 21. Februar 1953

V O L L M A C H T

Der Bundesminister der Finanzen,
 Herr Fritz S C H A E F F E R,

wird hiermit bevollmaechtigt, das von Vertretern
 der Regierung der Bundesrepublik Deutschland und
 der Regierung der Vereinigten Staaten von Amerika
 vereinbarte Abkommen ueber die Bereinigung von Dol-
 larbonds deutscher Aussteller im Namen der Regie-
 rung der Bundesrepublik Deutschland zu unterzeich-
 nen.

DER BUNDESKANZLER
 UND
 BUNDESMINSTER DES AUSWAERTIGEN

/s/ ADENAUER

March 3, 1953

CERTIFIED TRUE COPY

Gordon F. Corrigan
 Gordon F. Corrigan
 Acting Staff Secretary

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 For Central Files

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Entry HICOG
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21. Februar 1953

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Authority NND 867566

By JA NARA Date 8-76

Bonn, den 21. Februar 1953

DER BUNDESKANZLER
UND
BUNDESMINISTER DES AUSWÄRTIGEN

V O L L M A C H T

Der Bundesminister der Finanzen,
Herr Fritz S C H Ä F F E R ,

wird hiermit bevollmächtigt, das von Vertretern
der Regierung der Bundesrepublik Deutschland und
der Regierung der Vereinigten Staaten von Amerika
vereinbarte Abkommen über die Bereinigung von Dol-
larbonds deutscher Aussteller im Namen der Regie-
rung der Bundesrepublik Deutschland zu unterzeich-
nen.

DER BUNDESKANZLER
UND
BUNDESMINISTER DES AUSWÄRTIGEN



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 Authority UND 867586
 By JA NARA Oels 8-16

Agreement

Abkommen

Between
 the Government of the
 United States of America
 and
 the Government of the
 Federal Republic of Germany
 Regarding the Validation of
 Dollar Bonds of German Issue.

zwischen
 der Regierung der
 Vereinigten Staaten von Amerika
 und
 der Regierung der
 Bundesrepublik Deutschland
 ueber die Bereinigung von
 Dollarbonds deutscher Aussteller.

In der Erwaeugung,

WHEREAS there are outstanding numerous German public and private foreign currency bonds including dollar bonds payable through corporate trustees or through paying agents in the United States;

dass zahlreiche deutsche oeffentliche und private Schuldverschreibungen, die auf auslaendische Waehrung lauten (Auslandsbonds), einschliesslich Dollarbonds, die den Vereinigten Staaten durch Gesellschaften als Treuhaender oder durch Zahlungsagenten zahlbar sind, ausstehen;

WHEREAS a large number of these bonds, including such dollar bonds, were acquired for eventual retirement and thus no longer represented valid obligations;

dass viele dieser Auslandsbonds, einschliesslich solcher Dollarbonds, zum Zwecke spaeterer Einziehung erworben worden waren und daher keine gueltige Verpflichtung mehr darstellten;

WHEREAS such acquired bonds were retained in Germany and never presented to the trustees or the paying agents for cancellation;

dass die so erworbenen Bonds in Deutschland aufbewahrt wurden und den Treuhaendern oder Zahlungsagenten nie zur Tilgung vorgelegt worden sind;

WHEREAS a great many of the bonds so acquired or otherwise held in Germany disappeared during hostilities in Germany or soon thereafter;

dass viele der Bonds, die entweder auf diese Weise erworben worden waren oder sich aus anderen Gruenden in Deutschland fanden, waehrend der Feindseligkeiten oder bald nach deren Beendigung verschwunden sind;

WHEREAS these bonds may have fallen unlawfully into the hands of persons who will seek to negotiate them, or to make claim under them against the debtors, trustees or paying agents, or otherwise to profit from their unlawful acquisition;

dass diese Bonds unrechtmassig Personen in die Haende gefallen sein koennen, die strebt sein werden, sie entweder zu verkaeufern oder auf Grund der Bonds Ansprüche gegen die Schuldner, Treuhaender oder Zahlungsagenten geltend zu machen oder auf andere Weise Gewinn aus ihrem unrechtmassigen Erwerb zu ziehen;

WHEREAS any payment on bonds which are illegally held and which no longer represent valid obligations of the issuers, not only would be inequitable to the German debtors, but would necessarily reduce the amount of foreign exchange or other funds available to make payments to their legitimate creditors, a large number of whom are nationals of the United States;

dass Zahlung auf Bonds, die in unrechtmassigem Besitz sind und keine gueltigen Verpflichtungen des Ausstellers mehr darstellen, nicht nur den deutschen Schuldgegnuebern unbillig waere, sondern auch eine Verminderung der Devisen und sonstigen Mitteln wuerde, die zur Befriedigung rechtmassiger Glaeubiger verfuegbar sind, zu denen in grossem Umfang amerikanische Staatsbuerger gehoeren;

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WHEREAS the free and open trading in the United States of all German dollar bonds is impeded by the uncertainties arising from the situation described above;

WHEREAS in order to avoid these consequences it is necessary that such German foreign currency bonds, including dollar bonds, which are illegally held should be declared invalid;

WHEREAS almost all such German bonds are in the form of bearer instruments so that generally the most practical method of accomplishing such invalidation of bonds is a procedure which will require that all German foreign currency bonds, including dollar bonds, be submitted for a determination of their validity;

WHEREAS the Federal Republic of Germany has enacted for this purpose the law for the Validation of German Foreign Currency Bonds of August 25, 1952, published in the Bundesgesetzblatt of 1952, Part I, page 553, (hereinafter referred to as "the Validation Law") which is the basis of this Agreement and an English translation of which, agreed by the two Governments, is attached hereto;

WHEREAS the Federal Republic of Germany desires this Law be implemented within the territorial jurisdiction of the United States as well as other countries;

WHEREAS the Government of the United States (hereinafter referred to as "the United States Government") recognizes that the policy of the Federal Republic of Germany embodied in the Validation Law is in conformity with the policy of the United States, and that the procedure of validation prescribed therein is in the interests of an orderly and appropriate determination of the validity of claims of itself and its nationals based on bonds of Germany and German debtors and will protect itself and its nationals against payments out of the limited available foreign exchange being made by German debtors to holders of bonds which no longer represent valid obligations;

WHEREAS the Government of the Federal Republic of Germany (hereinafter referred to as "the German Federal Government"), in accordance with the terms of the Occupation Statute, gave due notice of the intended enactment of the Validation Law

dass der freie und offene Handel mit allen deutschen Dollarbonds in den Vereinten Staaten durch die Unsicherheiten behindert wird, die sich aus der oben dargestellten Sachlage ergeben;

dass es zur Vermeidung dieser Folgen wendig ist, die in unrechtmässigem Bes befindlichen deutschen Auslandsbonds, einschliesslich Dollarbonds, fuer ungueltig erklaren;

dass fast alle solche deutschen Bonds Form von Inhaberpapieren haben, so dass allgemeinen der zweckmaessigste Weg zu Wirkung dieser Ungueltigkeitserklaerung Bonds in einem Verfahren besteht, das Vorlegung aller deutschen Auslandsbonds einschliesslich der Dollarbonds, zum der Feststellung ihrer Gueltigkeit vo schreibt;

dass die Bundesrepublik zu diesem das Gesetz zur Bereinigung von deutschen Schuldverschreibungen, die auf ausla Waehrung lauten, vom 25. August 1952 Bundesgesetzblatt 1952 I Seite 553 - folgenden "das Bereinigungsgesetz" erlassen hat, das die Grundlage dieses kommens bildet und von dem eine von Regierungen gebilligte englische Ue zung diesem Abkommen beigefuegt ist

dass die Bundesrepublik die Durch dieses Gesetzes innerhalb des Hohe der Vereinigten Staaten sowie ande wuenscht;

dass die Regierung der Vereinten (im folgenden "die Amerikanische Regierung" genannt) anerkennt, dass die Bundesrepublik Deutschland mit dem gungsgesetz verfolgten Ziele mit der Vereinigten Staaten uebereins dass das im Gesetz vorgesehene Be verfahren im Interesse einer ordn und zweckentsprechenden Feststel Gueltigkeit von Anspruechen der Staaten und ihrer Staatsangehoer Schuldverschreibungen Deutschlan scher Schuldner liegt und die Ve schuetzen wird, dass Zahlungen schraenkt verfuegbaren Devisenb seitens deutscher Schuldner an Schuldverschreibungen erfolgen, Verpflichtungen mehr darstellen

dass die Regierung der Bundes Deutschland (im folgenden "die Regierung" genannt) in Uebereinstim Vorschriften des Besatzungssta Hohen Kommissaren der Vereinig Gross-Britanniens und Frankrei

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to the United States; British and French High Commissioners for Germany, who are charged with responsibility for the protection of foreign interests in Germany; and whereas the said High Commissioners duly examined the said Law and have raised no objection to this enactment;

WHEREAS the German Federal Government has approved a "Second Implementing Ordinance under the Validation Law for German Foreign Currency Bonds" in the form attached hereto (hereinafter referred to as "the attached Ordinance"), an English translation of which, agreed to by the two Governments, is also attached hereto, and has informed the United States Government that it will promulgate this Ordinance as soon as the United States Government has consented to its provisions as required by article 77(1) of the Validation Law;

WHEREAS the United States Government deems the provisions of the said Validation Law set forth a reasonable basis for the adjustment of these post war difficulties and for the settlement of claims, and therefore wishes to implement the same within the territorial jurisdiction of the United States; and

WHEREAS such implementation requires agreement of the two Governments signatory hereto in order to make provision mutually satisfactory as to procedures therefor within the territorial jurisdiction of the United States;

Therefore, the Government of the United States of America and the Government of the Federal Republic of Germany have entered into the following Agreement:

Section 1

For the purpose of this Agreement,

- (1) the term "Dollar Bond" shall mean any bond of the types which are listed in the Schedule to the Validation Law or a supplement of such Schedule and in respect of which such Schedule or supplement describes the United States as the Country of Offering and shall include coupons, dividend warrants, renewal certificates, subscription warrants and any other secondary instruments issued in connection with such bond (Article 5 of the Validation Law);

Schutz auslaendischer Interessen in Deutschland obliegt, ordnungsmassig Mitteilung dem beabsichtigten Erlass des Bereinigungsgesetzes gemacht hat und dass die genannten Hohen Kommissare das Gesetz ordnungsgemaessig geprueft und keine Waendungen gegen seinen Erlass erhoben haben;

dass die Bundesregierung eine "Zweite Durchfuhrungsverordnung zum Bereinigungsgesetz fuer deutsche Auslandsbonds" in der der Anlage ersichtlichen Form (nachstehend als "die anliegende Verordnung" bezeichnet) von der eine von beiden Regierungen gebildete englische Uebersetzung beigefuegt ist, geschlossen und der Amerikanischen Regierung mitgeteilt hat, dass sie diese Verordnung erlassen wird, sobald die Amerikanische Regierung sich gemass § 77 Abs. 1 des Bereinigungsgesetzes mit den Bestimmungen dieser Verordnung einverstanden erklaert;

dass die Amerikanische Regierung in den Bestimmungen des Bereinigungsgesetzes eine vernunftige Grundlage zur Regelung dieser Nachkriegsschwierigkeiten und zur Ordnung gewisser Ansprueche erblickt und deshalb den Wunsch hat, dieses Gesetz innerhalb der Hoheitsbereiche der Vereinigten Staaten durchzufuehren;

dass diese Durchfuhrung eine Uebereinkunft der beiden unterzeichneten Regierungen erfordert, damit beiderseitig zufriedenstellende Bestimmungen hinsichtlich des oben beschriebenen Verfahrens innerhalb des Hoheitsbereichs der Vereinigten Staaten geschaffen werden;

haben die Regierung der Vereinigten Staaten von Amerika und die Regierung der Bundesrepublik Deutschland folgendes vereinbart:

§ 1

In diesem Abkommen

- (1) bezeichnet der Ausdruck "Dollarbond" alle Schuldverschreibungen derjenigen Arten, die in dem dem Bereinigungsgesetz anliegenden Verzeichnis oder einer Ergaenzung zu aufgefuehrt sind und hinsichtlich derer das genannte Verzeichnis oder die Ergaenzung die Vereinigten Staaten als Begebungsort bezeichnet, einschliesslich der zu ausgegebenen Zins-, Gewinnanwarts-, Erneuerungs- und Bezugsscheine und anderer Nebenurkunden (§ 5 des Bereinigungsgesetzes);

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- (2) the term "the Foreign Representative" shall mean the Foreign Representative for the United States appointed by the German Federal Government pursuant to Article 8 of the Validation Law.

Section 2

a. The two Governments hereby establish jointly a Board for the Validation of German Bonds in the United States (hereinafter sometimes referred to as "the Validation Board"), as contemplated by Article 9(5) of the Validation Law.

b. The said Board shall have its seat and office in the City of New York in the State of New York.

c. The said Board shall consist of two members and a chairman. The Foreign Representative shall be one of the members; the other member shall be appointed by the United States Government after consultation with the German Federal Government. The chairman shall be appointed by the two Governments jointly and shall be a national of the United States.

d. Each Government may remove for cause the member appointed by it, after consultation with the other Government. If there is danger in delay, it may suspend such member temporarily. The chairman may be removed for cause by joint action of the two Governments. A vacancy arising by such removal or otherwise shall be filled in accordance with sub-section c.

e. The United States Government consents to the said Board's conducting its operations within the territorial jurisdiction of the United States.

f. The said Board shall take its decisions by joint action of its two members if they are in agreement. If they are not in agreement, they shall refer the matter to the chairman, whose decision in such case shall constitute the decision of the Board.

g. The German Federal Government shall make available such staff and shall provide such office space and equipment for the said Board as the two Governments consider to be needed for the efficient and expeditious handling of the large volume of registrations which may be received by the Board.

- (2) bezeichnet der Ausdruck "der Auslandsbevollmächtigte" den seitens der Bundesregierung gemäss § 8 des Bereinigungsgesetzes bestellten Auslandsbevollmächtigten fuer die Vereinigten Staaten.

§ 2

a. Die beiden Regierungen richten hiermit gemeinsam, wie in § 9 Abs. 5 des Bereinigungsgesetzes vorgesehen, eine Bereinigungsstelle fuer deutsche Bonds in den Vereinigten Staaten (nachstehend zuweilen "die Bereinigungsstelle" genannt) ein.

b. Die Bereinigungsstelle hat ihren Sitz und ihre Geschaeftsraeume in der Stadt New York im Staate New York.

c. Die Bereinigungsstelle besteht aus zwei Mitgliedern und einem Vorsitzenden. Eines dieser Mitglieder ist der Auslandsbevollmächtigte, das andere Mitglied wird von der Amerikanischen Regierung in Beroechung mit der Bundesregierung bestellt. Die beiden Regierungen bestellen gemeinsam einen amerikanischen Staatsangehoerigen als Vorsitzenden.

d. Jede Regierung kann aus wichtigem Grunde die Bestellung des von ihr bestellten Mitgliedes im Beroechung mit der anderen Regierung widerrufen. Wenn Gefahr im Verzug ist, kann die Regierung dem von ihr bestellten Mitgliede die Amtsausuebung vorlaeufig untersagen. Die beiden Regierungen koennen gemeinsam die Bestellung des Vorsitzenden aus wichtigem Grunde widerrufen. Eine durch solchen Widerruf auf andere Weise freiwerdende Stelle ist gemäss Abs. e neu zu besetzen.

e. Die Amerikanische Regierung erteilt Zustimmung dazu, dass die Bereinigungsstelle innerhalb des Hoheitsbereichs der Vereinigten Staaten ihre Taetigkeit ausuebt.

f. Die Bereinigungsstelle trifft ihre Entscheidungen durch Beschluss ihrer beiden Mitglieder, falls diese sich einig sind. Sind sie sich nicht einig, so haben sie die Sache dem Vorsitzenden vorzulegen, dessen Entscheidung in solchen Falle die Entscheidung der Bereinigungsstelle darstellt.

g. Die Bundesregierung wird fuer die Bereinigungsstelle Personal, Geschaeftsraeume und Ausstattungsgegenstaende in demjenigen Masse zur Verfauegung stellen, wie die beiden Regierungen dies nach sachgemessener und unverhoerlicher Bearbeitung der grossen Menge von Registrierungen, die zu erwarten sind, fuer erforderlich erachten.

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h. The two Governments agree that the appointment of the Foreign Representative will be subject to the consent of the United States Government and that he will be recalled should the United States Government so request. The United States Government agrees that the Foreign Representative shall be accorded such privileges and immunities normally accorded by it to diplomatic representatives of foreign Governments as may be necessary to enable him properly to carry out his responsibilities as Foreign Representative and as member of the Validation Board and, subject to the provisions of this Agreement, consents to the discharge by the Foreign Representative of his functions within the territorial jurisdiction of the United States.

i. The provisions of this Agreement concerning the Foreign Representative shall also apply to his permanent deputies appointed pursuant to Article 8 (7) of the Validation Law. Any permanent deputy appointed by the United States Government may act as member of the said Board in the place of the member appointed by it.

Section 3

a. The United States Government will notify the German Federal Government from time to time of any Federal Reserve District or Districts in which a need for establishment of an Arbitration Board pursuant to the attached Ordinance exists, and the German Federal Government will establish such Board or Boards upon receipt of such notification.

b. The United States Government consents that the Arbitration Boards established pursuant to the attached Ordinance exercise their jurisdiction within the territorial jurisdiction of the United States.

c. The two Governments agree that the appointment of the arbitrators will be subject to the consent of the United States Government and that an arbitrator will be removed upon agreement by the two Governments that he is seriously violating his duties. Subject to the foregoing, the two Governments are in agreement that, in respect of each Arbitration Board, each Government will designate one arbitrator and both Governments jointly will designate a national of the United States as chairman.

h. Die beiden Regierungen sind sich darüber einig, dass die Bestellung des Auslandsbevollmächtigten der Zustimmung der Amerikanischen Regierung bedarf und dass diese Bestellung zu widerrufen ist, wenn die genannte Regierung darum nachsucht. Die Amerikanische Regierung ist damit einverstanden, dass dem Auslandsbevollmächtigten diejenigen üblicherweise ihrerseits diplomatischen Vertretern ausländischer Regierungen gewährten Vorrechte und Immunitäten eingeräumt werden, die notwendig sind, um ihm die ordnungsmässige Erfüllung seiner Obliegenheiten als Auslandsbevollmächtigter und als Mitglied der Bereinigungsstelle zu ermöglichen und erteilt, vorbehaltlich der Vorschriften dieses Abkommens, ihre Zustimmung dazu, dass der Auslandsbevollmächtigte seine Aufgaben innerhalb des Hoheitsbereichs der Vereinigten Staaten ausübt.

i. Die den Auslandsbevollmächtigten betreffenden Bestimmungen dieses Abkommens gelten auch für die gemäss § 8 Abs. 7 des Bereinigungsgesetzes bestellten ständigen Vertreter. Jeder von der Amerikanischen Regierung bestellte ständige Vertreter kann die Befugnisse des von dieser Regierung bestellten Mitgliedes der Bereinigungsstelle ausüben.

§ 3

a. Die Amerikanische Regierung wird gegebenenfalls der Bundesregierung von Zeit zu Zeit diejenigen Federal-Reserve-Bezirke mitteilen, in denen das Bedürfnis zur Einrichtung eines Schiedsgerichts auf Grund der anliegenden Verordnung besteht, und die Bundesregierung wird nach Erhalt einer solchen Mitteilung dieses Schiedsgericht oder diese Schiedsgerichte einrichten.

b. Die Amerikanische Regierung erklärt sich damit einverstanden, dass die auf Grund der anliegenden Verordnung eingerichteten Schiedsgerichte ihre Gerichtsbarkeit innerhalb des Hoheitsbereichs der Vereinigten Staaten ausüben.

c. Die beiden Regierungen sind sich darüber einig, dass die Ernennung der Schiedsrichter der Zustimmung der Amerikanischen Regierung bedarf und dass die Ernennung zu widerrufen ist, wenn die beiden Regierungen sich darüber einig sind, dass ein Schiedsrichter seine Amtspflichten groblich verletzt. Vorbehaltlich des Vorstehenden sind sich die beiden Regierungen darüber einig, dass hinsichtlich jedes Schiedsgerichts jede Regierung einen Beisitzer benennen wird und die beiden Regierungen gemeinsam einen amerikanischen Staatsangehörigen als Vorsitzenden benennen werden.

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Section 4

§ 4

- a. The United States Government hereby consents to the provisions of the attached Ordinance, as required by Article 77(1) of the Validation Law.
- b. The German Federal Government agrees not to amend, modify or repeal the attached Ordinance or promulgate any additional Implementing Ordinances under the Validation Law applicable to Dollar Bonds without the concurrence of the United States Government.
- c. The German Federal Government confirms that upon the promulgation of the said Ordinance and upon effectuation of the notices and announcements specified in Section 5, the Validation Law and the attached Ordinance shall become applicable to all matters and proceedings implementing the Validation Law within the territorial jurisdiction of the United States.
- d. The German Federal Government agrees that it will not take any steps towards amending, modifying or repealing the Validation Law without prior consultation between the two Governments.
- e. The two Governments agree that, in the event that the attached Ordinance should not be promulgated forthwith, or that the Validation Law should be amended, modified or repealed without the concurrence of the United States Government, or that the said Law or Ordinance or any part thereof should be found to be invalid as conflicting with any other provision of German law, the United States Government may terminate this Agreement and withdraw any consent given by its terms.

Section 5

§ 5

1. The German Federal Government agrees that it will take all steps necessary to ensure that holders in the United States of German foreign currency bonds are given adequate and timely notice of such action as is necessary under the Validation Law to secure validation of their bonds and, in particular, that it will cause notice of such required action to be published three times in at least one newspaper of general circulation in each Federal Reserve District, territory and possession of the United States, in at least three periodicals of general circulation throughout the United States, and in at least six financial journals in the United States, and cause appropriate

a. Die Amerikanische Regierung erklärt sich hiermit gemäss § 77 Abs. 1 des Bereinigungsgesetzes mit den Bestimmungen der anliegenden Verordnung einverstanden.

b. Die Bundesregierung verpflichtet sich ohne die Zustimmung der Amerikanischen Regierung weder diese Verordnung zu ergaenzen abzuändern oder aufzuheben noch zusätzlich auf Dollarbonds anwendbare Ausfuhrungsverordnungen auf Grund des Bereinigungsgesetzes zu erlassen.

c. Die Bundesregierung bestaetigt, dass mit der Verkundung der genannten Verordnung und mit der Bewirkung der in § 5 vorgesehener Hinweise und Ankuendigungen das Bereinigungsgesetz und die anliegende Verordnung auf die Durchfuhrung des Bereinigungsgesetzes im Hoheitsbereich der Vereinigten Staaten betreffenden Angelegenheiten und Verfahren anwendbar werden sollen.

d. Die Bundesregierung verpflichtet sich ohne vorherige Beratung mit der Amerikanischen Regierung keine Schritte zu unternehmen, die auf eine Ergaenzung, Aenderung oder Aufhebung des Bereinigungsgesetzes hinzielen.

e. Die beiden Regierungen sind darueber einig, dass, falls die anliegende Verordnung nicht unverzaeglich verkundet wird oder das Bereinigungsgesetz ohne Zustimmung der Amerikanischen Regierung ergaenzt, abgeaendert oder aufgehoben wird oder das genannte Gesetz oder die genannte Verordnung ganz oder teilweise fuer unvereinbar mit anderen deutschen Rechtsvorschriften und damit fuer ungueltig befunden wird, die Amerikanische Regierung das vorliegende Abkommen kuendigen und jegliche darin gegebene Zustimmung zuruecknehmen kann.

- a. Die Bundesregierung verpflichtet sich alle Massnahmen zu treffen, die erforderlich sind, um die Inhaber deutscher Auslandsbonds in den Vereinigten Staaten angemessen und rechtzeitig auf die nach dem Bereinigungsgesetz zur Sicherung der Anerkennung ihrer Bonds notwendigen Schritte hinzuweisen; sie verpflichtet sich insbesondere, einen Hinweis auf diese erforderlichen Schritte dreimal in mindestens einer Zeitung von allgemeiner Verbreitung in jedem Federal-Reserve-Bezirk, jedem Territorium und jeder Besetzung der Vereinigten Staaten in mindestens drei Zeitschriften von allgemeiner Verbreitung im gesamten Gebiet der Vereinigten Staaten und in mindestens sechs Wirtschaftszeitschriften in den Vereinigten

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announcements to be sent to such other institutions and individuals as may be designated by the United States Government. Such notice and announcements shall be effected at such times and in such manner as the United States Government shall designate after consultation with the German Federal Government.

b. Similar notice shall be given and similar announcements be made by the German Federal Government of any amendment of the Validation Law or of the attached Ordinance as well as of the promulgation of any additional Ordinance applicable to Dollar Bonds unless the United States Government deems such notice or announcement unnecessary.

Section 6

a. The two Governments will jointly determine whether the Opening Date established by Article 19(1) of the Validation Law should be advanced or deferred, in the manner authorized by Article 19(2) thereof, in respect of Dollar Bonds.

b. The German Federal Government agrees to extend, in the manner authorized by Article 21(2) of the Validation Law, the registration periods (Article 21(1) and Article 37(2) of the said law) for such period or periods, not exceeding the maxima set forth in Article 21(2) of the said law, and such types of Dollar Bonds as may be requested by the United States Government.

Section 7

The German Federal Government confirms that

- (1) any decision of the Validation Board,
- (2) any decision reviewing a decision of the Validation Board pursuant to a legal remedy allowed by Article 29(2) of the Validation Law, and
- (3) any decision of a German court or agency rendered pursuant to the provisions of Part III or Article 51 of the Validation Law and concerning the validation of Dollar Bonds

Staaten veröffentlichen zu lassen und zweck entsprechende Ankuendigungen an alle von der Amerikanischen Regierung bezeichneten Stellen und Einzelpersonen senden zu lassen. Diese Hinweise und Ankuendigungen sind zu den Zeitpunkten und in der Weise zu veröffentlichen, die die Amerikanische Regierung im Benehmen mit der Bundesregierung bezeichnen wird.

b. Entsprechende Hinweise und entsprechende Ankuendigungen haben seitens der Bundesregierung hinsichtlich jeder Aenderung des Bereinigungsgesetzes oder der anliegenden Verordnung sowie hinsichtlich des Erlasses zusätzlicher auf Dollarbonds anwendbarer Verordnungen zu erfolgen, es sei denn, dass die Amerikanische Regierung den Hinweis oder die Ankuendigung als unnoetig erachtet.

§ 6

a. Die beiden Regierungen werden gemeinsam feststellen, ob der in § 19 Abs. 1 des Bereinigungsgesetzes vorgesehene Stichtag in der in § 19 Abs. 2 des Gesetzes bezeichneten Weise vorverlegt oder hinausgeschoben werden soll, soweit es sich um Dollarbonds handelt.

b. Die Bundesregierung wird in der in § 21 Abs. 2 des Bereinigungsgesetzes vorgesehene Weise auf Verlangen der Amerikanischen Regierung die Anmeldefrist (§ 21 Abs. 2 und § 37 Abs. 2 des Gesetzes) um die von dieser bezeichneten Zeiträume im Rahmen der in § 21 Abs. 2 des Gesetzes vorgesehenen Maximalzeiträume und hinsichtlich der von dieser bezeichneten Arten von Dollarbonds verlaengern.

§ 7

Die Bundesregierung bestaetigt, dass

- (1) die Entscheidungen der Bereinigungsstelle,
- (2) die zur Nachpruefung von Entscheidungen der Bereinigungsstelle erlassenen Entscheidungen, soweit sie auf Grund der in § 29 Abs. 1 des Bereinigungsgesetzes vorgesehenen Rechtsbehelfe ergehen, und
- (3) die Entscheidungen deutscher Gerichte und Stellen, soweit sie gemae den Vorschriften des Abschnitts oder des § 51 des Bereinigungsgesetzes ergehen und die Anerkennung von Dollarbonds betreffen,

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11, upon becoming final pursuant to the provisions of the said Law, be binding upon all persons concerned; provided that nothing in this section shall restrict any right or remedy granted or allowed by the said Law.

Section 8

The German Federal Government agrees that if appropriate representation is made by the United States that the provisions or administration of the Validation Law or of the Ordinances issued thereunder have imposed or appear likely to impose undue hardships upon the United States or its nationals, or prove to be impracticable or unworkable, the German Federal Government will take all action within its powers as may be required to eliminate such hardships or make the validation procedure practicable and workable.

Section 9

Should the German Federal Government admit certain types of documents or of other evidence as sufficient for validation of foreign currency bonds offered in a Country of Offering other than the United States, the action thus taken by the German Federal Government shall also be made applicable to Dollar Bonds held at the time of their registration within such Country of Offering, provided that the German Federal Government notifies the United States Government of such action and that the United States Government thereupon finds such application to be appropriate and so notified the German Federal Government.

Section 10

The German Federal Government agrees that it will seek to conclude agreements similar to the present Agreement with the Government of any other country in which German foreign currency bonds have been marketed and which the Schedule to the Validation Law describes as a Country of Offering, or to make other appropriate arrangements with the competent agencies of the Countries of Offering, for the purpose of implementing the Validation Law within the territorial jurisdiction of such country and causing decisions rendered in accordance with the terms of the Validation Law to become binding upon all persons concerned.

Sobald sie gemäss den Vorschriften des genannten Gesetzes verbindlich werden, alle beteiligten Personen binden sollen; jedoch lässt diese Bestimmung alle Rechte oder Rechtsbehelfe unberührt, die das genannte Gesetz gewährt oder zulässt.

§ 8

Für den Fall, dass die Vereinigten Staaten dahin vorstellig werden sollten, dass die Vorschriften oder die Durchführung des Bereinigungsgesetzes oder der auf Grund des Gesetzes erlassenen Verordnungen unangebrachte Härten gegenüber den Vereinigten Staaten oder ihren Staatsangehörigen verursacht haben oder voraussichtlich verursachen werden oder sich als unbrauchbar oder undurchführbar erweisen, verpflichtet sich die Bundesregierung, alle innerhalb ihrer Befugnisse liegenden Schritte zu tun, die erforderlich sind, um diese Härten zu beseitigen oder das Bereinigungsverfahren brauchbar und durchführbar zu gestalten.

§ 9

Lässt die Bundesregierung hinsichtlich der in einem anderen Begebungsland begebenen Schuldverschreibungen Urkunden bestimmter Art oder andere gewisse Beweismittel als ausreichend für deren Anerkennung zu, so wird diese Regelung auch auf Dollarbonds angewandt, die im Zeitpunkt ihrer Anmeldung sich in dem betreffenden Begebungsland befinden, falls die Bundesregierung diese Regelung der Amerikanischen Regierung anzeigt und diese darauf hin der Bundesregierung mitteilt, dass ihr die Anwendung dieser Regelung auf Dollarbonds angemessen erscheint.

§ 10

Die Bundesregierung wird sich bemühen, mit den Regierungen derjenigen Staaten, in denen deutsche Auslandsbonds begeben worden sind, die in dem dem Bereinigungsgesetz anliegend Verzeichnis als Begebungsland bezeichnet sind, ähnliche Abkommen wie das gegenwärtige abzuschliessen oder mit den zuständigen Stellen der Begebungslander andere sachdienliche Maßnahmen zu vereinbaren, um das Bereinigungsgesetz innerhalb des Hoheitsbereichs der betreffenden Laender durchzuführen und Entscheidungen, gemäss seinen Bestimmungen erlassen sind, alle beteiligten Personen bindend zu gestalten.

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Authority: NND 867586

By: JA NARA Date: 8-76

- 9 -

§ 11

Section 11

The two Governments agree that the Validation Board and the Federal Representative may utilize such services of any persons or public or private agencies within the United States as they may deem necessary for the purpose of carrying out the validation process as expeditiously and effectively, and may enter into contracts with such persons or agencies with respect to such services and the compensation to be paid therefor.

Die beiden Regierungen kommen uebereinstimmend, dass die Bereinigungsstelle und der Auslandsbevollmaechtigte und der Auslandsbevollmaechtigte die Dienste aller Personen oder oeffentlichen oder privaten Stellen innerhalb der Vereinigten Staaten in Anspruch nehmen koennen, die sie fuer die verzaegliche und wirksame Durchfuehrung des Bereinigungsverfahrens fuer notwendig erachten, und dass sie hinsichtlich dieser Dienstleistungen und der da fuer zu zahlenden Verguetungen Vertraege mit diesen Personen oder Stellen abschliessen koennen.

§ 12

Section 12

The German Federal Government agrees that any expenses reimbursable to the registrants, trustees and selling agents of Dollar Bonds pursuant to Article 63 of the Validation Law will be paid to them by the Foreign Representative on behalf of the Federal Republic of Germany, without prejudice to the right of the German Federal Republic to claim reimbursement from the issuers of such bonds.

Die Bundesregierung verpflichtet sich, alle gemass § 63 des Bereinigungsgesetzes den Anmeldern, Treuhacndern und Zahlungsverwendungen durch den Auslandsbevollmaechtigten als Vertreter der Bundesrepublik Deutschland zur Zahlung zu bringen; das Recht der Bundesrepublik Deutschland auf Kostenerstattung seitens der Aussteller dieser Bonds wird hierdurch nicht beruehrt.

§ 13

Section 13

a. The German Federal Government agrees that the entire cost of the validation procedure resulting from the implementation of the Validation Law in the United States will be paid by the Federal Republic of Germany, including, but not limited to, the salaries, fees or other remuneration of the members and chairmen of the Validation Board and Arbitration Boards, office rent and other operating expenses of the said Boards, and the cost of notices and announcements pursuant to Section 5 hereof.

a. Die Bundesregierung erklart sich mit einverstanden, dass die gesamten Kosten der Durchfuehrung des Bereinigungsverfahrens, die sich in den Vereinigten Staaten ergeben, insbesondere die Gehaelter, Gebuehren und stigen Verguetungen der Mitglieder der Bereinigungsstelle und der Vorsitzenden der Schiedsgerichte, die Geschaeftsraeumlichkeiten, die sonstigen Verwaltungsausgaben der Bereinigungsstelle und der Schiedsgerichte, die Kosten der Hinweise und Ankuerungen gemass § 5 dieses Abkommens von der Bundesrepublik Deutschland gezahlt werden.

b. The salary of the member of the Validation Board appointed by the United States Government and the remuneration of the chairman of the Validation Board shall be determined jointly by the two Governments. The initial appointment of such member shall be for a period of two years.

b. Das Gehalt des von der Amerikanischen Regierung bestellten Mitgliedes der Bereinigungsstelle und die Bezuege fuer den Vorsitzenden der Bereinigungsstelle sollen von der Bundesregierung und der Amerikanischen Regierung festgesetzt werden. Ein Mitglied wird zunaechst fuer einen Zeitraum von zwei Jahren bestellt.

§ 14

Section 14

The German Federal Government agrees that it will make available the foreign exchange necessary to effectuate the payments pursuant to Sections 12 and 13 and that it will cause to be issued such licenses as may be required under German law to permit

Die Bundesregierung verpflichtet sich, die zur Bewirkung der Zahlungen gemass den Artikeln 12 und 13 erforderlichen Devisen zu beschaffen und die Erteilung der notwendigen Genehmigungen zu veranlassen, die nach dem deutschen Recht zur Durchfuehrung der au

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Authority UNDP 867566

By JA NARA Date 8-76

ing out of any acts required under
ation law or this Agreement.

Bereinigungs-gesetzes oder dieses Abkommens
erforderlichen Massnahmen noetig sind.

§ 15

Section 15

The two Governments agree that the employ-
of collective validation as provided in
Article 13 and Articles 55 to 58 of the Vali-
dation Law will promote the orderly and ex-
peditious operation of the law and that the
collective validation should be used wherever
it appears that the amount of bonds of a given
issue which have disappeared is not sufficient-
large to warrant the expense to the issuer
and the burden upon the bondholders of spe-
cific validation.

Die beiden Regierungen sind sich darueber
einig, dass die Benutzung der Sammelanerken-
nung Gemassens § 13 und §§ 55 bis 58 des Berei-
nigungsgesetzes der geordneten und beschleu-
nigten Durchfuehrung des Gesetzes foerderlich
ist und dass von der Sammelanerkennung in
allen Faellen Gebrauch gemacht werden soll,
in denen sich ergibt, dass die Zahl der ver-
schwundenen Bonds der betreffenden Anleihe
nicht gross genug ist, um die durch Einzel-
anerkennung dem Aussteller erwachsenden Kost-
en und den Bondinhabern erwachsenden Lasten zu
rechtfertigen.

§ 16

Section 16

a. The German Federal Government agrees
that, as far as Dollar bonds are concerned,
it will not exercise after February 28, 1953
its power to supplement the Schedule of
Foreign Currency Bonds pursuant to Article
1(2) of the Validation Law, unless the
United States Government should consent
thereto.

a. Die Bundesregierung wird von der ihr
nach § 1 Abs. 2 des Bereinigungsgesetzes zu-
stehenden Befugnis, das Verzeichnis der Aus-
landsbonds zu ergaenzen, nach dem 28. Febr.
1953 nicht ohne Zustimmung der Amerikanische
Regierung Gebrauch machen, soweit es sich
um Dollarbonds handelt.

b. The German Federal Government confirms
that the Validation Law does not affect the
validity of any issues of German bonds deno-
minated in dollars which are not listed in
the Schedule to the said law and are not
added thereto by way of supplement.

b. Die Bundesregierung bestaetigt, dass
das Bereinigungsgesetz die Gueltigkeit der
jenigen deutschen Schuldverschreibungen an-
erkennt, die nicht in dem
Verzeichnis der Auslandsbonds enthalten sind
nicht in das Verzeichnis bei seiner Ergaen-
zung aufgenommen werden, unberuehrt laesst

§ 17

Section 17

This Agreement has been executed in two
original texts, in the English and German
languages. The English and German texts of
this Agreement are the official texts thereof.

Dieses Abkommen ist in doppelter Urso
in englischer und deutscher Sprache aus-
gefertigt. Das englische und der deutsche
Text des Abkommens sind massgebend.

§ 18

Section 18

This Agreement shall become effective
upon its being signed by the duly authorized
representatives of the two Governments.

Dieses Abkommen tritt mit der Unterz
nung durch die Bevollmaechtigten der be
Regierungen in Kraft.

Done at Bonn in duplicate
this 27th day of February 1953.

Aufgefertigt in doppelter Urschrift
zu Bonn am 27. Februar 1953.

For the Government
of the United States
of America

For the Government
of the Federal
Republic of Germany

Fuer die Regierung
der Vereinigten
Staaten von Amerika

Fuer die Re-
gierung
der Bundes-
republik
Deutschland

[Signature]

[Signature]

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Authority NND 267586

By JA NARA Date 8-76

DWIGHT D. EISENHOWER

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE That, reposing special trust and confidence in the integrity, prudence, and ability of James B. Conant, United States High Commissioner for Germany, I have invested him with full and all manner of power and authority for and in the name of the United States of America to meet and confer with any person or persons duly authorized by the Government of the Federal Republic of Germany, being invested with like power and authority, and with such person or persons to conclude and sign an agreement between the Government of the United States of America and the Government of the Federal Republic of Germany regarding the procedures for the validation of dollar bonds of German issue.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington
 this twentieth day of February
 in the year of our Lord
 one thousand nine hundred
 fifty-three and of the
 Independence of the
 United States of America
 the one hundred seventy-
 seventh.

Dwight D. Eisenhower

By the President:

George A. M. ...
 Secretary of State

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 Authority UND 867566
 By JA NARA Date 8-76

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FOREIGN SERVICE DESPATCH

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HICOG, BONN

2655

MAR 4 1953

DESP. NO.

March 3, 1953

DATE

THE DEPARTMENT OF STATE, WASHINGTON.
 Attention: Treaty Affairs

REF

For Dept. Use Only	ACTION	DEPT.
	REC'D	I N F O OTHER

SUBJECT: **Transmittal of Agreement Regarding Validation of Dollar Bonds of German Issue**

In accordance with the requirements of Chapter 11, Foreign Service Regulations, there is transmitted, as Enclosure 1, the signed original of the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany regarding the Validation of Dollar Bonds of German Issue. This Agreement was signed in Bonn, February 27, 1953, by High Commissioner James B. Conant for the United States, and Finance Minister Fritz Schaeffer for the Federal Republic. Also, transmitted as Enclosure 2, is a letter dated February 21, 1953, signed by Federal Chancellor Adenauer, granting full power to Minister Schaeffer to sign this Agreement in the name of the Federal Republic.

G. F. Corrigan
 Acting Staff Secretary

Enclosures:

1. Signed original of Agreement between Governments of U.S. and the Federal Republic of Germany, dated February 27, 1953, on Validation of Dollar Bonds of German Issue.
2. Letter from Chancellor Adenauer of the Federal Republic of Germany, dated February 21, 1953.

OES:GFBodman:jk

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Copyrights

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DISTRIBUTION

CONTROL NUMBER

5 SEPT 50

DATE

RETURN TO FILES & RECORDS RM 940

SENT SECRETARY 1910 5TH

REFERENCE #1466 of AUGUST 23, 1950

Question whether revocation of non-Aryan laws results automatic resti-
tution copyrights of non-Aryans answered in negative. Law 1 and Regulation
thereunder and Control Council Law 1 repealed certain Nazi racial laws but,
in our view, not with retroactive effect at least insofar as property rights
are concerned. Restoration property rights in general available under Law
59 although question not settled whether Article 89 of Law 59 excludes con-
fiscated copyrights from restitution.

The question whether such copyrights subject to filing action under
Article 2 HICOG Law 8. Law 8 applies only to foreign nationals and then only
if copyrights were impaired by existence state of war or as result of German
war legislation, but not in consequence measures directed against non-Aryans.

*363.3/2006/5005
NON-Aryan Laws*

NY

AUTH: GC, LA: PSHannan

GC, LA: Schwenk/mg 8924

Name of originating Office, Person's Name, and Telephone No.

August 31, 1950

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CLASSIFICATION

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FILE

UNCLAS 1-2-1

REGARDING YOUR DESPATCH 252, JULY 26, 1950.

DID REVOCATION NON-ARYAN LAWS RESULT AUTOMATIC RESTORATION OF
COPYRIGHTS OF NON-ARYANS OR ARE THESE COPYRIGHTS SUBJECT TO
FILING ACTION UNDER ARTICLE 2, LAW 8?

ACHESON

NOTE: THIS TELEGRAM DELAYED DUE TO NECESSITY OF SERVICING.

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8-24-1950
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Pol off
Copy of text of law forwarded Belgian, Dutch & Luxembourg Consuls at Frankfurt Nov. 8, 1949--HFF

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TO : HICOG FRANKFURT
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ORIG DTG : November 7, 4 PM, 1949

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4
3635
National Socialist Law on Nationality

FROM ABLEC BONN FROM SLATER, PASS TO SCHOTT, PROTOCOL AND FOREIGN REPRESENTATION DIVISION.

Following is text of message transmitted to Hodges Liaison and Protocol, Berlin for Benelux missions in Berlin. Request you transmit it to consulates of Benelux governments in Frankfurt for their information.

The following is the text of the law on the nullity of certain provisions of National Socialist legislation on nationality for consideration by the Council on 10 November. Please pass to Benelux missions for comment:

Whereas for purposes of annexation the National-Socialist Government enacted legislation imposing German nationality on persons or groups of persons in breach of the principles of the law of nations and certain of these provisions affect nationals of France.

The Council of the Allied High Commission enacts as follows: To the extent that the Reich Ordinance of 23 August 1942 (RGB 111.533) and the Fuhrer's decree of 19 August 1942 (315) purport to confer German nationality on persons of other nationalities, such ordinances and decrees are hereby declared to have been null and void.

UNITED STATES POLITICAL ADVISER
FOR GERMANY
NOV 8 1949
Signed MCCLOY
FRANKFORT

ON 14168/G 7 Nov 49 DSL/ed

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LAND GOVERNMENT

NORTH RHINE-WESTPHALIA

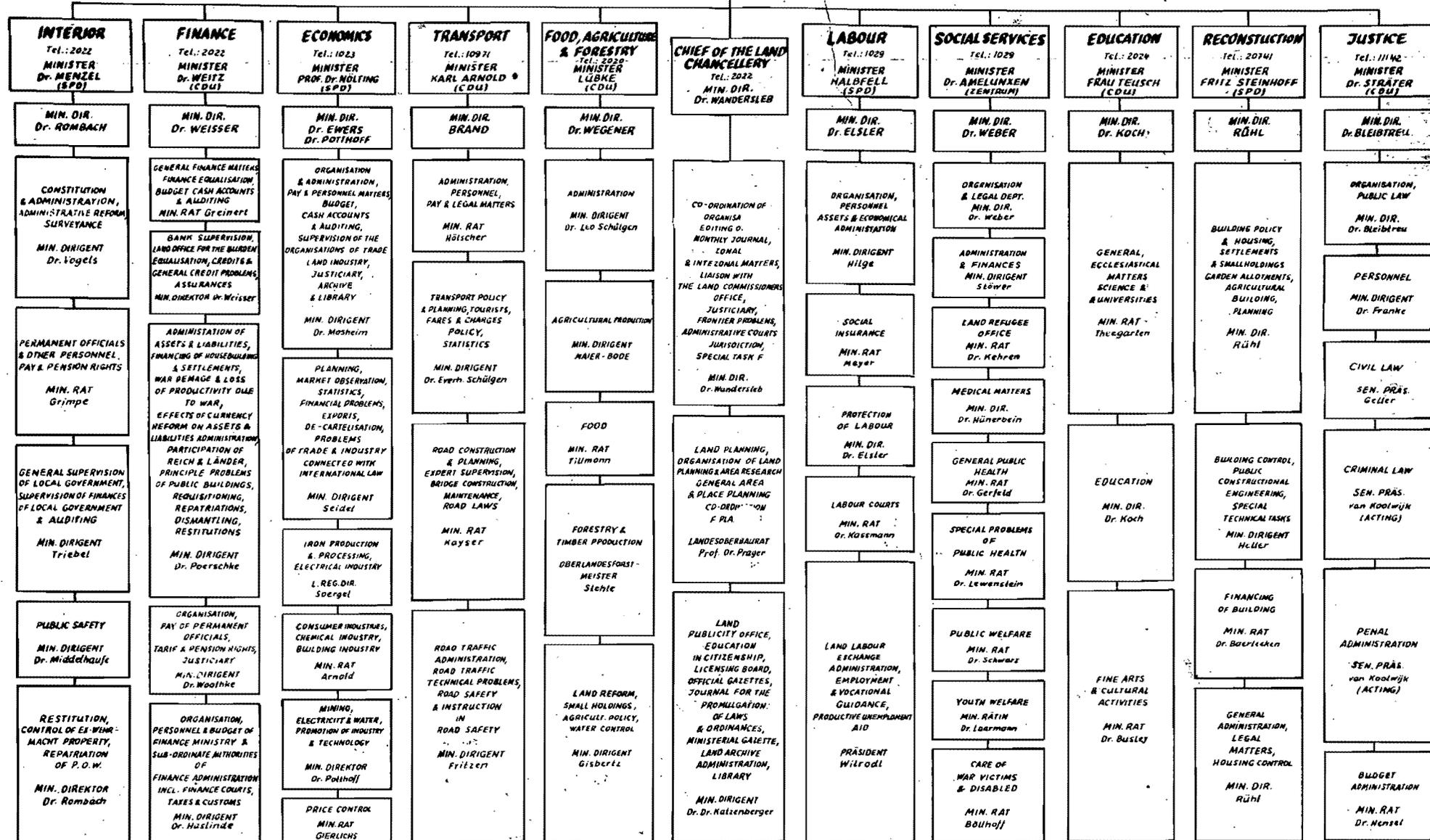
DECEMBER 1949

**MINISTERPRÄSIDENT
ARNOLD
(CDU)**

Tel.: 2022

PERSONAL ASSISTANT
DR. ULRICH

PERSONAL ASSISTANT
MIN. RAT DR. MOHR



* ACTING AS SUCH

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ORIG DTG : 1 NOVEMBER 1950
RECD : 1 NOVEMBER 1950/1816Z
FROM : LCWB STUTTGART
SENT : AGSEC BONN
REPTD : HICOG FRANKFURT 9850

TO MR. SLATER, US SECRETARY BONN FOR ACTION; MR. MENKE, GENERAL COUNSEL, MR. GRANT POLITICAL AFFAIRS FRANKFURT FOR INFORMATION.

THE FOLLOWING ARE COMMENTS OF THE LAND COMMISSIONER FOR WUERTTEMBERG BADEN ON LAW NUMBER 386 REGULATING THE LEGAL CONDITION RELATING TO REQUISITIONED DWELLINGS, OFFICIALLY RECEIVED ON OCTOBER 26, 1950, 1030 HOURS.

RECOMMENDATIONS OF THE LAND COMMISSIONER: NON-DISAPPROVAL.

ENACTMENT: THIS LAW WAS ENACTED BY THE WUERTTEMBERG BADEN LANDTAG ON OCTOBER 11, 1950.

SYNOPSIS: THIS LAW CONCERNS REQUISITIONS OF HOUSING SPACE AND HOUSEHOLD EQUIPMENT UNDER REGULATIONS OR ORDERS OF THE OCCUPATION POWER PRIOR TO 12 APRIL 1947 AND REQUISITIONS UPON OWN INITIATION OF THE HOUSING OFFICES.

IT REGULATES THE LEGAL SITUATION DURING THE TIME OF SEIZURE, THE PREREQUISITES AND PROCEDURE CONCERNING THE LIFTING OF THE SEIZURE, CLARIFIES THE LEGAL SITUATION WHEN THE RIGHT OF USE OF THE ALLOTTEE ENDS PRIOR TO THE RELEASE, AND CONTAINS GENERAL PROVISIONS AS TO APPLICATIONS FOR THE RELEASE IN CASE THE PERSON AFFECTED IS DEAD OR MISSING, AND THE LEGAL STATUS AFTER FINAL RELEASE OF THE DWELLING.

NOTE: THE CORRECT TRANSLATION OF ARTICLE 10, SECTION 1, FIRST SENTENCE IS "THE APPLICATIONS SHOULD (SOLL) BE GRANTED".

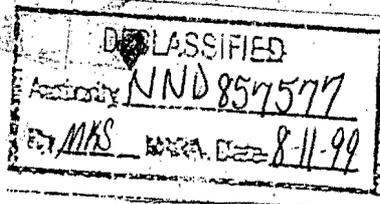
COMMENTS: THE ENACTMENT OF SUBJECT LAW IS AT LEAST PARTIALLY BASED UPON THE LETTER OF CMG WUERTTEMBERG BADEN DATED SEPTEMBER 27, 1947, TO THE MINISTER PRESIDENT, THE MINISTER OF JUSTICE AND THE PRESIDENT OF THE ADMINISTRATIVE COURT WHICH READS

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-2-

SRL NO : 9850

"1. IT HAS COME TO THE ATTENTION OF THIS OFFICE THAT THE JUDICIARY, ADMINISTRATIVE COURTS AND ADMINISTRATIVE OFFICIALS ARE BEING REQUESTED TO DIRECT THE RETURN OF PROPERTY TO THE ORIGINAL OWNERS WHERE SUCH PROPERTY HAS PREVIOUSLY BEEN REQUISITIONED FOR PURPOSES NECESSARY TO THE OBJECTIVES OF MILITARY GOVERNMENT.

"2. YOU ARE HEREBY INFORMED THAT:

A. REQUISITIONS OF REAL AND PERSONAL PROPERTY MADE FOR THE BENEFIT OF RACIAL, RELIGIOUS AND POLITICAL PERSECUTEES WERE ACCOMPLISHED AS THE RESULT OF A MILITARY GOVERNMENT ORDER AND WERE PROPERLY CARRIED OUT, IRRESPECTIVE OF THE PROVISIONS OF GERMAN LAW UNDER THE AUTHORITY CONTAINED IN ARTICLE 4, MILITARY GOVERNMENT PROCLAMATION NO 2 AND IN MILITARY GOVERNMENT PROCLAMATION NO 1.

B. REQUISITIONS MADE FOR THE PURPOSE OF PROVIDING GERMAN GOVERNMENTAL AGENCIES AND OTHER ESSENTIAL USERS WITH THE FACILITIES REQUIRED TO CARRY OUT THE FUNCTIONS IMPOSED UPON THEM BY MILITARY GOVERNMENT WERE ACCOMPLISHED BY ORDER OF MILITARY GOVERNMENT AND WERE PROPERLY CARRIED OUT UNDER THE AUTHORITY CITED ABOVE. THE DETERMINATION OF THE ESSENTIALITY OF USE IS CONSIDERED TO BE AN INTEGRAL PART OF THE MILITARY GOVERNMENT ORDERS MENTIONED ABOVE.

3. IN VIEW OF THE FOREGOING FACTS ANY JUDICIAL PROCEEDINGS FOR THE RETURN OF SUCH REQUISITIONED PROPERTY IS CONSIDERED AS A CHALLENGE OF THE VALIDITY OF MILITARY GOVERNMENT ORDERS, AND THEREFORE, UNDER THE PROVISIONS OF PARAGRAPH 10 (D), MILITARY GOVERNMENT LAW NO 2, OUTSIDE THE JURISDICTION OF GERMAN COURTS. YOU ARE DIRECTED TO TAKE APPROPRIATE ACTION TO ENSURE THAT ADMINISTRATIVE OFFICIALS DO NOT DISTURB THE REQUISITIONS MENTIONED IN PARAGRAPH 2 ABOVE. ANY JUDGEMENT WHICH MAY HAVE BEEN RENDERED FOR THE RETURN OF SUCH REQUISITIONED PROPERTY IS VOID.

4. MILITARY GOVERNMENT IS READY TO CONSIDER GERMAN LEGISLATION WHICH SATISFACTORILY PROVIDES FOR EQUALIZING THE BURDEN OF REQUISITIONS AND WHICH DOES NOT IMPAIR PERFORMANCE OF THE TASKS IMPOSED BY IT UPON THE GERMAN GOVERNMENT, BEARING IN MIND THE PROVISIONS OF PARAGRAPH 3 ABOVE. UPON THE ENACTMENT OF SUCH LEGISLATION, MILITARY GOVERNMENT WILL CONSIDER AUTHORIZING THE GERMAN COURTS TO ENTERTAIN CASES INVOLVING SUBJECT REQUISITIONS. YOU ARE URGED TO TAKE ALL APPROPRIATE ACTION TO ENACT SUCH LEGISLATION WITH THE LEAST PRACTICABLE DELAY."

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THE APPLICABILITY OF SUBJECT LAW TO ORDERS PRIOR TO 12 APRIL 1947 (ARTICLES 9 AND 13 OF LAW NO 386) IS BASED UPON THE LETTER OF THE HOUSING AND REAL ESTATE BRANCH OF OMG WUERTTEMBERG BADEN, DATED 12 APRIL 1947 TO THE MINISTRY OF INTERIOR BY WHICH THE DIRECTIVE OF MILITARY GOVERNMENT OF 24 AUGUST 1945 AUTHORIZING GERMAN AGENCIES TO PERFORM REQUISITIONS OF HOUSING SPACE AND EQUIPMENT UNDER A MILITARY GOVERNMENT ORDER WAS CANCELLED. SAID LETTER READS AS FOLLOWS:

"IN ANSWER TO YOUR LETTER NO 5 WCH 204, SUBJECT DIRECTIONS ON HOUSING DATED 24 AUGUST 1945. THIS DIRECTIVE IS CANCELLED AND IS NOT VALID.

"COL HARLOW STATED TODAY THAT THE CITY OF SUTTGART IS GOVERNED ONLY BY LAWS OR DECREES PROMULGATED BY ALLIED CONTROL COUNCIL AND GERMAN LAWS AND DECREES."

BY LETTER OF 8 JANUARY 1948 THE SAME BRANCH INFORMED THE MINISTRY OF INTERIOR THAT SUBSEQUENT TO 12 APRIL 1947 REQUISITIONS AND ASSIGNMENTS OF DWELLINGS AND FURNITURE COULD NO LONGER BE BASED UPON A MILITARY GOVERNMENT ORDER. WHILE THIS LAW PURPORTS TO GIVE AUTHORITY TO THE HOUSING OFFICE TO LIFT REQUISITIONS UNDER CERTAIN CONDITIONS NEVERTHELESS THE APPROPRIATE GERMAN AUTHORITIES ARE, IN OUR OPINION, BOUND BY ALLIED HIGH COMMISSION LAW NO 13, ARTICLE 3, SECTION 2, TO PRESENT EACH CASE TO THE LAND COMMISSIONER FOR HIS DECISION WHEN THE VALIDITY OF A MILITARY GOVERNMENT ORDER BECOMES INVOLVED. ANY OTHER CONSTRUCTION WOULD, WE BELIEVE, LEAVE THIS LAW IN CONFLICT WITH ALLIED HIGH COMMISSION LAW NO 13.

ALTHOUGH LAW 386 IS OBJECTIONABLE BECAUSE OF ITS CERTAIN HARSH EFFECT ON POLITICAL, RELIGIOUS AND RACIAL PERSECUTEES NOW HOUSED IN OCCUPATION-REQUISITIONED HOMES AND APARTMENTS BELONGING TO EX-NAZIS NOT CLASSIFIED 1 OR 2, NO SOUND BASIS EXISTS FOR FORMAL OBJECTION. WUERTTEMBERG BADEN MILITARY GOVERNMENT AND LATER THE LAND COMMISSION HAS CONSISTENTLY URGED PASSAGE OF GERMAN LEGISLATION TO RELIEVE UNFENABLE REQUISITION CONDITIONS CREATED BY HUMANITARIAN AND OCCUPATION REQUIREMENTS FOLLOWING THE CAPITULATION. LANDTAG COMMITTEES ESTIMATE THAT MINIMUM OF 5,000 EX-NAZIS IN WUERTTEMBERG BADEN WILL APPLY FOR REENTRY INTO THEIR HOMES UNDER SUBJECT LAW. LAW HAD FIRST READING ON 18 JANUARY 1950 AND PASSED LANDTAG AFTER SECOND

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-1-

SRL NO : 9850

AND THIRD CONSECUTIVE READINGS ON 11 OCTOBER 1950 WITH KPD
OBJECTING AND ABSTAINING.

COMMENTS OF THE LAND OBSERVERS: BRITISH AND
FRENCH OBSERVERS CONCUR.

RECOMMENDATIONS OF LAND OBSERVERS: BRITISH AND
FRENCH OBSERVERS CONCUR.

GROSS

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SENT : AG SEC BONN 095
REPTD : HICOG FRANKFURT 96

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JUN 21 12 11 26

363.3

FROM LEGAL AFFAIRS DIVISION, OLC BAVARIA.

FOR MR SLATER, US SECRETARY, BONN FOR ACTION; FOR MR MENKE, GENERAL COUNSEL, MR GRANT, POLITICAL AFFAIRS FRANKFURT FOR INFO.

REFERENCE NR. OLCB R 2141.

THE FOLLOWING ARE COMMENTS OF LAND COMMISSIONER FOR BAVARIA ON BAVARIAN SECOND REGULATION UNDER THE GENERAL CLAIMS LAW RESTITUTION OF DAMAGES TO LIFE, LIMB AND HEALTH, DATED 17 MAY 1950, OFFICIALLY RECEIVED ON 6 JUNE, 1950, 1100 HOURS.

RECOMMENDATION OF THE LAND COMMISSIONER: NON-ANNULMENT.

ENACTMENT: NOT YET PUBLISHED.

SYNOPSIS:

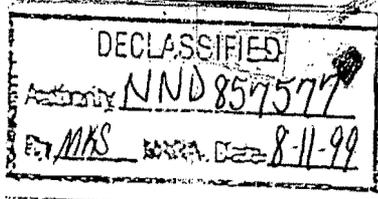
PART I.

THE REGULATION PROVIDES FOR TAX EXEMPT ANNUITIES FOR THE SURVIVORS OF A PERSON KILLED OR DRIVEN TO DEATH BETWEEN 30 JANUARY 1933 AND 8 MAY 1945, PROVIDED THAT THE DECEASED HAD BEEN PERSECUTED UNDER THE NATIONAL SOCIALIST TYRANNY FOR HIS POLITICAL CONVICTION, FOR REASONS OF RACE, RELIGIOUS FAITH OR IDEOLOGY,

ON 42247/G

U N C L A S S I F I E D

RECORDS & RECORDS KM...



RG 466
 Entry HICOG
 Box 24



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 INCOMING MESSAGE

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U N C L A S S I F I E D

- 2

SRL NO : 96

AND PROVIDED FURTHER THAT HE WAS SUBJECTED TO DISCRIMINATORY MEASURES NOT OF GENERAL APPLICATION BY AGENCIES UNDER PUBLIC LAW OR AGENCIES OF THE NSDAP, AND WAS KILLED OR DRIVEN TO DEATH WITH PREMEDITATION OR THROUGH NEGLIGENCE DIRECTLY IN CONNECTION WITH SUCH PERSECUTION. THE ANNUITIES TO SURVIVORS SHALL BE GRANTED ACCORDING TO THE PROVISIONS OF ACCIDENT BENEFITS FOR CIVIL SERVANTS. IN ITS FIRST PART THE REGULATION FURTHERMORE PROVIDES FOR THE BASIS AND COMPUTATION OF ANNUITIES, AND FOR DETERMINATION OF RESTITUTION PAYMENTS.

PART II OF THE REGULATION PROVIDES FOR COMPENSATION FOR DAMAGES TO BODY OR HEALTH FOR THOSE PERSONS WHO WERE PERSECUTED UNDER THE NATIONAL SOCIALIST TYRANNY FOR POLITICAL REASONS AND WHO WERE MORE THAN NEGLIGIBLY INJURED IN DIRECT CONNECTION WITH PERSECUTION AT THE INSTANCE, OR WITH THE APPROVAL OF A PUBLIC AGENCY OR AN OFFICIAL OF THE NSDAP OR ONE OF ITS ORGANIZATIONS OR AFFILIATED ORGANIZATIONS.

PART II FURTHERMORE PROVIDES FOR AN ANNUITY IN CASE AN OFFICIAL PHYSICIAN HAS DETERMINED THAT THE EARNING CAPACITY OF A PERSECUTEE IS REDUCED BY NOT LESS THAN 30% IN CONSEQUENCE OF DEDUCTION OF HIS MENTAL AND PHYSICAL. IN PARTICULAR PART II OF SUBJECT REGULATION PROVIDES FOR THE DETERMINATION OF RESTITUTION PAYMENTS AND ANNUITIES, FOR FILING OF CLAIMS, AND FOR SUPPOSITIONS AND HEIGHT OF THE PAYMENT OF THE ANNUITIES.

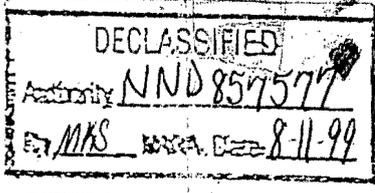
NO ANNUITIES TO REDRESS DAMAGES TO LIFE NOR ANY RESTITUTION PAYMENTS FOR DAMAGES TO BODY OR HEALTH SHALL BE GRANTED UNLESS A CLAIM THERETO WAS FILED NOT LATER THAN ON 31 MARCH, 1950 IN ACCORDANCE WITH THE GENERAL CLAIMS LAW AND THE ORDINANCE ON JURISDICTION AND PROCEDURE. THE LAND CLAIMS OFFICE SHALL BE RESPONSIBLE FOR THE GRANTED OF MEDICAL TREATMENT, AND FOR ORDERING AND ENFORCEMENT OF SUCH MEDICAL TREATMENT, AS WELL AS FOR THE GRANTED OF ANNUITIES TO PERSECUTEES TO REDRESS REDUCTIONS OF THEIR EARNING CAPACITY, OF ANNUITIES TO SURVIVORS AFTER PERSECUTEES KILLED OR DRIVEN TO DEATH AND OF ANNUITIES TO SURVIVORS AFTER PERSECUTEES INJURED IN REGARD TO THEIR BODY OR HEALTH WHO HAVE DIED BEFORE AN ANNUITY WAS ASSIGNED TO THEM.

CN 42247/G

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304255



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- 3 -

SRL NO : 96

THE REGULATION IS EFFECTIVE AS OF 18T MAY, 1950.

COMMENTS: THE REGULATION WAS ISSUED ON THE BASIS OF ARTICLE 17TH, PARAGRAPH 9, AND ARTICLE 14, PARAGRAPH 6, OF THE GENERAL CLAIMS LAW, DATED 12 AUGUST, 1949 (LEGAL GAZETTE FOR BAVARIA, PAGE 195). ARTICLE 22 OF THE REGULATION DETERMINES THAT THE RESTITUTION CLAIMS MUST BE FILED NOT LATER THAN ON 31ST MARCH, 1950, WHILE SUBJECT REGULATION IS DATED 17 MAY, 1950, AND HAS NOT YET BEEN PUBLISHED UP TO THIS DATE, AS THE REGULATION SAYS THIS PROVISION IS ISSUED IN ACCORDANCE WITH THE GENERAL CLAIMS LAW AND THE ORDINANCE ON JURISDICTION AND PROCEDURE. SINCE SAID TERM (31ST MARCH, 1950) ALREADY BEEN SET BY THE BASIC LAW AND BY THE ORDINANCE ON JURISDICTION AND PROCEDURE, IT DOES NOT SEEM TO BE OBJECTIONABLE.

THE REGULATION IS NOT OBJECTIONABLE FROM A LEGAL POINT OF VIEW.

COMMENTS OF THE BRITISH LAND OBSERVER: NONE.

COMMENTS OF THE FRENCH LAND OBSERVER AS FOLLOWS:

"THE SECOND REGULATION TAKEN UNDER THE GENERAL CLAIMS LAW GIVEN ALL THE NECESSARY DETAILS RELATING TO PEOPLE ENTITLED TO CLAIM ANNUITIES. ACCORDING TO THIS REGULATION, AS WELL AS TO THE LAW ITSELF, THE DEPORTEES MUST HAVE BEEN DOMICILED IN BAVARIA BEFORE HAVING BEEN SENT TO A CONCENTRATION CAMP OR THE DEPENDENTS OF THE DEAD MUST HAVE BEEN DOMICILED IN BAVARIA ON 1 JANUARY, 1947.

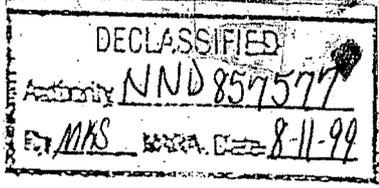
"THUS IT IS IMPOSSIBLE FOR FOREIGNERS (AND WHAT IS MOST IMPORTANT FOR ALLIED NATIONALS, AMONG THEM A GREAT NUMBER OF FRENCH NATIONALS) TO CLAIM ANYTHING.

"EVEN IF THESE RULES WERE PUT ASIDE, THERE IS IN THE LAW ITSELF, AND IN THE REGULATION, ANOTHER CONDITION WHICH MAKES IT DIFFICULT FOR FOREIGNERS TO CLAIM ANNUITIES. ARTICLE 1 OF THE LAW PUTS IT DOWN THAT IT CAN BE APPLIED ONLY TO PEOPLE WHO HAVE SUFFERED FROM THE NAZI REGIME FOR RACIAL - POLITICAL OR IDEOLOGICAL REASONS. ARTICLE 50, HOWEVER, GIVES THE LAND AUTHORITIES THE RIGHT TO WIDEN THE APPLICATION OF THE LAW: IT IS PRE-

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- 4 -

SRL NO : 96

CISELY STATED THAT THIS CAN BE DONE BY LAW OR BY REGULATION. BUT NOTHING YET HAS BEEN DONE AND IT CAN BE SAID THAT THE REGULATION SUBMITTED TO THE LAND COMMISSIONER IS CONTRARY TO THIS ARTICLE FOR IT OUGHT TO MAKE ALLOWANCE FOR THE EXTENSION OF THE LAW.

"AS FAR AS I KNOW, NO GENERAL PRINCIPLE HAS YET BEEN PUT DOWN ON THIS MATTER BY THE HIGH COMMISSION. NEVERTHELESS, FROM THE FRENCH POINT OF VIEW, IT IS AN IMPORTANT QUESTION. IT SHOULD THEREFORE BE EXAMINED BY THE REVIEW COMMITTEE.

"BESIDES AS THIS MATTER CONCERNS THE 'PROTECTION, PRESTIGE AND SECURITY OF ALLIED FORCES AND DEPENDENTS', THIS ORDINANCE SHOULD BE SUBMITTED TO THE HIGH COMMISSION. I SUGGEST THAT THE REGULATION BE TEMPORARILY ANNULLED AS LONG AS THE BAVARIAN GOVERNMENT DOES NOT TAKE THE NECESSARY MEASURES TO PROTECT THE RIGHTS OF ALLIED NATIONALS IMPRISONED IN CONCENTRATION CAMPS OR OF THEIR DEPENDENTS.

"MY RECOMMENDATION IS: TEMPORARY ANNULMENT.
SIGNED: LOUIS ROCHE
FRENCH LAND OBSERVER".

RECOMMENDATION OF THE BRITISH LAND OBSERVER:
NON-ANNULMENT.

RECOMMENDATION OF THE FRENCH LAND OBSERVER: TEMPORARY ANNULMENT.

BOLDS

CN 42247/G

21 JUN 50

ST/EA

SRL NO: 96

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304257

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Authority AND 750140

By [Signature] NARA Date 8/4/99

RG 226
Entry 39
Box 1

Lt Derr, 614 Annex

14 March 1944

Europe-Africa Division Outpost Desk
Room 702 (Pvt. Montesano)
Procurement of Documents

Kindly secure for us one copy of the following documents prepared by the Justice Department:

- 1- Banque Nationale Pour le Commerce and L'Industrie (34395) -Ma 21 April 1943.
- 2- Banque Nationale pour le Commerce and L'Industrie (35206) 11 May 1944
- 3- Report on the Banque de L'Indochine- 3313- 8 January 1944

OK

received 20 March held pending receipt of others

received March 4 held pending receipt of others

All three reports were submitted by Alexander Sacks, Economic Warfare Section, Department of Justice, New York, N.Y.

These should be forwarded to Lt. Jack Sawyer in Algiers, on the recommendation of Mr. Liebert, Room 802-

Sent out March 22

DECLASSIFIED

Authority

ND 750140

By

NARA Date 8/27/97

RG 226

Entry 39

Box 1

Lt. Dorr

7 February 1944

Mr. Winnacker

Procurement of Documents

Kindly try to obtain from the Foreign Economic Administration one extra copy of the following documents which we intend to send to the outposts:

NO

EP-322 Economic Significance of the Opening of the Black Sea (October) ✓

RR -53-B Who's Who in Italian Banking- August 1943 ✓

EP 86 Economy of Yugoslavia and Its Contribution to the Axis-October 1943 ✓

RR 147 Guide to the Preservation and use of Key Records in Italy- Oct. 1943 ✓

RR 97 Utilization of Soap Production Facilities and In Mediterranean France after Liberation- ✓

RR 95 German Economic Control in Luxembourg ✓

RR 185 Control of Industrial Materials in Italy. ✓ 2/10

304259

*Inter - Texas Messia Secy
(2)*

11-15-45

Not Sent

Secretary Vinson

Mr. White

Subject: Disposition of gold captured by American armed forces in Germany.

1. You will recall that last August State Department requested Treasury clearance of a cable instructing Ambassador Pauley to take immediate steps to distribute the gold now held by American forces at Frankfurt. At that time the Treasury opposed the cable and recommended that distribution be postponed until it was evident that claimant countries would cooperate in the mobilization and disposition of German-owned external assets. You will also recall that despite Treasury opposition, the State Department dispatched the cable to Ambassador Pauley expressing this Government's desire to take steps toward distribution on a pro rata basis.

2. Apparently discussions with the British and French took place after Ambassador Pauley received the cable, but we have not been advised of the nature of the discussions.

3. Several weeks ago the State Department submitted to the Treasury for approval a proposed cable instructing a State Department representative to attempt to reach agreement on the so-called gold pot theory with the French and the British. At that time Treasury proposed that the gold distribution be delayed until an effort had been made to recover certain looted gold which reports of the military government show were shipped to Switzerland by the Germans during the war. A cable for this purpose was drafted by Treasury and submitted to the State Department. However, while the cable was awaiting discussion with State, Treasury was informed that Mr. Angell, State's representative on the Reparations Commission, had already opened discussions with the French and British on the gold pot theory and had perhaps reached some tentative agreements.

4. The State Department has now submitted for Treasury clearance a draft cable to Mr. Angell, a copy of which is attached. This cable confirms the correctness of Angell's negotiations with the British and French and instructs him to take the additional steps necessary for prompt distribution of the gold in accordance with the gold pot theory which it is stated the Treasury has approved.

5. It is our view that immediate distribution will weaken our approach to the Swiss for the purpose of recovering the looted gold; however, in view of the fact that the State Department, despite Treasury's view, has proceeded so far in its negotiations with the French and the British, it would not seem desirable to attempt to prevent State from sending the proposed cable in question. Under the circumstances, however, we do not feel that this cable should indicate Treasury's approval. If you agree, we will notify State accordingly.

11/19/45 - Or. to Mr. White.

RDS:JEF:MEL/brg
11-15-45

304260

DRAFT

SECRET

No. 18
FOR ANGELL.

As indicated in deptal _____ (For Angell No. 20) no understanding on restitution for Italy reached at CFM (URTEL 6351, Nov. 1, no. 10 from Angell) but Brit held that Italy should be treated as United Nation in this and other similar respects. Dept prepared to support policy of restitution for Italy and satellite countries with proviso that actual return of identifiable properties to these countries should be effected by the military only after program of restitution to liberated Allied countries well developed. Full share in gold pot for Italy and Hungary concomitant of such policy.

Dept agrees that Austria should participate fully in gold pot and that Albanian claim against pot should be fully admitted. Dept approves proposal that Italian, Hungarian and Austrian shares in pot be set aside for time being probably until final peace settlements are made with these countries.

Potsdam arrangements which provide that USSR will take care of Poland's reparation claims not (repeat not) regarded as pertinent to question of whether Poland is to participate in gold pot. Dept regards gold pot as operating on principle of restitution and that Danzig and Poland fully entitled to share therein. Dept's view is that Potsdam waiver by USSR of claim to gold in Germany does not (repeat not) affect rights of Poland and Danzig in this regard.

304261

You are authorized to agree to inclusion in gold pot of all gold coins found in Germany (Hrtel 6418, Nov. 5, No. 23 from Angell) except for coins of numismatic value which should be restituted directly if possible.

Gold pot now completely cleared in this Govt as Treasury has given final concurrence. Distribution of gold now in pot should proceed immediately after agreement is reached on such distribution. Department prefers not (repeat not) to await recovery of looted gold from Switzerland and other countries before proceeding with distribution. Please ascertain Brit and French views on this point. Although it might be argued that recovery of Belgian gold is more important than immediate distribution, Dept prefers not (repeat not) to delay for such reason.

You will wish further to consider possible procedures in implementing gold pot. Dept's view is that allocation of shares in pot is for determination by U.S., Brit and French Govts, not (repeat not) by military authorities. Determination of shares will require presentation of claims by Govts of countries from which Germans looted gold together with proof of such looting. Nature of invitation to submit such claims and method of processing claims should be referred to Dept after being worked out with Brit and French. You may also wish to consider presenting gold pot proposal to IARA meetings with view to obtaining reaction of interested Govts.

FBI/ST/bravy:cp
11/3/45

C
O
P
Y

*Anton Louis Prema
Secy. (St.)*

August 28, 1945

Secretary Vinson

Mr. White

Appended, together with its attachments, is a copy of a memorandum which we sent to you on August 20 relative to the gold which was captured by the U.S. Army in Germany. You will recall that Mr. Byrnes advised you the other day that he had inadvertently sent out the telegram proposed by the State Department governing the handling of such gold, notwithstanding that he had before him a Treasury draft along quite different lines. The State Department telegram, by its terms, purported to give the views of the President and yourself, as well as those of Mr. Byrnes and Mr. Crowley.

Joe DuBois has been talking with Mr. Pauley about this and reports that Pauley is quite concerned over the way in which State has handled this matter. DuBois states that Pauley will probably speak to you soon on this matter.

8/29/45 - Sent to Mr. Kelly for the Secretary

304263

NA
1656 - SECY. OF TREASURY

ENTRY 360 A - INTRA-TREASURY MEMORANDA OF HENRY
DEXTER WHITE [1934-45]

Box #19

FILE: INTER-TREASURY MEMORANDA - SECRETARY [July-Dec.
1945]

Aug. - Nov. 1945

"Having thus summarized the rights and obligations resulting for the Bank from the texts in force, I venture to draw attention to the following points to which events may shortly give practical interest:

1. In view of the obligations it has contracted towards the Government in conformity with the stipulations of the Trust Agreement, the BIS requests not only that the said Government abstain from any action which may affect its rights but also that the said Government do all in its power, as soon as circumstances permit, to place the Bank in a position to exercise the rights which it possesses under the Hague Agreements.

2. If any treaties, agreements or other instruments to which the Government becomes a party, modify finally or annul totally or partially, explicitly or implicitly, the Hague Agreements and the texts annexed to these Agreements, the BIS will request that this modification or this total or partial, explicit or implicit annulment shall not deprive it of the essential rights granted to it by previous instruments to which the Government has been a party, unless the Bank be given compensation which it accepts as the equivalent."

A. U. FOX
Acting Deputy Chief
Financial Branch

304264

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Authority: WND 978028
By: SP4 NARA Date: 6/27/99

ND

7656 - Secy. of Treasury

Acc # 56-95-101

Box 169

File: 525/2/00 - 605/6019

1945-48

ASBOL

Ship No.	Type	Assets	Quantity	Item	Origin	Remarks
	various	various worthless assets	6 containers	43	Various	Currency, imitation jewelry, metal ware etc. unidentifiable as to owner, collected from various shipments. This material was offered to IBC but rejected by them because of slight intrinsic value.
27	Personal Letters		1 package	44		Picked up at Reichsbank Halle during 1940, 1941, 1942 by his family and friends which were held by Hermann Goering the Reichsbank in a personal depot in name of Frau Lange, first wife of Party under Col. of Reichsbank Vice President Lange Bernstein
5	Letters and French Checks		1 envelope	45	Reichsbank, Nordhausen by U.S. Military	Certified checks aggregating 3,500,000 French francs on Bank of France against sale of Reichsbank securities representing occupation cost collections, also other papers and letters.
187	Securities		1 container	46	Reichsbank Munich 1087 Bulgarian State Loan bearer bonds, denomination 1000 Levas each by US Military	stated by Reichsbank to have been deposited by Reichsbank 33.
22	Silverware		7 containers	47	Removed by US Military from Friedrichshall Salt Mine. Stas-furt.	Large quantity of silver tableware some of which bears initials or is of unusual design. No claims to date could be related to this material. U.S. authorities who discovered mine and removed assets furnished no data as to ownership.
3	Unused Postage Stamps		1 container	48	Found buried with other valuables near Austrian border by U.S. forces	Unused post cards and postage stamps of various countries. No proof as to source but shipment bears indications of Reichsbank Austrian border by U. Berlin origin.
51	Securities		1 container	49	P.O. camp in Hartmannsdorf via U.S. Army	Assets consist entirely of Russian War Loan securities aggregating 4210 Rubles unidentifiable as to source. IBC has rejected similar securities. Release to U.S.S.R. suggested.

Authority KMD775059
 By WLL NARA, Date 6/14/97

RG 260 Box 400
 FED

Ship No.	Type	Assets	Quantity	Items	Origin	Remarks
54	Securities, etc		1 envelope	50	Found by a U. S. Soldier under pile of logs near Fareham, Germany.	Evidence in adjacent folder indicates Belgian origin.
70	Dividend coupons detached from German securities		1 package	51	Found in a safe in the RU building in Frankfurt by U.S. Officer.	Release to Burgmaster, Frankfurt, seems warranted. Law 59 does not pertain to German securities.
68	Pentec-sturo		1 container	52	Found in Rothenburg City Museum by a Property Control Investigator.	Museum's curator stated this property had been taken from persecutees. FBI subsequently identified major portion as property of a Mrs. Fanny Lowenthal now residing in Sweden.
27	Coin collection		1 box	53	Picked up at Reichsbank Halle by Reconnaissance Party under Col Bernstein.	1 bag silver coins forming a coin collection of numismatic value estimated at about 1,000 gold marks. Bag attached to bag bears name of Paul Volk believed to be probably private deposit at Reichsbank Halle.
213	Stamps		1 box	54	Various 1/2 cents via R/B Munich.	Unsorted US airmail stamps and Italian stamps and number of miscellaneous cancelled stamps

DECLASSIFIED
Authority NND 775052
By JA NARA Date 8-9

RG 260
Entry Finance
Box 22

*ACC official
policy on Restitution*

*note: Has definition
of "Restitution"
- Very valuable -
(see last page)*

R E S T R I C T E D

17 April 1946

CORC/P(46)143
(DRDR/P(46)33)

ALLIED CONTROL AUTHORITY

COORDINATING COMMITTEE

Quadrupartite Procedures for Restitution

PART I

General Provisions.

1. Scope of Document

The present paper deals with methods and procedures to be observed by the respective Zone Commanders in the four zones in implementing the agreed definition of restitution in their zones in order to permit the governments whose territory has been occupied by German forces to receive as soon as possible the property subject to restitution.

2. Property Subject to Restitution

Restitution will apply to all property covered by the definition of the term "Restitution" adopted by the Control Council on 21 January 1946 (CCNL/P(46)3 Revise) and in accordance with the interpretation of this text agreed upon by the Reparations, Deliveries and Restitution Directorate on 8 March 1946 (DRDR/P(46)14 Revise). Both documents are attached hereto as Appendices A and B respectively.

3. Nations Eligible for Restitution

No nation shall be eligible for restitution unless its territory was occupied in whole or in part by the German armed forces or the forces of her allies and unless it is a United Nation, or shall have been specified by the Allied Control Council.

4. Method of Implementing Definition of Restitution

The respective Commanders of the four zones will take the following action within their respective zones necessary to achieve the objective of restitution including but not limited to:

a. Search and investigation to locate property which is specifically alleged to be subject to restitution in a claim or which from data obtained from German or other sources might become the subject of such a claim.

b. Custody and preservation of such property if found.

c. Provision for such missions of claimant nations as may be invited by the Allied Control Council to visit the location of such property for purposes of identification, examination, supervision of packing and shipping and signing of necessary receipts and other documents.

d. Maintain records and data which will be the basis of reports to the Allied Control Council as to the status and disposition of claims submitted and processed as hereinafter provided.

304267

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Authority NND 775058

By JA NARA Date 8-9

RG 260
Entry Finance
Box 22

Submission and General Form of Claims

1. Who may submit claims

Only such claims as are submitted by or on behalf of governments of claimant countries and signed by an accredited representative of that government will be accepted for processing. All claims submitted by or on behalf of individual, natural, or juridical persons will be rejected and given no consideration.

2. Claimant Nations

The term "claimant nation" is applied to any one of the nations which participated in the Declaration of 5 January 1945 and to such other nations as may hereafter be specified by the Allied Control Council whose territory was occupied in whole or in part by the German armed forces or the forces of her allies and which presents a claim for property subject to restriction as defined in part 1, paragraph 2 above.

3. Form and Substance of Claims

a. Claims may be submitted in the form which sets forth as much as possible of the following data:

1. Description of item claimed or restriction thereon.
2. Maximum available identification data, such as factory serial number, specifications and any special marks or characteristics of the item.
3. Last known location of claimed item within claimant country prior to removal to territory and approximate date of such removal.
4. Last known location of claimed item in Germany.
5. Last known resident of claimant country who was owner or custodian of claimed item prior to its coming into control of the enemy within the territory of claimant country.
6. Whether or not the property was in existence at the time of the occupation of the claimant country.

b. Each claim must include a statement setting forth so far as possible, the facts and circumstances surrounding the removal of the claimed item from the territory of the claimant country.

4. Where Claims are to be submitted

Claims are to be submitted to any or all zone commanders.

5. Number of Copies of Claims

All claims will be submitted in quadruplicate for each zone commander concerned.

6. Languages of Copies of Claims

Copies of claims for the zones may be submitted in the language of the respective occupying zone or may be submitted in German at the choice of the claimant nation.

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Authority NND 775052

By JA NARA Date 8-9

RG 260
Entry Finance
Box 22

Processing of Claims

1. Missions from Claimant Countries

1. Missions which are already representing the respective Allied countries in Germany or which may later be invited by the Allied Control Council should be expected also to engage themselves in restitution matters. For this purpose, they should be empowered to sign officially for their governments.

2. It is recognized that claimant countries have the right to dispose of restitution matters through a mission and that the Allied Control Council may invite the countries to exercise this right under such conditions as it may prescribe. But this does not confer any right upon any country to dispatch any separate mission for the purpose of restitution.

3. Visits of personnel of such missions or experts proposed by them into the respective zones will be in accordance with such regulations and upon such conditions as may be established by the Commander-in-Chief of each of the zones. When admitted to each zone by the zone commander, such missions may be permitted access to the data from German or other sources referred to in Part II, paragraph 4, Sub-paragraph 1, hereof, when and in convenient to the zone commander. Where the missions encounter unforeseen difficulties in accomplishing their work, it is expected that they will seek the aid of the Allied Control Council.

2. Responsibility for Custody and Protection of Property Subject to Restitution

1. The respective Commander-in-Chief of each zone will take such action as to the protection, custody, release, dismantling, packing and transporting of property in the zone subject to restitution as he deems appropriate.

3. Receipt for Property Released

1. An accredited representative of the claimant country shall execute a receipt for all property released. The same form of receipt substantially as set forth in annexed Exhibit C shall be used in all the four occupied zones in Germany. The receipt will be written in the language of the occupying power concerned.

REPORTS

1. Data to be Submitted by Zone Commander Involved

1. Every month each zone commander will submit to the Allied Control Council a general report giving information about the progress of work on restitution in his zone.

2. The report shall cover all claims received up to the date of the report, including those received by the Commander-in-Chief of the zone directly from claimant countries prior to the institution of this procedure. The report should take account also of: claims filed, claims under dispute, claims rejected, claims partially delivered, claims entirely delivered, appraised 1938 value and instances of objects actually delivered to be shown against the respective countries.

304269

DECLASSIFIED
Authority NND 775052
By JA NARA Date 8-9

RG 260
Entry Finance
Box 22

AGREEMENT BETWEEN
GERMANY AND THE
ALLIED POWERS

CONTROL OF EXPORTS

RESTITUTION OF IDENTIFIABLE PROPERTY

1. The question of restitution of property removed by the Germans from Allied countries must be examined in all cases in light of the Declaration of January 13th, 1943.

2. Restitution will be limited, in the first instance, to identifiable goods which existed at the time of occupation of the country concerned and which have been taken by the enemy by force from the territory of the country.

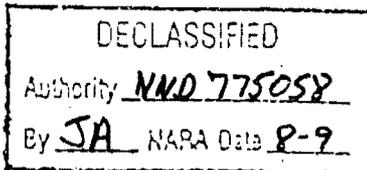
3. Also taken as identifiable measures of restitution are identifiable goods produced during the period of occupation and which have been obtained by force.

4. All other property removed by the Germans is eligible for restitution to the extent consistent with reparations. However, the Allied Nations retain the right to receive from Germany compensation for this other property removed as reparations.

5. As to goods of a unique character, restitution of which is impossible, a special provision will apply to categories of goods which will be subject to replacement, the nature of these replacements, and the conditions under which such goods could be replaced by equivalent objects.

6. Relevant transportation expenses will be borne by German territory and any repairs necessary for the return of such objects in original or necessary condition to Germany. Compensation will be borne by Germany and a restricted list of restrictions, expenses outside Germany will be borne by the receiving country.

7. The Control Council will deal on all questions of restitution with the Government of the country from which such objects were looted.



RG	<u>720</u>
Entry	<u>100-101</u>
Box	<u>101</u>

Appendix B to
CONL/P(46)143

ALLIED CONTROL AUTHORITY

CO-ORDINATING COMMITTEE

INTERPRETATION OF ARTICLE 2, OF THE DEFINITION
OF THE TERM RESTITUTION, CONL/P(46)3 Revise.

1. In consideration of paragraph 2 of CONL/P(46)3 Revise, it appears that where an article has been removed by force at any time during the occupation of a country, and is identifiable, the right to its recovery is an absolute one. The word "force" covers duress which may occur with or without violence. In this concept are also included looting, theft, larceny and other forms of dispossession whether they were carried out by an order of the German authorities, or by officials of the German civil or military administration, even when there was no order of the German authorities, or by individuals.

Also included are acquisitions carried out as a result of duress, such as requisitions or other orders or regulations of the military or occupation authorities.

2. In the third sub-paragraph of paragraph 2, it appears that by "all other property removed by the enemy" it was desired to include all property which was removed in any other way. This implies that restitution of property may be claimed whatever may have been the means or the reasons of dispossession.

But the property removed in such a manner does not entail an "absolute right" to restitution, which may be granted only within the limits consistent with reparations.

3. These "limits consistent with Reparations" must be understood in the following manner. If property claimed on account of restitution is indispensable for the operation of a whole factory allocated on account of reparations, this property may be retained and not restituted.

Restitution will be made only if the removal of the equipment does not seriously diminish the production capacity of the plant and does not destroy the completeness of the equipment to such an extent that when this plant is delivered on account of reparations it loses all value owing to the fact that restitution has been made.

If restitution of the object itself is not granted, the right of the claimant nation is satisfied by means of compensation to be taken from German property in objects of equivalent value, as far as possible by equipment, manufactured goods and raw materials.

NOTE: The U.S. and U.K. Delegates agree with the above interpretation provided that:-

"Compensation in lieu of restitution must not create additional expenditures by the U.S. and U.K. in support of their respective zones."

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DFIN/BC/Memo(47)2

ALLIED CONTROL AUTHORITY
FINANCE DIRECTORATE
BANKING COMMITTEE

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POLICY DEV.*

SUBJECT: RESTITUTION OF LOOTED SECURITIES
TO: THE DIRECTORATE OF FINANCE

1. The Finance Directorate, at its 51st Meeting on 6 December 1946, instructed the Banking Committee to submit recommendations concerning the restitution of looted securities found in Germany. The Banking Committee has considered this matter but has been unable to reach a unanimous agreement. The US, UK and French position is outlined in Annex A. The Soviet Position is outlined in Annex B.

2. It is the US, UK and French position (as shown in DFIN/BC/P(47)2 Rev, attached as Annex A) that securities removed to Germany from the territories of other countries while such other countries were occupied or effectively controlled by Germany, are presumed to have been acquired and removed by force or duress ("looted securities"), and are subject to restitution unless this presumption is rebutted and it is established that such securities were neither acquired nor removed by force or duress. The US, UK and French members agree that securities are property, but they are of the opinion that the restitution of securities presents some very special problems requiring special treatment; for example, their identification is more difficult than that of other property. Therefore, in the opinion of the US, UK and French members, special procedure on restitution must be established in accordance with DFIN/BC/P(47)2 Rev, Annex A. This procedure is not considered inconsistent with the principles agreed to by the Control Council at its Meeting of 21 January 1946 nor with the principles outlined in the paper of the Directorate, Reparations, Deliveries and Restitution (DRDR/P(46)33/Rev).

3. The Soviet member considers that a special procedure for restitution of securities must be based on principles established and in force at the present time in the sphere of restitution of property. In connection with this, the Soviet member calls the attention of the Finance Directorate to the fact that the point of view expressed in the paper submitted by the US, UK and French members is inconsistent with the principles agreed to by the Control Council at its Meeting on 21 January 1946 and the principles stated in the paper of the Directorate, Reparations, Deliveries and Restitution, Reference DRDR/P(46)33 Revise. In the Soviet member's opinion, a special procedure on restitution must be established in accordance with DFIN/BC/P(47)4/1, Annex B hereto.

See paper directly above this.

US Member

UK Member

French Member

USSR Member

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R E S T R I C T E D *AGREEMENTS + RESTITUTION*

ANNEX A TO DFIN/BC/MEMO(47)2
(DFIN/BC/P(47)2 Rev.)

ALLIED CONTROL AUTHORITY
FINANCE DIRECTORATE
BANKING COMMITTEE

Restitution of Looted Securities

1. At its 51st Meeting on 6 December 1946, the Finance Directorate instructed the Banking Committee to submit recommendations concerning the restitution of looted securities found in Germany. The Banking Committee has considered this matter and the US, UK, and French delegates recommend that the following principles be adopted, consistent with the 5 January 1943 Interallied Declaration Against Acts of Disposition Committed in Territories Under Enemy Occupation or Control:

a. Securities removed to Germany from the territories of other countries while such other countries were occupied or effectively controlled by Germany, are presumed to have been acquired and removed by force or duress ("Looted securities"), and are subject to restitution as hereinafter provided unless this presumption is rebutted and it is established that such securities were neither acquired nor removed by force or duress.

b. Such looted securities are restitutable at the earliest practicable date to the government of the country from whose territory they were removed if such country can be identified. Where such identification is not possible, the securities shall be held in safekeeping pending future agreement as to their disposition.

c. As a prerequisite to restitution of looted securities to claimant countries which are members of IARA, the governments of such countries shall agree to report to IARA any German interest which may be established in such securities and to dispose thereof in accordance with such inter-custodial arrangements as may subsequently be made by IARA.

d. Securities which were removed to Germany from countries under German occupation or control without ostensible transfer of title and simply for purpose of safekeeping shall be returned to the government of the country from which they were removed, except that such securities as were previously acquired under circumstances described in 1 a above shall be subject to restitution principle specified in 1 a, b, and c.

e. The above principles shall not apply to securities whose German ownership is known to ante-date the period of German occupation or effective control of the countries concerned.

2. With respect to the procedure of restituting looted securities, the US, UK, and French delegates recommend the following:

a. Governments of countries which were under German occupation or effective control shall be requested to prepare and transmit to the Control Council lists of all securities, irrespective of where issued, which in the estimation of these governments are subject to the provisions of para. 1 a above.

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ANNEX A TO DEIN/BC/MEMO(47)2
(DEIN/BC/P(47)2 Rev.)

These lists shall group securities according to types, i.e. stocks, bonds, mortgages, etc., and shall contain information concerning the date, circumstances and terms of acquisition as well as data on identifying marks such as registration numbers, etc. Claimant countries shall be asked to certify that to the best of their knowledge no German interest, direct or indirect, existed in the securities being claimed prior to the period of German occupation or control of claimant country.

b. Simultaneously, each zone commander shall be asked to submit to the Control Council an inventory, on the same pattern as indicated in para 2 a. above, of foreign securities uncovered in his zone of occupation. For this purpose, use shall be made of information submitted by residents of Germany on forms of declaration required by MG law in the respective zones of occupation, as well as any other available pertinent information. Zone commanders shall be asked to inaugurate such investigations as may be necessary to make available for purposes of this inventory full information concerning foreign securities located in Germany.

c. Under the authority of the Control Council, a quadripartite Group of Experts shall be established and vested with the following responsibilities:

- (1) Merging the inventories of the four zones of occupation;
- (2) Combining the lists submitted by various countries of securities acquired by Germans;
- (3) Comparing the merged inventories with the combined lists for the purpose of determining the extent to which identifiable looted securities uncovered in Germany suffice to meet established claims for restitution;
- (4) Preparing recommendations to the Allied Control Authority, to be submitted to the interested Governments, as to the disposition of non-identifiable looted securities, including the allocation of such securities to the Governments concerned to meet listed claims not satisfied by other looted securities returned;
- (5) Taking necessary steps to centralize under quadripartite safekeeping securities originally issued in Germany and falling within the provisions of para. 1a and 1b above, and making recommendations as soon as possible as to how the principles in this paper can be made effective with respect to these securities.

3. Securities as use herein shall include interests or participations in enterprises or investments, including but not limited to certificates of stock, notes, bonds, and debentures.

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ANNEX B TO DFIN/BC/MEMO(47)2
(DFIN/BC/P(47)4/1)

ALLIED CONTROL AUTHORITY

FINANCE DIRECTORATE

BANKING COMMITTEE

Procedure on Restitution of Securities
Looted by the Germans from the Countries
They Previously Occupied

1. At its 51st Meeting on the 6th of December 1946, the Finance Directorate proposed to the Banking Committee to work out the details of the procedure for the restitution of securities which were forcibly taken from countries previously occupied by Germany.

The Banking Committee has considered this subject and the Soviet delegate informs the Finance Directorate of the following:

(a) Taking into consideration that the Finance Directorate adopted a decision that "securities are included in the term Property Subject to Restitution", the method of working out the details of restitution of above-mentioned papers, is to be guided by the Control Council decision of 21 January 1946, on the question of defining the term "restitution".

(b) Consideration must be given to the order of procedure for restitution of property prepared by the Directorate, Reparations, Deliveries and Restitutions (DRDR/P(46)55 Revised); the principles of procedure for restitution of securities must be identical with the principles of restitution of property stated in the first part of DRDR/P(46)55.

2. The Soviet Delegate recommends that the Finance Directorate establish the following special procedure for restitution of securities:

(a) Countries previously occupied fully or in part by the German Armed Forces must submit to Control Council the lists of all securities forcibly removed to Germany during the period of occupation, indicating the following data:

1. Type of securities (shares, obligations, etc.)
2. Name and citizenship of the owner of the securities
3. Information for identification of securities (numbers, series, dates of issue and acquisition etc)
4. Detailed circumstances and time of forcible removal of securities to Germany
5. Other (special) particulars.

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ANNEX B TO DFIN/BC/MEMO(47)2
(DFIN/BC/P(47)4/1)

(b) Control Council Secretariat to send two copies of above mentioned lists to one or all of the Zone Commanders for the purpose of investigation and consideration of the claims stated in the list.

(c) Foreign securities discovered in various zones must be immediately returned to claimant countries, provided there is sufficient evidence concerning their forcible removal to Germany.

(d) German securities which belonged to the claimant countries must be deposited until the time when the questions connected with the future of German economy and finance are settled.

3. The above-stated procedure for restitution of securities does not apply to securities which belonged to Germans prior to the period of German occupation.

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11 December 1946

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ALLIED CONTROL AUTHORITY

FINANCE DIRECTORATE

BANKING COMMITTEE

Disposition of Foreign Securities Uncovered in Germany

(Proposal by U.S. Member)

1. Reference is made to DFD/DMO(46)83, which was considered by the Finance Directorate at its 40th Meeting on 30 August 1946.

2. At its 51st Meeting on 6 December 1946, the Finance Directorate referred the problems involved to the Banking Committee.

3. The following principles should serve as a guide in dealing with the problem of restituting looted securities:

a. Securities and other evidences of ownership acquired directly or indirectly by persons resident in Germany from countries or residents of countries which were occupied or effectively controlled by Germany during the period of occupation or effective German control should be regarded prima facie as having been looted.

b. Securities and other evidences of ownership acquired in the manner outlined in par. 3a above, shall in principle be subject to restitution to the Governments of countries in which they were acquired or from whose residents they were acquired. Exemptions should be authorized only in cases where existing holders of said securities can rebut, to the satisfaction of appropriate authority, the presumption that such securities or other evidences of ownership were looted.

c. All identifiable looted securities should be returned at the earliest practicable date to the Governments of countries from which they were acquired or from whose residents they were

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acquired. All non-identifiable looted securities should be held in safekeeping pending agreement by the Governments concerned as to how they shall be allocated among claimant nations whose claims have not been met by restitution of identifiable securities.

d. Securities which were removed to Germany from countries under German occupation or control without ostensible transfer of title and simply for the purpose of safekeeping should be returned to the Government of the country from which they were removed except that such securities as were previously acquired under circumstances described in par. 3a should be subject to the restitution principle specified in par. 3b.

e. The above principles should not be interpreted as applying to securities whose German ownership antedates the period of German occupation or control of the countries concerned.

4. PROCEDURE:

a. Governments of countries which were under German occupation or control shall be requested by the Control Council, acting through diplomatic channels, to prepare and transmit to the Control Council lists of all securities which in the estimation of the governments concerned are subject to the restitution principle specified in para. 3a and 3b above. It shall be requested that said securities be grouped according to types, i.e. stocks (common and preferred, bearer and non-bearer), bonds (Government, private, etc.), mortgages, etc. It shall also be requested that said lists contain information concerning the date, circumstances and terms of acquisition of said securities as well as data on identifying marks such as registration numbers, etc. Claimant countries will be asked to certify that no German interest, direct or indirect, existed in the securities being claimed prior to the period of German occupation or control of claimant country.

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d. Simultaneously, each zone commander will require the preparation of an inventory, on the same pattern as indicated in par. 4a above, of foreign securities or evidence of ownership thereof uncovered in his zone of occupation. For this purpose, use will be made of information submitted by residents of Germany on forms of declaration required by law in the respective zones of occupation, as well as any other available pertinent information. Zone commanders will be empowered to require additional declarations from residents of their zones and to inaugurate such investigations as may be necessary to make available for purposes of this inventory full information concerning foreign securities located in Germany.

e. The Control Council shall establish a Group of Experts, consisting of representatives of the four occupying powers, which shall be responsible for:

- (1) Merging the inventories of the four zones of occupation;
- (2) Combining the lists submitted by various countries of securities acquired by Germans;
- (3) Comparing the merged inventories with the combined lists for the purpose of determining and reporting to the Control Council the extent to which securities uncovered in Germany suffice to meet authentic claims for restitution;
- (4) Making detailed recommendations to the Control Council concerning methods and procedures of restitution ^{of} looted foreign securities, and in particular of non-identifiable securities; it being understood that proposals concerning restitution of non-identifiable securities shall be referred by the Control Council to the

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Governments of the occupying powers to take such steps as may be deemed necessary to obtain international agreement by the Governments of countries concerned.

4. In view of the fact that restitutable securities are to be found in Austria as well as Germany, the above-mentioned Group of Experts will hold themselves in readiness to merge their activities with those of such similar agency as may be established for this purpose by the AC, Austria, and to form, upon receipt of proper authorization, a single Joint Group of Experts for Germany and Austria to deal with the ever-all problem of restitution of securities. However, nothing in this paragraph shall be interpreted to derogate from the right of Austria to claim and receive restitution on the same terms as other countries which were occupied or controlled by Germany as specified in par. 3a.

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CONTROL COUNCIL

DEFINITION OF THE TERM "RESTITUTION"

1. The question of restitution of property removed by the Germans from Allied countries must be examined, in all cases, in light of the Declaration of January 5th, 1943.

2. Restitution will be limited, in the first instance, to identifiable goods which existed at the time of occupation of the country concerned and which have been taken by the enemy by force from the territory of the country.

Also falling under measures of restitution are identifiable goods produced during the period of occupation and which have been obtained by force.

All other property removed by the enemy is eligible for restitution to the extent consistent with reparations. However, the United Nations retain the right to receive from Germany compensation for this other property removed as reparations.

3. As to goods of a unique character, restitution of which is impossible, a special instruction will fix the categories of goods which will be subject to replacement, the nature of these replacements, and the conditions under which such goods could be replaced by equivalent objects.

4. Relevant transportation expenses within the present German frontiers and any repairs necessary for proper transportation including the necessary manpower, material and organization, are to be borne by Germany and are included in restitutions. Expenses outside Germany are borne by the recipient country.

5. The Control Council will deal on all questions of restitution with the Government of the Country from which the objects were looted.

Approved at Berlin 21 January 1946

Appendix 'A' to
CONL/P(46)3 (Revise)

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