

STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

Comm. 148 Deliverer: Fiscal Office Nuremberg - Nord
POSSESSOR: unknown

5 tea spoons silver
1 tea spoon
4 table spoons
4 dessert knives
5 dessert forks
6 forks
3 cake forks
1 cheese knife
1 tart knife
1 pair of tongs for cake
1 sugar strewer
1 tea spoon
1 hand bag silver
1 coral chain
1 Japanese chain
1 bracelet
3 brooches
1 breast pin
7 pair of earrings
1 doublet bracelett

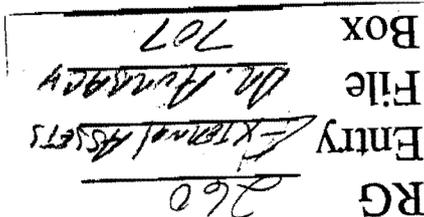
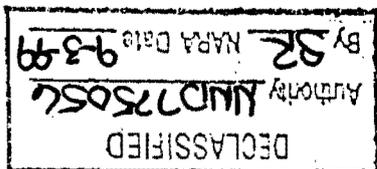
Comm. 130 (DIAMANT) Deliverer: Johann RADEMACHER, Freising, Weiher-
stephenerstr. 5
POSSESSOR: KAUFMANN, Essen

1 plated cup
3 napkin rings
2 small cups
3 large spoons
1 large knife
1 tart knife
1 fork
2 children's knives
12 fruit knives and forks
12 fish forks
6 small knives
6 small forks
3 small figures (glass)
1 small figure (terracotta)

Comm. 149 Deliverer: WIEDECKE, Unterschweimbach
POSSESSOR: Mrs. GUTMANN, Munich

1 chain of pearls with lock
1 silver ring
1 medaillon
1 bracelet
1 embroidered handbag
1 silver tray with glass bowl
1 cake box
1 salt box without glass
1 tea strainer holder
3 small bowls
1 tea strainer
1 set (salt- and pepper box) of glass

- 4 -



317559

STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

Comm. 149 (continued) Deliverer: WIEDECKE, Unterschweinbach
POSSESSOR: Mrs. GUTMANN, Munich

- 3 spoons
- 1 small Silver brooch

Comm. 150 Deliverer: Dr. Adam RUMPF, Grafelfing, 5, Lindenstr.
POSSESSOR: Mrs. Maria STURMBANN

- 1 prayer book
- 1 prayer book
- 1 Philo dictionary
- 1 Persach Hagada
- 1 Life of Flavius
- 1 History of the Jews
- 1 "DER GEDECKTE TISCH"
- 1 "SONG OF SONGS"

Comm. 151 Deliverer: Louise THOMA, Unteralterheim, House 22
POSSESSOR: Alfred BRAVMANN, Tel Aviv

- 1 golden lady's watch
- 1 small brilliant ring

Comm. 152 Deliverer: Miss ADLER, Wurzburg
POSSESSOR: Mrs. Dr. Else WOLFF, Lower Hutt,
New Zealand

- 1 bag for cigarettes
- 1 gentleman's wrist watch
- 1 coral brooch

Comm. 153 Deliverer: Gunther STUDEMANN, Thurnau
POSSESSOR: Cilly JENSEN, Berlin W, Pragerstr.

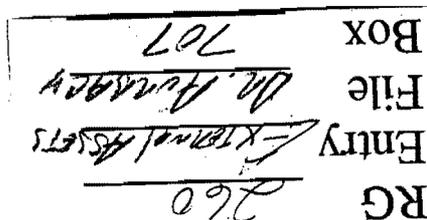
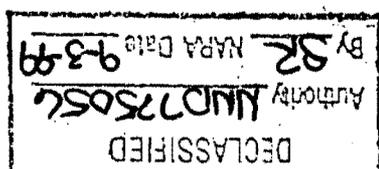
- 1 garnet necklace
- 1 miff chain (imitation)
- 1 small brilliant ring
- 1 golden ring
- 1 wedding ring
- 1 silver bracelet
- 1 agate bracelet

Comm. 154 Deliverer: Mrs. Anna HERRMANN, Munich, 2, Neuturn-
strasse
POSSESSOR: Mrs. ZIERER and Son

- 1 golden ring
- 1 golden brooch
- 1 silver chatelaine
- 1 pair of eye glasses (silver)

Comm. 155 Deliverer: Mrs. Hanni ENGELHARDT, Munich
POSSESSOR: Mrs. Anni Blumenthal, New York

- 1 necklace with light blue stones
- 1 snake bracelet
- 1 brooch (imitation)
- 1 silver necklace
- 1 filigrane brooch



095713

STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

Comm. 155(continued)

- 1 medaillon
- 1 golden brooch
- 1 brooch with light blue stones
- 1 breast pin
- 1 brilliant ring
- 1 single stone (ruby)
- 1 single stone (Brilliant)

Comm. 156 Deliverer: Erika HUTTIG, Nuremberg
POSSESSOR: Miss Hedwig SIMON, Nuremberg

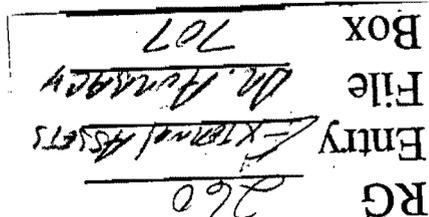
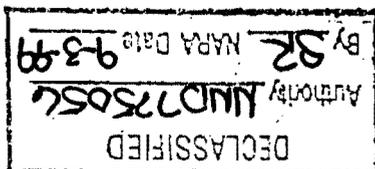
- 1 soup ladle
- 1 large spoon
- 1 large spoon
- 4 table spoons
- 6 tea spoons
- 1 spoon for decoration
- 6 knives
- 5 forks
- 1 cameo brooch

Comm. 157 Deliverer: Messrs. DANLER & CO., Nuremberg
POSSESSOR : WORTSMANN , New York

- 1 cup silver
- 1 candlestick - tray
- 1 small bowl /silver
- 12 alpacca (plated) knives and forks
various simple knives and forks
- 1 big case (with simple spoons, forks and knives)
- 1 common lady's watch
- 5 table spoons common
- 3 common gravy spoon , knife and fork
various common knives and forks
- 2 candle sticks
- 1 tobacco pipe
- various single Knives and spoons
- 1 leather traveller's bag
- 1 jewelry box

Comm. 158 Deliverer: BOTTCHEr, Bayreuth
POSSESSOR: Mrs. SEELIGMANN // Bayreuth

- 1 silver bowl



STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

Comm. 159 Deliverer: Maria DETTERSTECK, 141, Westendstr.,
Munich

POSSESSOR: Mrs. Golda NEUHÖFER

- 1 plated soup spoon
- 1 plated vegetable spoon
- 1 sugar bowl (plated)
- 1 plated bowl for sweets
- 1 " little basket for bread
- 1 " cup
- 1 " tea strainer
- 2 " candlesticks
- 1 " pair of carvers
- 1 plated set of dishes for cake
- 1 cake knife (large)
- 2 cake forks
- 2 cake knives

Comm. 160 Deliverer: Luitpold HOFMANN, 12, Simmernstr.,
Munich

POSSESSOR: Mr. HERZFELDER

- 2 silver dishes
- 1 cake fork
- 1 case with 2 silver spoons
- 1 medaillon

(signed): Dr. Philipp AUERBACH,
State Commissioner

was present at the delivery
of the foregoing objects

(signed): HIERL,
Secretary

(signed) BARNKOPF,
Section Chief



Munich, 6 February 1947

Der Generaltreuhänder für jüdisches Eigentum in Bayern

[Handwritten signature]

DECLASSIFIED
Authority: NND775056
By: SA NARA Date: 9-3-99

RG
Entry External Assets
M. HERRMANN
707
Box

317562

RG 260
 Entry External Assets
 File Dr. Auerbach
 Box 707

DECLASSIFIED
 Authority 11ND775056
 By SR NARA Date 9-3-99

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE MEMO SLIP APO 170

Classification or subject — Identify attached papers, if any. Number each memo in left margin, date and initial on right margin. Office must be indicated. Draw line across sheet just below memo. Avoid using small slips.

22

TO	MEMORANDUM (Use full width of sheet for long memos)	DATE AND INITIALS
Mr. Ferguson	<p>Lt. Col. Cottingham called this morning, requesting to give Col. Lord the following message:</p> <p>"I just had a call from Landsberg Military Government. They say that Mr. Auerbach had ordered Mr. Pfeiffer, the Leiter of the Aussenstelle in Landsberg, to release a butcher shop to a certain DP and the Military Government called me because they did not believe it was right. I have instructed the Military Government to have Pfeiffer get in touch with me as soon as he can and in the meantime to disregard any orders from Auerbach.</p> <p>Col. Lord requests that the message be transmitted to you.</p>	6 February 1947 mg

27

7 February 1947

STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

Dr. A/St

To
Office of Military Government for Bavaria
FINANCE DIVISION/Property Control
Attn. Mr. DICKERSON
Tegernseerlandstrasse/Munich

SUBJECT: Procedure for handling the property taken into custody
by the State Commissioner for Racial, Religious and
Political Persecutees

With reference to the conversation held today in your office,
I beg to confirm that all property entrusted to my custody
was handled according to your order of 7 January 1947 - AG 386
MGBFP.

If until now copies of the receipts for property turned in have
not yet been submitted to you, the reason herefor is that the
concerned property was delivered before the receipt of your
foregoing order. In future your directions of which I have in-
formed my responsible section chief Mr. Leo BARNKOPF will be
minutely followed.

As to the securities and money deposited to the custodian's
bank account SEP. I and II, they partly date from the time of
my predecessor in office and I took charge of them according
to the order of Finance Division/PROPERTY CONTROL Sub-District
No. 22, S.K. - L.K. Munich of 2/10/1946. I could, of course,
not ascertain whether these assets were transferred to the
custodian's bank account from any other blocked account. In
any case, we consciously did not turn in money from other
blocked accounts.

My bookkeeper, Mrs. KOSENBACH, was at that time informed
through FISCAL BRANCH

"that the foreign values delivered to the Reichsbank (as
per form MGAX 2), pursuant to law 53, are blocked for the
Supreme Control Council and cannot be transferred, whilst
the assets of foreign Jewish persons reported (as per
form MGAX 1) are to be transferred to Separate Account II
at the bankers SEILER & CO., Munich. There they remain, of
course, blocked and it can be disposed of them only with
the express authorization of Military Government. It was
further said that the State Commissioner was entitled to
demand this transfer."

DECLASSIFIED
Authority: UNOD75056
By SR NARA Date: 9-3-99

RG
Entry External Assets
Dr. H. H. H. H.
707
Box

317564

STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

Munich, 7 February 1947

This information shows obviously that I am entitled, respectively that my predecessor was entitled, to transfer the reported assets of foreign Jewish persons or those persons who were deported to the blocked account SEP.II at the Bankers Messrs. Seiler & Co. Munich. It is known to you and needs not to be mentioned that it has not been disposed of this money, as I know well these instructions.

To the best of my knowledge I have only done continued the same procedure handled by Mr. AUMER based on the enclosed instructions of Military Government. I could not assume these instructions would no longer be approved by Military Government.

I shall, however, in future ask the depositors whether the money comes from a blocked account or not and inform them that they need the authorization of Military Government even in cases of internal transfer from one blocked account to the other.

As a proof for the correct following of your instructions I beg to send you translation of a writing of the LANDESAMT FÜR VERMÖGENSVERWALTUNG UND WIEDERGUTMACHUNG, Out-Office Landshut, dtd. 26/11/1946, concerning the shoe warehouse KIERMEIER at Landshut which let us know on April 12, 1946 that it intended to remit to us RM 7000,-- from its blocked account. We therefore wrote to the Reichsbank and requested the release of this sum. As per enclosure the LANDESAMT, Out-Office Landshut informed us that the RM 7000,-- have not yet been released.

As further piece of evidence may serve the enclosed advice No. D 154 of Messrs. Seiler & Co., Munich according to which two securities remitted to the deposit account SEP.II for Dipl. Ing. DOSTALEK were delivered to the Landeszentralbank for Bavaria, pursuant to Law 53. You see that we are endeavoring to comply minutely with all instructions and directions of Military Government.

With regard to the great number of vouchers concerned, I should be much obliged to you for your sending one of your gentlemen into my office. I could then show him all the vouchers thus proving that the respective transfers are made from non-blocked accounts.

Of course, I do not deny the possibility that one or the other transfer might have been made from a blocked account without advice to my office by the depositor.

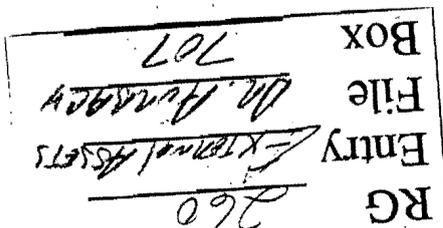
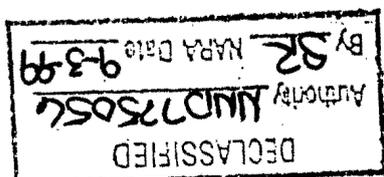
I beg to assure you that I am always ready to give you further information.

Seiler

Dr. Philipp Auerbach
State Commissioner



Encl. 2



317565

35

Bayer. Staatsministerium des Innern
Staatskommissariat
für rassistisch, religiös und politisch Verfolgte
STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

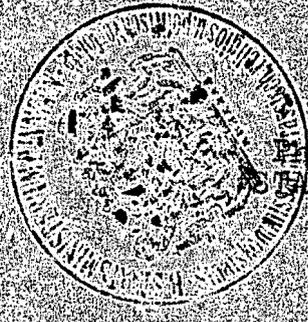
MÜNCHEN
Holbeinstrasse 11 26 March 1947

A/St

To
Office of Military Government for Bavaria
Finance Division /PROPERTY CONTROL
Attn. Mr. DICKERSEN
Tegernseerlandstrasse/Munich

SUBJECT: Paintings, Carpets and other objects of value
from Würzburg

The President of the Landespolizei Mr. Professor Dr. MATERN
advised me yesterday that paintings, carpets and other objects
of great value lie at my disposal at Würzburg. I therefore
sent my section chief Mr. BARNKOPF to Würzburg in order to
bring the foregoing objects, under police guard, to Munich
where I shall deliver them to the chief of Collecting Point,
Arcisstrasse.



hured
Philipp AUERBACH,
STATE COMMISSIONER

DECLASSIFIED
Authority NND775056
By SR NARA Date 9-3-99

RG
260
Entry External Assets
Dr. H. H. H. H.
707
Box

317566

INFORMATION COPY

28 March 1947

STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

A/St

To the
Chief of Collecting Point
Arcisstrasse/Munich

SUBJECT: Confiscation of oil paintings, carpets and other
objects of value at the firm Max BECHLER, domiciled
at Wernerzerstrasse at Bad Brückenau

According to advice of the Landpolizei Bayern at Würzburg, Chief's
Service Lower Franconia/Criminal Office of 25 March - Journal No.122
the oil paintings, carpets and objects of value specified on the
enclosed list were confiscated at the firm Max BECHLER. As the in-
vestigations made confirmed cogent suspicion of unlawful enrichment
during the years of action against the Jews 1937 - 1941, the ob-
jects of value concerned were transported for purpose of security
to the Chief's Service at Würzburg. Military Government (Public
Safety/ Mr. LAMM) has been informed and is looking for a sure place
of custody. The Criminal Police Frankfurt/Main will make further
investigations regarding this matter, as Mrs. Else HEPP, sister
of the accused, has still seven paintings at 30, Kaulbachstrasse
at Frankfurt/Main.

The inquiries made concerning these paintings, articles of virtue
and carpets had until now the following results:

In 1932/1933 Bechler took over the fine art repository PEAPP at
Neue Mainzerstr., Frankfurt/Main. From 1933 until 1936 Bechler is
said to have had only a small business income. After action against
the Jews (1938 - 1941) had begun at Frankfurt/Main, he was charged
with the sale of Jewish property. He is badly suspected to have
enriched himself at this occasion. It struck the police that the
vouchers of the oil paintings still in his possession date alto-
gether from the years 1937 - 1941. A certain Jean HEIL assisted
him to purchase the paintings.

I made transport to Munich, under police guard, the objects of
value concerned by my section chief Mr. BARNKOPF. They are now in
the safe of my State Commission in the Ministry of the Interior.

I herewith request Collecting Point to inform me whether and which
of the paintings are to be taken into custody by it.

Encl. 1

(signed): Philipp AUERBACH,
State Commissioner



DECLASSIFIED
Authority: UNDO725056
By: SR NARA Date: 9-3-99

RG
Entry *External Assets*
File *Dr. H. H. H. H.*
Box *707*

317567

A b s c h r i f t

Aufstellung über beschlagnahmte Ölgemälde und Kunstgegenstände.

Katal. Nr.	Lfd. Nr.	Gegenstand	Art	Bemerkung
34	1	Schifferkahn	kl. Öl bild	v. H. Liesegang, Goldrahm
	2	Landschaftsbild	" "	mit Goldrahmen
8	3	La Tarentella	Aquarell	schw. Rahmen
	4	Stilleben	Öl bild, gr	" "
	5	1tk. Szene	kl. Öl bild	ohne Rahmen
	6	6 Personen		
	6	Landschaftsbild	Aquarell	v. Auguste v. Sechendorf
	7	Winterlandschaftsbild	Öl b.	v. Stademanny Goldrahme
35	8	Landschaft	gr. Öl bild	v. Heinefetter, Goldrah
	9	Eschenheimer Turm	Aquarell	v. Sonntag, Silberrahme
15	10	alte Landschaft	Gwasche	schw. Rahmen
14	11	Landschaft	Öl auf Kupfer	Goldrahmen
	12	6 Personen		
6	12	Altar bild	Öl kopie	ohne Rahmen
		Maria m. Kind		
16	13	Altar bild, Josef	Öl kopie	ohne Rahmen
22	14	Porträt (oval)	kl. Öl bild	m. Goldrahmen
	15	Damenporträt	Öl auf Kupfer	m. Goldrahmen
	16	2 Männer	Öl bild	" "
38	17	tanzendes Paar	Öl bild	v. Monticelli, Goldrahm
24	18	Pater	gr. Öl bild	schw. Rahmen
	19	Landschaft	gr. Öl bild	ca. 2m breit, schw. Rahme
1	20	Geburt d. Adonis	gr. ovales B.	ca. 1,70m breit, ohne Rah
1	21	Tod d. Adonis	" "	" "
21	22	Melanchton	kl. Öl bild	brauner Rahmen
17	23	Männerporträt	Öl bild	ohne Rahmen
26	24	Petruskopf	" "	" "
18	25	Prinz v. Oranien	" "	" "
36	26	Landschaft m. See	Ölgemälde	v. A. Kessler, Ohne Rahmen
31	27	Landschaft m. Viehherde	" "	ohne Rahmen
33	28	Landschaft	" "	ohne Rahmen v. Burnitz
40	29	Blumenstilleben	gr. Ölgemälde	ohne Rahmen
	30	Stilleben	" "	ohne Rahmen v. Huysum
28	31	Damenporträt	" "	ohne Rahmen
13	32	Landschaft, See	" "	von Calami, ohne Rahmen
39	33	Landschaft mit Einsiedler	" "	" "
23	34	Madonna m. Kind	" "	v. Leopold Bode ohne Rah
	35	Bauernstube	gr. Ölgemälde	v. Gudden, ohne Rahmen
20	36	Mutter & Sohn	" "	" "
5	37	Landschaft mit Maria u. Josef	" "	" "
12	38	Seestück m. Schiffen	" "	" "
3	39	iatl. Landschaft	" "	" "
	40	3 Kinder b. Schularb.	" "	v. Roessler, " "
27	41	Damenporträt	gr. Ölgemälde	" "
30	42	Ehepaar	" "	m. Goldrahmen
	43	Berglandschaft	kl. Öl bild	" "
	44	Schimmel m. Stute	" "	" "

DECLASSIFIED
 Authority: NND775056
 By: SA [Signature] NARA Date: 9-3-99

RG
 Entry: [Signature] Assets
 File: [Signature]
 Box: 707

895713

Katal. Nr.	Lfd. Nr.	Gegenstand	Art	Bemerkung
------------	----------	------------	-----	-----------

Figuren

	1	Bronzefigur	Pferdebandiger	
	2	"	angelehnter nackter Mann	
	3	"	Stier (auf Marmor)	
	4	"	2 Pferde	
	5	"	Nashorn m. Tiger	
	6	"	Löwe	

Teppiche

	1	Perserteppich	Heris (gross)	
	2	"	"	
	3	"	Afghan	
	4	Teppich	Türkische Brücke	
	5	Perserläufer	Seidentepich	

Fehlende Ölgemälde

2	1	Landchaft		
4	2	Wehrsagerin		
6	3	Krines		
7	4	Bauerntanz		
9	5	Vogelstilleben		
10	6	Ratsherren		
11	7	Bauernstube, trinkende Bauern		
19	8	Bauernstube		
25	9	Männerkopf		
29	10	nicht mehr im Besitz		
31	11	Niddalandschaft		
31	12	Durchbruch (v. Hasselhorst)		

Übernommen :

Übergeben :

DECLASSIFIED
 Authority: AIND725056
 By: SA NARA Date: 9-3-99

RG
 Entry: External Assets
 File: Dr. H. H. H. H. H.
 Box: 707

317569

Abschrift

Aufstellung über beschlagnahmte Ölgemälde und Kunstgegenstände.

Lfd. Nr.	Gegenstand	Art	Bemerkung
----------	------------	-----	-----------

Bilderrahmen

- | | | | |
|-----|------------------------|-------------|------------|
| 1. | Eichenrahmen mit Ahorn | braun lack. | 52 x 60 cm |
| 2. | Nussbaumrahmen 2 Stück | " " | 43 x 52 |
| 3. | schwarzer Rahmen | | 65 x 76 |
| 4. | " " | | 71 x 87 |
| 5. | Goldrahmen | | 46 x 38 |
| 6. | " | | 90 x 1.16 |
| 7. | " mit Einsatz | | 75 x 84 |
| 8. | " | | 75 x 91 |
| 9. | " | | 83 x 67 |
| 10. | " | | 47 x 63 |

Bilder

- 2 Miniaturen Damenporträts mit Bronzerahmen
- Bauerntanz
- Ratherrn
- Bauernstube, trinkende Bauern
- Männerkopf
- spielende Katzen
- Deckel mit Jungen
- Strasse mit Figuren

Figuren

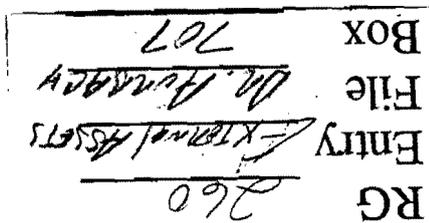
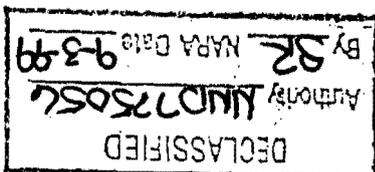
- Bronzefigur borgesischer Fechter
- Bronzefigur Hirsch
- " Pferdehändler
- Stehlampe mit drei Kindern aus Bronze
- Hansekege aus Holz
- 2 silberne Leuchter 5 flammig
- 2 " " 4 "
- 1 Marmorplatte mit Bronzefigur

übergeben: gez. Unterschrift

übernommen: gez. Unterschrift

Für die Richtigkeit der Abschrift

Dr. Auerbach



317570

RG 260
 Entry External Assets
 File Dr. AUBACH
 Box 707

DECLASSIFIED
 Authority NND775056
 By SR NARA Date 9-3-99

FILE

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
 APO 407, U.S. ARMY

AG 386 MGBFF

12 April 1947
 RRL/als

SUBJECT: Property of Absentee Persecutees.

TO : Minister President of Bavaria,
 7 Prinzregentenstrasse, Munich.

1. On the 21 November 1946 an appeal was made to the people of Bavaria by the State Commissioner for Racial, Religious and Political Persecutees. This appeal called upon the people to turn in to the custody of the State Commissioner's office all property and information regarding property, formerly owned by racial, religious and political persecutees. This appeal was well founded and is of great importance in lightening the burden of work which the forthcoming restitution-law entails.

2. The response to this appeal has been gratifying and of greater magnitude than expected. However, many inquiries to this office have disclosed some confusion in procedure for compliance with the request. Moreover, certain duplications in work and efforts which do not follow sound established channels for responsible handling of these accounts as well as the incurring of extra governmental expense have been indicated. The suggestions outlined below are recommended by this office as feasible solution to clarify the situation without interfering with the accomplishment of the objective desired in the announcement of 21-11-46.

3. It is suggested that the appeal of 21 November be re-broadcast over the air and published in all the newspapers and augmented to include the mechanical procedure for the turn-in as follows :

a. Property of this category to be turned in to the CAH of the Kreis in which it is located.

b. At time of turn in receipt in detail to be given to person turning in the property by the CAH.

c. CAH will be charged with responsibility of proper storage and protection of properties so received. Said storage to be directly under the custody of CAH office to eliminate any further custodian charges. Storage charges to be eventually paid directly from restitution funds.

d. Copies of receipts will be forwarded to the LCAH office and to LPOG. It shall be the duty of the LCAH to provide

Information Copy
 in Disposition
 Rep. 6/1/47

317571

RG 260
 Entry External Assets
 File DR. AUBACH
 Box 707

DECLASSIFIED
 Authority UND775056
 By SR NARA Date 9-3-99

- 2 -

each month consolidated report of this type of property for delivery to the State Commissioner for Racial, Religious and Political Persecutees to aid his office in its appointed tasks.

4. This procedure makes use of the facilities of the Landesamt für Vermögensverwaltung to provide proper protection and control of properties turned in, retains it without further paper work and is ready for ultimate restitution without establishment of any office or agency which would be a duplication of expense to the tax-payers. It further relieves personnel of the office of the State Commissioner for Racial, Religious and Political Persecutees from property responsibility job so that they may continue with their function of administration for the persecutees present in Bavaria.

FOR THE DIRECTOR :

Tel.: Munich
 Military 4-312.

R. R. LORD
 Chief, Finance Division

317572

Public
Welfare
Branch

SUBJECT: Functions of the State Commissioner for Racial, Religious, and Political Persecutees. 23 April 1947
WH/mg

Copy to:
Property Control Branch,
Duress sub-Section, Attn:
Mr. Dickerson.

1. Attention is drawn to your Office memo dated 15 April 1947, addressed to yourself, marked "File", subject as above. Because you have used this subject, this Division in behalf of the Property Control Branch raises objections to some of the remarks, as - if not replied to - silence would indicate our concurrence.

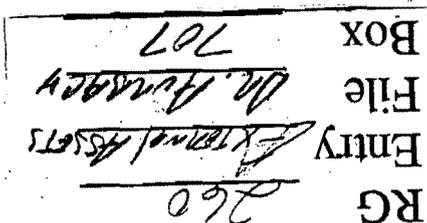
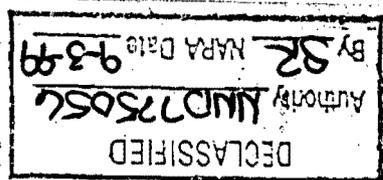
2. The writer's remarks will be made to clarify and expand upon only those paragraphs which are in contradiction to Property Control policy or on which said branch has a bearing. The paragraphs referred to in your memo are as follows:

3. Paragraph 2.b. states that as the result of a meeting with Major Harrison, Property Control Branch, Auerbach was appointed as custodian of certain movable property in Land Bavaria. This is not according to the facts, as Dr. Auerbach was a custodian long before the writer even knew he was. He originally was appointed either by Lt. Gilmartin or Lt. Dick and the appointment continued by Major Pieper of territory now known as District E covering Stadt- and Landkreis Munich.

4. Paragraph 2.c. states that all Property Control matters in which Dr. Auerbach is interested "are handled by his central office, Munich". Dr. Auerbach was merely made a custodian and at the meeting referred to in this office which was 26 March 1947 it was impressed upon Dr. Auerbach that he must report to Dr. Fischer and has no further authority nor jurisdiction than any other custodian.

5. Concerning paragraph 2.e. it was ascertained that Dr. Auerbach had been functioning without making any report whatsoever to the Munich CAH. He was told at this meeting that he would have to complete Property Control Standard Forms, so that the Landesamt für Vermögensverwaltung und Wiedergutmachung would have a complete record of same. Dr. Fischer, local CAH, was present in this meeting.

6. Referring to paragraph 3.f. it is not known what security the State Commissioner is advancing as guarantee for loans of the banks. In fact the correctness of this procedure is unknown to the writer, as he thought under Law 35 certain advances were made by the Bavarian State and certain deposits made to Dr. Auerbach's credit in certain banks. It is definitely to be understood that no property under Property Control jurisdiction can be put up directly or indirectly, orally or in writing as security to the State or to any banks for repayment of advances made by said State or banks.



317573

7. If the State Commissioner in paragraph 3.g. is referring to personnel to administer his proposed program which may possibly refer to his welfare activities, we have no comment to make. Such does not come under the jurisdiction of Property Control Branch. However, if he is referring to Property Control functions, same is beyond his jurisdiction, as he has no authority to be running a local Property Control office.

8. In paragraph 4.o. Dr. Auerbach does not make clear where he intends to get the money as advance for "Rent" payments. It must be definitely understood that at this time Property Control Branch can not agree to advancing any money for rent and any such advance must be made under Law 35 or purely under welfare.

9. We can not concur in remarks under paragraph 4.d., the next-to-last sentence of which is that 50 % of advances will be repaid "at the time the restitution law becomes effective". The writer does not know how anybody could make such a remark, as no one yet knows what the restitution law will be. Furthermore, as it now stands, in some instances the restitutor has considerable time in which to pay the claimant and in that case where would the money come from that is to be repaid immediately? It looks like a guarantee is being made in the dark.

10. The second paragraph numbered 4.d. which is on page 4 can be entirely overlooked at this time, as the actual carrying out and administering of the law must necessarily be in accordance with said restitution law.

WILLIAM HARRISON
Deputy Chief
Finance Division

DECLASSIFIED
Authority: AUCD725056
By 52 NARA Date 9-3-99

RG 260
Entry External Assets
File Dr. Auerbach
Box 707

317574

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE MEMO SLIP APO 407

Classification or subject — Identify attached papers, if any, Number each memo in left margin, date and initial on right margin, office must be indicated, draw line across sheet just below memo, avoid using small slips

TO	MEMORANDUM (Use full width of sheet for long memos)	DATE AND INITIALS
----	--	----------------------

**PUBLIC WELFARE
BRANCH - File**

**PUBLIC WELFARE BR.
15 April 1947**

SUBJECT: Functions of the State Commissioner for Racial, Religious, and Political Persecutees.

1. At a conference held 27 March 1947 this headquarters, Public Welfare Branch, and attended by Dr. Phillip Auerbach, State Commissioner for Racial, Religious, and Political Persecutees, Mr. Bachmann, Ministry of the Interior, Mr. Dickenson, Property Control Branch, and Chief Public Welfare Branch, Dr. Auerbach described the operations and plans of his Commission.

2. Functions in the field of Property Control.

a. Dr. Auerbach was originally authorized to continue as custodian for 94 properties which had been under the custodianship of his predecessor Dr. Aumer.

b. As the result of a meeting with Major Harrison, Property Control Branch, he was appointed as custodian for moveable property for Land Bavaria and signed a contract to that effect with Dr. Fischer, CAH of Munich Stadt. Specific instructions were issued 3 February 1947.

c. All property control matters in which the State Commissioner is interested are handled by his central office, Munich. All properties turned in as a result of radio and newspaper appeals are held in Munich.

d. December 1946 it was agreed with Mr. Ray, Fine Arts Officer, this headquarters, that all cultural objects would be turned in to the fine arts collecting center.

e. Inventories of all properties held by Dr. Auerbach have been made available to this headquarters, Property Control Branch, and the Landesamt für Vermögensverwaltung und Wiedergutmachung. Property Control Branch representative present requested that complete inventories by consecutive commission number be submitted to this headquarters and that complete PC 2 be prepared and turned over to Dr. Fischer.

DECLASSIFIED
 Authority: AUCD725056
 By SR NARA Date 9-3-99

RG
 Entry
 File
 BOX
 260
 Dr. Auerbach
 707

317575

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE MEMO SLIP APO 407

Classification or subject — Identify attached papers, if any, Number each memo in left margin, date and initial on right margin, office must be indicated, draw line across sheet just below memo, avoid using small slips

TO	MEMORANDUM (Use full width of sheet for long memos)	DATE AND INITIALS
----	--	-------------------

Public Welfare Branch, (file), Subject: "Functions of the State Commissioner for Racial, Religious, and Political Persecutees", dtd 15 April 1947.

f. In response to inquiries regarding property Dr. Auerbach verifies as to whether or not property is under control. If under control the inquirer is so notified. If not under control the matter is referred to the Landesamt for investigation and the inquirer is notified by Dr. Auerbach's office as to the result of the investigation.

3. Plans for the Implementation of the Restitution Law.

a. The State Commissioner's functions will serve as arbitrator in order to effect out of court settlements so as to expedite the program. He estimates that between 60 and 80% of all claims can be settled in this manner.

b. Individual claims may be settled by the Regierungsbezirk committee comprised of representatives of the State Commissioner's office, the Ministry of Justice, Landesamt für Vermögensverwaltung und Wiedergutmachung, a member of the political persecutee group and one member of the Trade Unions. Their decisions will be transmitted to the central office of the State Commissioner.

c. In Munich there will be five chambers (committees) comparable in membership to the committees established on Regierungsbezirk level who will be empowered to recommend action on cases.

d. Cases which cannot be settled by committees (paragraph c) will be reviewed by the Land Chamber to be comprised of the Ministry of Justice (president) and the State Commissioner for Racial, Religious, and Political Persecutees, the President of the Landesamt für Vermögensverwaltung und Wiedergutmachung and two representatives of the Trade Unions.

e. If a satisfactory settlement cannot be secured the claimant then may take formal legal action.

f. The State Commissioner has secured from the banks the guarantee that they will advance necessary funds to reimburse present property holders so that persecutee properties may be returned immediately in accordance with plan outlined in paragraphs b, c, d.

DECLASSIFIED
 Authority: 1100775056
 By: SR
 NARA Date: 9-3-99

RG
 Entry
 Dr. Hummer
 707
 Box

317576

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE MEMO SLIP APO 407

Classification or subject — Identify attached papers, if any, Number each memo in left margin, date and initial on right margin, office must be indicated, draw line across sheet just below memo, avoid using small slips

TO	MEMORANDUM (Use full width of sheet for long memos)	DATE AND INITIALS
----	--	-------------------

Public Welfare Branch, (file), Subject: "Functions of the State Commissioner for Racial, Religious, and Political Persecutees", dtd 15 April 1947.

g. The State Commissioner has arranged for sufficient staff to administer his proposed program which will include 5 legal advisors, 15 persons at his headquarters and 3 persons for each Regierungsbezirk.

4. Welfare Program as follows:

a. The original authorization for welfare services was the result of the vreation by governmental decree in October 1945 of the office of the State Commissioner for Jewish Affairs. This was augmented by the incorporation of the Bayerisches Hilfswerk in December 1945. Prior to the appointment of Dr. Auerbach as State Commissioner for Racial, Religious, and Political Persecutees, the State Commissioner for Jewish Affairs and Bayerisches Hilfswerk extended assistance and services to German racial persecutees of which there were approximately 5500. When Dr. Auerbach was appointed State Commissioner his competence was extended October 1946 to include services to non-German racial and religious persecutees not under the care of the occupational authority, and to German racial, religious, and political persecutees. His competence was extended 24 December 1946 to include non-German political persecutees not under care of an occupation authority.

b. The State Commissioner for Racial, Religious, and Political Persecutees has availed himself of the local offices of the Bayerisches Hilfswerk, and has established local offices for the care of the political persecutees. There are in Bavaria a total of 36 care centers for political persecutees, and 18 offices of the Bayerisches Hilfswerk.

c. In administering his program Dr. Auerbach immediately established a "Rent" payment from his office ranging from 50 to 250 marks per month for each persecutee in need. Proof of need is submitted by the local care center and agreed by the State Commissioner.

d. Present regulations provide for the giving of relief to persecutees through District Welfare Offices plus a differential

DECLASSIFIED
 Authority: AUCD775056
 By: SR NARA Date: 9-3-99

RG 260
 Entry *Dr. Auerbach*
 File *707*
 BOX

317577

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE MEMO SLIP APO 407

Classification or subject—Identify attached papers, if any, Number each memo in left margin, date and initial on right margin, office must be indicated, draw line across sheet just below memo, avoid using small slips

TO	MEMORANDUM (Use full width of sheet for long memos)	DATE AND INITIALS
----	--	----------------------

Public Welfare Branch, (file), Subject: "Functions of the State Commissioner for Racial, Religious, and Political Persecutees",
 dtd 15 April 1947.

of 25% because of persecutee status. This arrangement has created confusion on the local level because persecutees (particularly individuals who have removed themselves from DP camps) demand assistance without a means test. As the result of the refusal of many of the relief recipients to pay rent, arrangements were completed by which rent will be paid directly by the local Bürgermeister. The State Commissioner reports that since 1 January 1947 Bürgermeisters are refusing to make direct rental payments and submit bills to his office and the Ministry of Finance, contending that payment of this money is not the responsibility of the local district, but a matter of foreign population control which is a State responsibility. Because of this problem plus (there are upwards to 29,000 racial persecutees in Bavaria living outside of camps) and based on the extent of supplementation required by Bavarian relief recipients from the State Commissioner's office, The State Commissioner for Racial, Religious, and Political Persecutees is presenting in agreement with Department II, Ministry of the Interior, a proposal, submitted by the Ministry of Finance, Dr. Eckmeyer which states that persecutees have the basic right to receive necessary support from the State Commissioner rather than the local District Welfare Offices. These means will be given in the form of monthly payments 50% of which will be repaid at the time the restitution law becomes effective. Assistance will be given ly on the basis of need.

d. With the passage of the restitution law it is proposed that the State Commissioner for Racial, Religious, and Political Persecutees assume responsibility for administering the restitution program, insofar as claims are concerned: i.e. claims are submitted through Regierungsbezirk representatives. A committee comprised of a representative of the State Commissioner, the Ministry of Justice, Landesamt für Vermögensverwaltung und Wiedergutmachung, a member of the political persecutee group, and one member of the Trade Unions is to investigate claims and transmit decisions to the office of the State Commissioner.

5. Relationship to the Central Committee for Liberated Jews.

a. The Central Committee for Liberated Jews representing free living orthodox Jews has served as an agent for the American Joint Distribution Committee, and in that capacity has engaged since

DECLASSIFIED
 Authority: AUCD72505K
 By: SR NARA Date: 9-3-99

RG 260
 Entry *External Assets*
 File *Dr. Eckmeyer*
 BOX 707

317578

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE MEMO SLIP APO 407

Classification or subject—Identify attached papers, if any. Number each memo in left margin, date and initial on right margin, office must be indicated, draw line across sheet just below memo, avoid using small slips

TO	MEMORANDUM (Use full width of sheet for long memos)	DATE AND INITIALS
----	--	----------------------

Public Welfare Branch, (file), Subject: "Functions of the State Commissioner for Racial, Religious, and Political Persecutees", dtd 15 April 1947.

its official recognition in September 1946 in making available to free living racial persecutees the equivalent of 90 million marks during the last Bavarian budget year.

b. The State Commissioner for Racial, Religious, and Political Persecutees proposes that 50 marks per month be paid to each unemployed racial persecutee living outside of a camp plus 30 marks per person for the Jewish Community and administration of the Central Committee.

Room 257
 Tel: MM 4-492

LOUIS MINICLIER
 US WD CIV
 Chief, Public
 Welfare Branch

DECLASSIFIED
 Authority: AUCD77505C
 By: SR NAPA Date: 9-3-99

RG 260
 Entry: *External Assets*
 File: *Dr. H. H. H. H.*
 Box: 707

675713

48

Bayer. Staatsministerium des Innern
Staatskommissariat
für rassistisch, religiös und politisch Verfolgte
STATE COMMISSION FOR RACIAL,
RELIGIOUS AND POLITICAL PERSECUTEES

MUNCHEN,
Holbeinstrasse 11

24 April 1947

A/St

To
Office of Military Government for Bavaria
Attn. Colonel LORD, Chief FINANCE DIVISION
Tegernseerlandstrasse/Munich

SUBJECT: Property of absentee persecutees -
your letter of 12/4/1947- Ref. RRL/als-Ag 386 MGBFP
to Minister President for Bavaria

1. I acknowledge with thanks receipt of the above letter, transmitted to me by the Bavarian State Minister of the Interior, from which I was pleased to note that Military Government has been satisfied with the result of our work regarding subject matter.
2. In accordance with your recommendation, I gave today instructions to all the newspapers through DENA to republish my appeal of 21/11/1946 and implementation hereto as per period 3a and b of your letter and asked Radio Munich at the same time to rebroadcast it.
3. I further made a correlative agreement with the LANDESAMT FÜR VERMÖGENSVERWALTUNG UND WIEDERGUTMACHUNG concerning procedure of handling of property turned in.



hured
Philipp AUERBACH,
State Commissioner.

Mr. Dickerson

DECLASSIFIED
Authority: NND72505K
By: SR NARA Date: 9-3-99

RG 260
Entry *External Assets*
File *Dr. H. H. H. H.*
Box 707

REPRODUCED AT THE NATIONAL ARCHIVES

085713

Future of the Racial, Religious and Political Persecutees.

(From a lecture held by the State Commissioner at the Akademischer Klub in Munich at 2 May 1947).

My Section V is occupied with the most difficult actual and future problem, namely the Restitution problem. Besides, all kinds of law questions are treated there by the section chief, Mr. Oberstaatsanwalt PEICH and three other efficient lawyers. Every day many persons apply by letter or verbally asking our advice in complicated cases, which have to be carefully examined. Moreover, this section drafted some laws and did, in close collaboration with Ministerialrat RÖMER, preliminary work for the Restitution Law. We are awaiting the promulgation of the Restitution Law enabling us to fight for the rights of the circle of persons whom we care for. We know that the Restitution Law constitutes only the first part of the Reparation Law. Of course, only that what people formerly possessed can be restituted to them. The great mass of the political and racial persecutees who did not own real estates and businesses before the war has the right to claim indemnification. Their indemnification will be the object of the second part of the Reparation Law. This reparation constitutes a part of the future of the political and racial persecutees. The sun of reparation is still covered with clouds. We see only a faint gleam which fills our hearts with hope. We know the difficulties and the objection made by those persons who want to claim "bona fide action" for what we used to call theft and concealing of stolen property. There are no bona fide purchases of tradeunions' houses, workmen sportplaces, of Jewish patrician houses, of oil paintings, of objects of virtu and other Jewish belongings. Whosoever bought the aforementioned property with the approval of the Nazis, bought stolen property. His duty is now to restitute it. He has no right to claim bona fide action. Our leading principle in the question of restitution has always been that "We do not want to commit new wrong by restituting old injustice". We are proud of having reestablished the united front with the trades unions who, starting from the same viewpoint as the racial, religious and political persecutees, support the great cause of a just restitution. But we do not want any restitution profiteers. We want indemnification for the man in the street who jeopardized his life when fighting against the National Socialist regime. We cannot acknowledge privileges of some groups relative to restitution. Regardless whether it is the question of pensions of high officials or advances of first class employees, as long as a general restitution is not authorized, no exceptional payments are permitted in favor of some small groups. So great is the number of problems we have to solve, e.g. the executing of death deeds of missing persons, of certificates of qualification to inherit, of ascertainment and attestation of lost documents and so on - that not initiated persons scarcely will know what and enormous work is to be done in this domain.

Hand 1

FINANCE
PROPERTY
DATE 23. MAI 1947
RFD TO 10567

DECLASSIFIED
Authority NND725056
By SR NARA Date 9-3-99

RG 260
Entry External Assets
File Dr. HANSEN
Box 707

REPRODUCED AT THE NATIONAL ARCHIVES

185713

Translation.

51

file

Bayer. Staatsministerium des Innern
Staatskommissariat
für rassistisch, religiös und politisch Verfolgte

Munich, 28 May 1947

Dr. A/vSt
Sekretariat

TO : Bayerisches Landesamt für
Vermögensverwaltung und Wiedergut-
machung
München 8
Friedenstraße 16

SUBJECT : Former Jewish Property
Mr. Geiger and Hochstädter, Landshut
YG 1397-6, YG 1828-1

re : Letr. your HQs dtd. 28 May, IID/5/6419/47 Dr. Ku/Oe.

With reference to subject property, I want to give you the following explanations:

The Jewish community of Landshut has informed us, that a certain Nazi, Mr. Geiger at Landshut, has Jewish property in his possession. This Nazi has used the said property for 10 years. The property consists of complete furniture for an apartment. The undersigned "Staatskommissar" who was appointed general custodian for Jewish property has had these furniture fetched in agreement with Mil. Govt. and with written consent of the BLVW (signed Dr. Fischer). The Staatskommissar can not be reproached in any way of having fetched furniture, which are under control and having taken them under custodianship. The furniture have been borrowed in accordance with an order which had been given before and against receipt and are located in the custodian-store of the Staatskommissariat.

The order, which you have transmitted to me in the name of Mil. Govt. can not be acknowledged to be legal by the Staatskom. since according to the circular of the Bayer. Minister.Präs., which was passed yesterday and to which was attached a schedule, signed by General Müller, orders have to be acknowledged by the Ministers only when they are given in writing, signed by the Director of Mil. Govt.

Besides that I have in my capacity as Staatskommissar and General Custodian for Jewish property, serious doubts, whether it is ~~correct~~ right that the Nazi Geiger should get back Jewish furniture which for this reason would have to be released from the custodianship of the General Custodianship of the General custodian for Jewish property and at the same time would be taken away from persons prosecuted because of their political belief or their race. I do not think, it is right or legal to agree that Nazis should be installed as profiteers of Jewish property.

That my employee (Abteilungsleiter) Barnhoff has acted correctly, is proved by the fact, that he has provided himself with a written permission of the BLVW, CAH Munich, before he fetched the furniture.

DECLASSIFIED
Authority: AUCD735056
By: SA NARA Date: 9-3-99

RG
Entry: External Assets
File: Dr. Barnhoff
Box: 707

285213

Therefore I would be grateful, if you would inform Mil. Govt. ~~for~~ about these facts and would ask her for leave the "Status quo" and let the furniture remain under the custodianship of the General-custodian for Jewish property.

Besides that I want to inform you, that the Nazi Geiger entertains close connections with the CAH of the ELVT and that it would be a shameful spectacle, if the ~~Staatskommissar Hansen~~ would triumph over the Staatskom., caused by an order of Mil. Govt, who can not properly overlook the connections at Landshut.

Moreover I make the reservation, to inform General Clay personally about the occurrence, on the occasion of a meeting, which I am going to have with him, next week.

Der Generaltreuhänder für jüdisches
Eigentum in Bayern

sign. Auerbach
Staatskommissar.

P.S. I point out that the furniture have been taken away from the apartment of the family Horchstaedter, Munich, Tengstr. 33.

D.O.

DECLASSIFIED
Authority: NND775056
By: SR NARA Date: 9-3-99

RG
260
Entry External Assets
File Dr. HANSEN
BOX 707

385713

31 May 1947

File (TK)

Translation.

II D 5/6507/47

SUBJECT : Custodianship for Jewish Property.

1. When I took over my office on 15 September, I was charged with a number of commissions from the inheritance of the Staatskommissar Aamer, which were under custodianship.

2. I dispose of a custodian-separate-account with the Banking-firm Seiler & Co, in my capacity as custodian, which shows only entries, since I could not pay out even a single Rpf. from this account, during my whole period of office. This account amounts to day up to

aprox. RM 896.264.- in cash.

A figure for the amount in shares can not be named, as the reckoning by the changes in the exchange were variable ones.

3. The numbers of the commission (Kommissionsnummern) consist of jewelry, paintings and other valuable objects which have been properly reported and registered.

4. Up till now this manner of handling was necessary as a proper functioning of the BLVW was not given. After the BLVW is functioning now and the undersigned Staatskommissar is a member of the administration council (Verwaltungsrat), the Staatsminister begs to suggest the following regulation for a better liquidation.

a) Mil. Govt. grants the taking over of all the commissions by the BLVW, Civilian Agency Munich, Attn. Dr. Fischer against receipt and relief-certificates about the up till now rendered services of the Staatskommissariat.

b) The Landesamt takes over the obligation towards the Staatskommissar to make out rent and lease-contracts arising from this taking over of the commission only with note of approval by the Staatskommissar or his representative.

c) According to order of Mil. Govt. dtd. 7 Jan, the Landesamt is obliged to announce monthly to the Staatskom. all incoming reports about Jewish property. The Staatskom. on its side announces all reports received by it for competent action to the BLVW "Prasidium".

Herewith all the rights of the Staatskom. are granted, whilst the administration-work is done by the BLVW.

In the matter Lieblich and Schlesinger the Staatskom. has written to the concerned directly, that furniture and valuables are at hand, as far as they have been handed over to us by the forwarding agencies. Here it concerns the store-houses of "Gebr. Wetsch und Discher Erben", where loots have taken place, as can be proved, and the Staatskommissar can naturally be responsible only for that which he has taken over.

DECLASSIFIED
Authority: 100772056
By: SR NARA Date: 9-3-99

RC
Entry: External Assets
File: Dr. H. H. H. H.
Box: 707

317584

I ask for approval of these suggestions from the side of the BBWV, with permission of Milit. Govt, so that the taking over can take place until the end of June.

I still want to point out, that the sum spent by the Staatskommissariat for storage etc. amounts to

approx. RM 20.000.-

sigd. Auerbach
Staatskommissar.

DECLASSIFIED
Authority: *1100775056*
By *SR* NARA Date *9-3-99*

RG 260
Entry *External Assets*
File *Dr. Hummer*
Box *707*

REPRODUCED AT THE NATIONAL ARCHIVES

585713

54

Abschrift

Bayer. Staatsministerium des Innern
Staatskommissariat
für rassistisch, religiös und politisch
Verfolgte

München, den 31. Mai 1947

Dr. A/vst
Sekretariat

A k t e n n o t i z

Betrifft: Treuhandenschaft für jüdisches Vermögen

File

- 1.) Als ich am 15. September mein Amt antrat, habe ich aus der Hinterlassenschaft des Staatskommissars A u m e r eine Anzahl von Kommissionen übernehmen müssen, die unter seiner treuhänderischen Verwaltung standen.
- 2.) Ich verfüge über ein Treuhand-Separat-Konto bei dem Bankhaus Seiter & Co., in meiner Eigenschaft als Custodian, bei dem nur Eingänge zu verzeichnen sind, da ich während meiner ganzen Amtstätigkeit auch nicht einen Pfennig von diesem Konto zur Auszahlung bringen konnte. Das Konto beläuft sich heute auf
in bar ca. RM 896.264,-
in Aktien ist keine Zahl zu nennen, da die Berechnung durch die Börsenveränderung variabel ist.
- 3.) Die Kommissionsnummern bestehen aus Schmuck, Bildern und sonstigen Wertgegenständen, die ordnungsgemäss gemeldet und registriert sind.
- 4.) Diese Handhabung war bisher notwendig, da ein ordnungsgemässiges Funktionieren des Landesamtes für Vermögensverwaltung nicht gegeben war. Nachdem nun das Landesamt für Vermögensverwaltung und Wiedergutmachung funktioniert und der unterzeichnete Staatskommissar Mitglied des Verwaltungsrates des Landesamtes ist, gestattet sich der Staatskommissar folgende Regelung zur besseren Abwicklung vorzuschlagen.
 - a) Die Militärregierung genehmigt die Übernahme der gesamten Kommissionen an das Landesamt für Vermögensverwaltung ausenstelle München zu Händen von Dr. Fischer gegen Quittung und Entlastungs-

//.

DECLASSIFIED
Authority: NND735056
By: SR
NARA Date: 9-3-99

RG
Entry
M. H. H. H. H.
707
Box

985718

bescheinigungen über die bisher geleistete Arbeit des Staatskommissariates.

- b) Das Landesamt verpflichtet sich dem Staatskommissar gegenüber Pacht und Leihverträge aus diesen Übernahmen der Kommissionen nur mit Genehmigungsvermerk des Staatskommissars oder seines Vertreters auszustellen.
- c) Gemäss Befehl der Militärregierung vom 7. Januar ist das Landesamt verpflichtet, alle eingehenden Meldungen jüdischen Eigentums monatlich an das Staatskommissariat zu melden. Das Staatskommissariat seinerseits meldet alle ihm eingehenden Meldungen zur zuständigen Erledigung dem Landesamt für Vermögensverwaltung und Wiedergutmachung Präsidium.

Somit sind die Rechte des Staatskommissariates gewährleistet während die Verwaltung durch das Landesamt vorgenommen wird.

Zu der Angelegenheit L i e b l i o h und Schlesinger hat der Staatskommissar den Betreffenden direkt geschrieben, dass die Möbel und Wertgegenstände vorhanden sind, soweit sie uns von den Speditionsfirmen übergeben wurden. Es handelt sich hier um die Lagerhäuser Gebr. Wetsch und Fischer-Erben, bei denen Plünderungen nachweislich vorgenommen worden sind und der Staatskommissar kann natürlich nur für das verantwortlich sein, was er übernommen hat.

Ich bitte um Zustimmung zu diesen Vorschlägen seitens des Landesamtes mit Genehmigung der Militärregierung, damit die Übernahme bis Ende Juni von Statten gehen kann.

Ich möchte noch darauf hinweisen, dass die aufgewendeten Kosten des Staatskommissariates für Lagergeld etc. \approx ca.

RM 20.000,-

beträgt.

gez. Unterschrift (Siegel)
Staatskommissar.

F.d.R.d.A.

Prüfer
Vertragsangest.

München, den 11. Juni 1947.

DECLASSIFIED
Authority: AUCD725056
By SR NARA Date 9-3-99

RG
260
Entry *Personal Assets*
File *Dr. H. H. H. H.*
Box 707

785213

BAYERISCHES
LANDESAMT FÜR VERMÖGENSVERWALTUNG
UND WIEDERGUTMACHUNG
AUSSENSTELLE MÜNCHEN-STADT
CIVILIAN AGENCY HEAD

Ⓜ MÜNCHEN 2, den 19.11.47
BLUMENSTRASSE 31
FERNRUF 4566/504

• Anschrift: Bayerisches Landesamt für Vermögensverwaltung und Wiedergutmachung
• Außenstelle München-Stadt, München 2, Blumenstraße 31

Postscheckkonto der Stadthauptkasse
München Nr. 115

Parteienverkehr:
Montag, Dienstag, Donnerstag,
Freitag 8—12 Uhr

To
Bayer. Landesamt für Vermögens-
verwaltung und Wiedergutmachung
attn. Dr. K u h n

16 Prinzregentenplatz
M u n i c h 8.

Ihre Zeichen

Ihre Nachricht vom

Unsere Zeichen
WG/Ko/La.

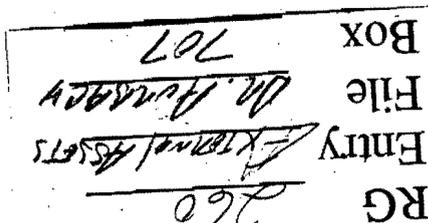
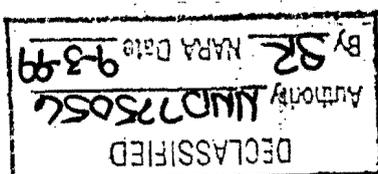
Betrifft/Subject:

Jewish property
(Custodianship of Dr. Auerbach).

We submit to you today a concluding report concerning Jewish property collected till now by the State Commissioner for racial, religious and political persecutees.

1. Pursuant to order OMGB, APO 170, US Army, AG 386 MGBFP of 7.1.47 a general custodianship contract was consummated, on 12.2.47, with the State Commissioner Dr. Philip Auerbach concerning the Jewish property collected by him. This contract has been approved by LCAH and Military Government. There was involved:
 - a) money and monetary values for which an account is kept with Seiler & Co.
 - b) jewels, personal ornaments and other personal property
 - c) furniture.
2. After conclusion of the contract repeated conferences took place between the State Commissioner and CAH. On these occasions it was ascertained that
 - a) most of the perishable property like linen and the like had already been distributed with the approval of Military Government to needy persons cared for by the State Commissioner;
 - b) furniture had been lent out to needy persons, for which special loan certificates had been issued.
3. The property still available was united by the State Commissioner, pursuant to directives of Military Government, in 160 lots. A complete list thereof was given by the State Commissioner both to Military Government and to us. On 10.5.47 90 lots were taken into control by us. The remaining 70 lots had in the meantime been distributed again by the State Commissioner to needy persons among the people cared for by him.

p.t.o.



832718

RG 260
 Entry External Assets
 File M. Auerbach
 Box 707

DECLASSIFIED

Authority NND 775056By SR NARA Date 9-3-99

remain in the hands of
 conferences took part
 also the representatives

- 2 -

After the lots had been taken into control, LCAH has, pursuant to an order of Military Government, directed CAH to take over the available objects in its own administration. The transfer took place without any friction; the properties were, by order of the State Commissioner, handed over by Mr. Barnkopf and taken over by the representatives of CAH, Mr. Koch and Mrs. Kostler; there was present at the same time the official appraiser, Mr. Hannamann, who executed the appraisal upon the spot. On this occasion it was found that

- a) many pieces of the properties did not correspond with the designation under which they were registered, and many pieces, above all personal ornaments, were not genuine;
 - b) there were worthless objects like, for instance, burnt parts of table covers among the objects taken over;
 - c) various objects had erroneously been taken into control which had been given out to needy persons already some time ago.
5. CAH for SK Munich has now closed all properties, as far as they were taken over by this agency and did not belong to another object already under control, in serial number YG-3200-1592. From the list attached to PC 2 it is apparent what is available and what values these objects represent, appraised on the pre-war basis. With the exception of the furniture lent out by the State Commissioner for which loan certificates are on hand, the properties are in safe custody of CAH for SK Munich.
6. Referring to your letter dtd 24.7.47 II/D 5/6645/47 Dr. Ku/Oe and the enclosure attached thereto we are fully aware that according to title 17-430 a, b and c first a release of the objects already distributed ought to have been brought about by the State Commissioner. The bad condition, however, of the still available objects, required quick action and justifies the distribution having been effectuated without release according to title 17. Besides, the distribution of the perishable goods took place in every single case with respect to the appalling need of the people dismissed from KZ and doubtless excuses the fact that not at all times the prescriptions of Military Government title 17 were observed. To obtain now some kind of reparation from the single recipients is no more possible although for every single case receipts are on hand, but the addresses of the recipients are not known.
7. Finally we wish to emphasize that the State Commissioner for racial, religious and political persecutees has done valuable work with regard to the seizure, registration, preservation, distribution and transfer of the properties. Above all State Commissioner Dr. Auerbach himself as well as his competent official, Mr. Barnkopf, have by their personal initiative contributed a great deal for the preservation of the few properties still available after the marching-in of the Occupation Forces.
8. According to a special agreement the administration of the separate account maintained with Seiler & Co. will also henceforth

p. t. o.

317589

remain in the hands of State Commissioner Dr. Auerbach. In the conferences took part, beside the representative of LCAH, Dr. Kuhn, also the representative of Military Government, Mr. Bossert.

Aussenstelle München-Stadt
des Bayer. Landesamtes für
Vermögensverwaltung und
Wiedergutmachung

Fischer

(Dr. Fischer)
Oberrechtsrat.



K/L

DECLASSIFIED
Authority AU0725054
By SR NARA Date 9-3-99

RG
260
Entry External Assets
Dr. Hummer
707
Box

065213

is, pursuant to
e over the avail
it took place
of the Sta.

file Dr. Auerebach
③

Finance Div.
Investigation
& Enforcement
Branch.

SUBJECT: Jewish Property Possibly
transferred to Switzerland
and not reported.

Prop Cont Br
JHL/GED/ri
16 Jan 48

1. Attached copy of letter of Dr.
AUERBACH is forwarded to your office for
any action you deem necessary.

J. H. LENNON
Land Property
Control Chief

1 Incl.:
Cy ltr State Commissioner for Racial,
Religious and Political Persecutees,
dtd 8 Jan 48

Tel.: 330
Room: 128

DECLASSIFIED
Authority NND775056
By SR NARA Date 9-3-99

RG 260
Entry External Assets
File Dr. Auerebach
Box 707 1948

REPRODUCED AT THE NATIONAL ARCHIVES

165713

8 January 1948

Dr. A/Ra

To
Office of Military Government for Bavaria
PROPERTY CONTROL BRANCH / Attn. Mr. LENNON
Tegernseer Landstrasse / Munich

Dear Mr. Lennon :

Owing to procedure against nazis I could state that the lawyer KNITTER, Tegernsee, who is employed at the bizonal Wirtschaftsamt Minden, brought large quantities of jewels, gold and other valuable things for Switzerland for Göring and Himmler.

Lawyer Knitter told me that he knows of very high amounts brought abroad for nazis and which could be restituted to German economy.

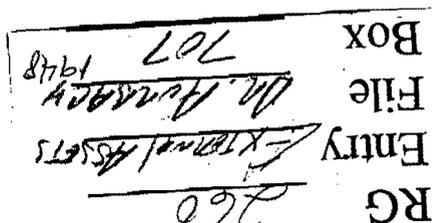
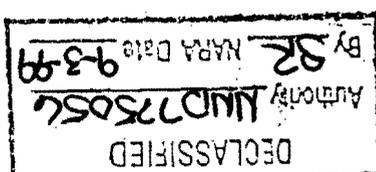
I listened to everything and collected proofs.

Lawyer Knitter first pretended to be a persecutee. Investigations made revealed that he was effectively arrested in 1945 by order of Göring and Himmler, this not for political reasons but because he had taken away for himself part of the goods brought abroad by Göring and Himmler. Political persecution is therefore out of question.

I feel it my duty to impart Property Control Branch hereof and I think it would be possible to trace this Jewish property by energetic action against Knitter, and, as far as non-jewish property is concerned, to convey it to allied nations.

Yours very truly.

Philipp AUERBACH
State Commissioner.



317592

ministerium des Innern
Staatsschreiber
für die Angelegenheiten
von Verfolgten

MÜNCHEN, 2. April 1948.
Holbeinstr. 11

(12)

*File
overleaf*

TO: Office of Military Government
for Bavaria
Attn: Mr. J.H. LENNON
Land Property Control Chief
Tegernseerlandstrasse
M u n i c h

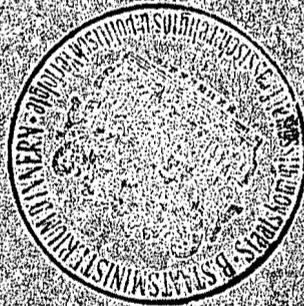
SUBJECT: Supplying of Information on Properties
Subject to Military Government Law No. 59
to Persons Claiming to be Representatives
of Successor Organizations.

REFER: Your Letter 22 March 1948 AG 386 MGBFP

I am in receipt of your letter and beg to inform you that from the beginning I have disapproved of the fact that individuals or organizations are collecting information regarding property according to Military Government Law No. 59 without authorization to do so.

Inclosed please find copy of my letter to the Jewish Agency for Palestine and to the American Joint Distribution Committee, dated 27 January 1948, for your information.

This letter will draw your attention to the fact that from the start I have followed up the same standpoint.



Hubert
State Commissioner

Incl.

FINANCE DIVISION

DATE 7 APR 1948

FILE NO. 3960

DECLASSIFIED
Authority AWD725056
By SA NARA Date 9-3-99

RG
Entry External Assets
Dr. Hammer
707
Box

317593

C o p y

Bayer. Staatsministerium des Innern
Staatskommissariat
für rassistisch, religiös und poli-
tisch Verfolgte

27 January 1948

To the
JEWISH AGENCY FOR PALESTINE
Maria-Theresiastrasse
M u n i c h

SUBJECT: Preparatory Office Successor Restitution
Organization, Branch Munich, A.Z. 33/48/Gr./T.

I am in receipt of your letter dated 26 January 1948. I am sorry to tell you that you have to consent to the fact that in Bavaria the Landesverband der Israelitischen Kultusgemeinden is solely entitled, being a public corporation and successor-organization of the Israelitic communities, to act as fiduciary over the communities attached to the Landesverband in regard to the property of the Israelitic communities. Without authorization by the Landesverband you have no right to issue any orders to the communities or to make any dispositions regarding the property of the Israelitic communities in a manner as if you were already entitled to do so.

I have given you all information you need for the moment and all material necessary for statistics. With the communities you will have to correspond through channels via Landesverband. It has come to my knowledge that f.i. the American Joint assumes the right and exercises it through subordinate officials to dispose over property of the Jewish Community of Bad Kissingen. For such activities it has no authorization nor any legal background. It has to be pointed out that it is the undersigned State Commissioner in his capacity of Trustee General for Jewish property in accordance with the competent authorities who will decide matters.

In case you are keen on working with the undersigned on good terms, you are advised to keep to the stipulations fixed by me with Dr. NUSSEAU.

(sgd) Dr. Philipp Auerbach
State Commissioner.

FINANCE DIVISION

7 APR 1948
3960

DECLASSIFIED
Authority: UNDO725056
By: SR NARA Date: 9-3-99

RG
Entry
Dr. Auerbach
707
1948
260

317594

Property Control Branch
Duress Properties Section

GED/BO/ri
23 April 1948

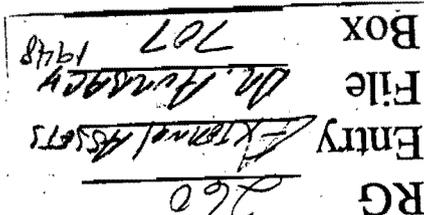
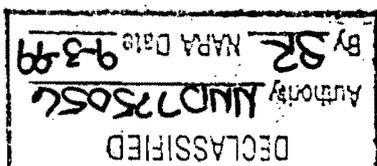
Dr. (20)

SUBJECT: Remarks on Dr. Auerbach's 10 Commandments with
Regard to the Restitution Law.

TO : Chief, Finance Division.

1. The pamphlet is going to be sold for RM 1.- a piece.
The money will be used for the benefit of destitute persecutees.
2. Paragraph I. "What does the Restitution Law aim at?"
The question is not answered. The paragraph contains
only information as to who is entitled to file a claim for
restitution.
3. Paragraph II. "How is the Term "Confiscation" to be
Interpreted"
The paragraph refers to Article 2 of Law No. 59
"Acts of Confiscation". - No objection.
4. Paragraph III. "Are there any other acts of
Confiscation?"
The paragraph refers to Article 3 of Law No. 59
"Presumption of Confiscation." - No objection.
5. Paragraph IV. "What about the property changes
affectuated during the time Jews were actually
persecuted?"
The paragraph refers to Article 4 of Law No. 59
"Power of Avoidance". - No objection.
6. Paragraph V. "Do Donations fall under the Provisions
of the "Restitution Law"?"
The paragraph refers to Article 5 of Law No. 59
"Donations". - No objection.
7. Paragraph VI. "What are the Consequences to be drawn
by the Claimant and by the Restitutor?"
Sub-paragraph a. reads as follows: "Claimants file
their claims on or before 31 December 1948 on forms which are
available at a price of RM 3.- at the offices of the State
Commissioner or his representatives in the different Regierungs-
bezirke, with these offices for registration and transmittal to
the Zentral-Anmeldestelle in Bad Nauheim after being prelim-
inarily tested." ---- This information is not correct.
8. Paragraph VII. "What happens if Restitution has
been granted?"
Sub-paragraph 4. reads as follows: "The restitutor is

- 1 -



317595

Letter Duress Properties Section, Property Control Branch
to Chief, Finance Division, Subject: Remarks on Dr. Auervach's
10 Commandments with Regard to the Restitution Law, dated
23 April 1948 - Cont'd.

by no means obliged to retribute more than the actual value
which may be attributed to the property subject to restitution
on the day of restitution." This is not correct in my
opinion. According to Article 26 of Law No. 59 the Restitution
Chamber shall consider the value of the property at the time
of the confiscation.

9. Paragraph VIII. "Is the Claimant entitled to
choose additional payment instead of Restitution?"
The paragraph refers to Article 16 of Law No. 59
"Alternative Claim for Additional Payment". - No objection.

10. Paragraph IX. "What about Taxes?"
The paragraph refers to Article 91 of Law No. 59
"Taxes and other Levies". - No objection.

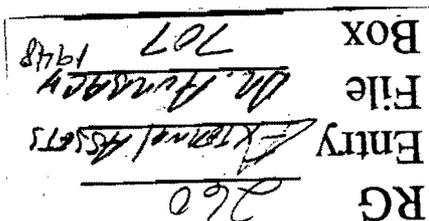
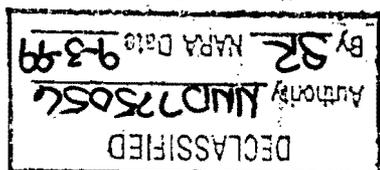
11. Paragraph X. "How will Cases be handled where no
Claims are Filed by the former owner or his heirs
within the proper time?"
The paragraph refers to Article 10 of Law No. 59
"Successor Organization as Heir to Persecuted Persons." -
No objection.

George E. Dickerson
GEORGE E. DICKERSON
Chief, Duress Properties
Section

1 Incl.:
Pamphlet, subj as above,
in the German language

Telephone: 330

- 2 -



317596

RECEIVED
FOR BOSTON
ATTORNEY GENERAL
1948

21

D R A F T

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
MUNICH GERMANY APO 407 US ARMY

AG 386 MGBFP

27 April 1948

SUBJECT: Pamphlet Relating to Military Government Law 59
Published by the State Commissioner for Racial,
Religious and Political Persecutees.

TO : The Minister President of Bavaria,
7 Prinzregentenstrasse, Munich.

1. Reference is made to attached pamphlet published
by the State Commissioner for Racial, Religious and Political
Persecutees.

2. This pamphlet contains several points which are
misleading and which do not conform to Military Government
Law 59. In particular sub-paragraph a of paragraph 6 of this
pamphlet contains incorrect instructions which are not in
keeping with the meaning of letter of Military Government
to the State Commissioner dated 9 January 1948, subject:
Claims Filed under Military Government Law No. 59, copy of
which is attached.

3. Sub-paragraph a of paragraph 6 reads as follows:
"Claimants file their claims on or before 31 December 1948
on forms which are available at a price of RM 3.- at the
offices of the State Commissioner or his representatives in
the different Regierungsbezirke, with these offices for
registration and transmittal to the Zentral-Anmeldestelle
in Bad Nauheim after being preliminarily tested."

4. The following points are brought to your attention
so that corrective action may be taken:

a. Par. 3 of section II of Regulation No. 1 under
Military Government Law No. 59 states that no printed forms
are necessary for the filing of claims. Par. 6 of subject
pamphlet infers that claimants will file on forms which are
obtainable at the offices of the State Commissioner or his
Regierungsbezirk offices.

b. In par. 2 of letter of Military Government,
Property Control Branch to the State Commissioner, dated
9 January 1948 it was specifically brought to his attention
that charging persecutees for any service rendered them by
his office in connection with the filing of their claim

- 1 -

DECLASSIFIED
Authority: AUCD735054
By: SR NARA Date: 9-3-99

RG
Entry External Assets
File
Box
707
1948

317597

REPRODUCED AT THE NATIONAL ARCHIVES

3

BAYERISCHES LANDESAMT
FÜR VERMÖGENSVERWALTUNG
UND WIEDERGUTMACHUNG
Land Civilian Agency Head

MÜNCHEN 16 Sept. 1948.
Prinzregentenplatz 16
Fernruf 41626, 43492, 43276, 44262

Geschäftszeichen:

TO : Office of Military Government for Bavaria
Property Control and External Assets Branch
Attn.: Mr. Lennon

Tegernseerlandstrasse
M u n i c h .

SUBJECT: Presumptive Payment to Staatskommissar Dr. Auerbach.

1. Reference is made to verbal inquiry of the LPCC on Monday, 13 Sept. 1948.
2. LCAH, after another examination, confirms that neither before nor after the currency reform RM. 12 000 000.- were paid to Staatskommissar Dr. Auerbach or his office.
3. In fact the LCAH has not made any payments, whatever, to Staatskommissar Dr. Auerbach, or to his office. Payments to the Restitution Fund can only be made after the Einzugsverordnung (Regulation for Confiscation) has been approved.
4. It cannot be presumed that here an error is at stake; for the sake of regularity, however, the LCAH informs you that an amount of 12 millions were transferred from the B-Account of Montan Industry to the custodian account.

[Handwritten signature]

(Dr. Oesterle)
President

Office of Military Government
for Bavaria
18 SEP 1948
Property Control 11081

File in Mr. A's file

DECLASSIFIED
Authority AND775056
By SR NARA Date 9-3-99

RG
260
Entry External Assets
Dr. H. H. H. H.
707
1948
Box

317599

Dr. Auerbach
(32)

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
PROPERTY DIVISION

Property Control & External Assets Branch
MUNICH GERMANY APO 407-A US ARMY JHL/GED/ri

AG 386 MGBP

25 September 1948

SUBJECT: Rabens Painting to be Restituted.

TO : Property Division,
Property Control & External Assets Branch, OMGUS
c/o Office of Military Government for Hesse,
APO 633, U.S. Army.

1. Reference is made to telephone conversation of 22 September 1948 between Mr. Lennon of Bavaria and Mr. Porter of OMGUS on subject matter.
2. Attached are statements of Mr. Leonard, Chief, Monuments, Fine Arts & Archives Section, this headquarters, in whose office the meeting took place, and Dr. Schuchmann, lawyer of the claimant.
3. It is requested that the action of Dr. Auerbach be examined with a view to issuing a statement of policy to be followed in such cases.
4. This branch is of the opinion that no grounds exist for demand by Dr. Auerbach of payment for return of subject property.
5. It is requested that a decision be made as quickly as possible and that dissemination of same be made to all interested agencies.

FOR THE LAND DIRECTOR:

J. H. LENNON
Land Property Control Chief

- 2 Incls.:
- Incl 1 - IOM H.S. Leonard,
Chief, MPA&A Sect.
dtd 21 Sept 48
 - Incl 2 - Ltr Dr. Schuchmann,
dtd 22 Sept 48

Telephone: Munich Military 4-330

DECLASSIFIED
Authority: **AND775056**
By: **SR** NARA Date: **9-3-99**

RG
Entry *External Assets*
File *Dr. Leonard*
Box *707*
1948

009213

SUBJECT: Conference with Dr. Philipp Auerbach.

OFFICE OF MG FOR BAVARIA
OFFICE MEMO SLIP

To: Chief, Property Control, OMGB
Attn.: Mr. Dickerson

From: MFA&A Section
Restitution Branch
21 September 1948

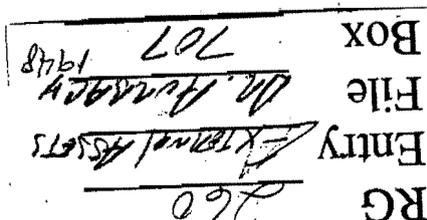
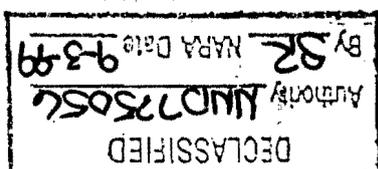
1. Dr. Motzet of Auerbach's Ministry called one of the German curators here several times trying to make an appointment for a visit to the Central Collecting Point for reasons which were never clear to the undersigned. At first it was said that they were just curious and wanted to see some of the things since so much had recently been turned over to the Minister President. It developed, however, that they wanted to discuss the first case of a painting to be restituted under Law No. 59.

Present were: Dr. Philipp Auerbach
Dr. Motzet
Dr. Endres from Landesamt f. Wiedergutmachung
Dr. Bayer v " "
Dr. Wedel " "
Dr. Ringelmann, deputy of the Minister of Finance
Dr. Schuchmann, lawyer of Koppel, from Frankfurt

2. There is a former German Jew, Koppel, who owned a large and very important painting by Rubens. This he has claimed under Law No. 59. In the meantime as a Canadian citizen he has had inquiries made by the Canadian Military Mission attached to OMGUS, he has written extensively himself and has pressed his German lawyer Dr. Schuchmann, in an effort to get the painting released. In the meantime he has offered to loan this painting to the National Gallery of Art, Washington D.C., as another possible means of getting his painting to the States. This Rubens is on the list of works of art of national value which can not be exported from Germany under the law of 1919. The Legal Division, OMGUS, some time ago wrote an opinion that Military Government was competent to suspend the provisions of this law since its application would not be consistent with equity.

3. In the meeting that was held in the Central Collecting Point 14 September 1948 Dr. Auerbach advanced the interesting idea that Koppel should pay between 30,000 and 40,000 DM for "storage charges" since this painting had been stored in the Central Collecting Point for more than three years. Koppel's lawyer replied that his client should get 6% interest on this painting for about 10 years, the length of time his client had not been able to enjoy the painting. There was a lot of miscellaneous conversation about costs, charges and expenses after which the meeting broke up without any tangible results. Later in the day Koppel's lawyer returned and complained that Auerbach's attitude seemed to approach something like blackmail.

- 1 -



10971631

DR. NO.
VIA MR. DROGER
GUYOT, (Robert)
OFFICE
CONFERENCE

He added that the painting would be released if he paid some money, but that he did not know the attitude of his client and that he feared that he would be doing the wrong thing. Since this is the first case it seemed important to the undersigned that the situation be thoroughly explored in order that the correct precedents would be established. A telephone conversation with Mr. Holstein resulted in a conference later with Mr. Harrison, Mr. Holstein and Dr. Schuchmann.

sgd: Herbert S Leonard
tpd: HERBERT S LEONARD
Chief, Monuments, Fine
Arts and Archives Section
Restitution Branch

Tel.: Munich Military 4-389

DECLASSIFIED
Authority: 100725056
By: SR
NARA Date: 9-3-99

RG 260
Entry *External Assets*
File *Dr. Hungary*
Box 707
1948

2092713

REPRODUCED AT THE NATIONAL ARCHIVES

On Auerbach's file
(33)

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
PROPERTY DIVISION

Property Control & External Assets Branch
MUNICH GERMANY APO 407-A US ARMY

SE/GED/r1

AG 386 MCBP

4 January 1949

SUBJECT: Property Confiscated by Dr. AUERBACH and
Distributed to Needy Persecutees.

TO : Property Division,
Property Control & External Assets Branch, OMGUS,
APO 633, U.S. Army.

1. Reference is made to letter your office, dated 7 December 1948, subject as above. In accordance with the last paragraph of this letter Dr. AUERBACH was asked to submit a statement indicating his authority for disposing of Jewish property. These statements are attached as annex 1.

2. In order to try and clear up this matter, we are attaching additional letters with an explanation of each. From these letters it may be seen how Dr. AUERBACH collected and disposed of Jewish property.

Annex 2. Letter from Dr. AUERBACH, dated 19 November 1946, to Colonel LORD, Chief of Finance Division, requesting permission to collect and dispose of Jewish property. According to the files of this office, no record of an approval exists.

Annex 3 is a copy of a press- & radio-appeal made by Dr. AUERBACH. This appeal requested all people in Bavaria who were in possession of property formerly belonging to persecutees to turn same in to the office of the State Commissioner. This appeal was approved by Mr. CHILDS, then Chief of Duress Property Section, together with Public Relations Office. On the basis of this appeal Dr. AUERBACH was successful in collecting sizable amounts of money, jewelry and household furnishings.

Annex 4 is a letter from Property Control Branch, OMGB, to Dr. AUERBACH, outlining the procedure he must follow in regards to property collected by him. This procedure required Dr. AUERBACH to act as a trustee for any such property and requiring normal property control procedure in handling the property, including normal property control leases where the property is not held by the custodian.

Annex 5 is a letter from the Civilian Agency Head of Munich to Property Control Branch, OMGB, giving the essential points of a discussion held between Mr. BAERNKOPF, assistant to Dr. AUERBACH, and the office of the CAH.

DECLASSIFIED
Authority: AUCD775056
By SR NARA Date: 9-3-99

RG 260
Entry External Assets
File M. Auerbach
Box 707
1948

317603

SUBJECT: Property Confiscated by Dr. AUERBACH and Distributed to Needy Persecutees. Ltr AG 386 MGBP, to Property Division, OMGB, dated 4 January 1949 - Cont'd.

Annex 6 is a statement prepared by Mr. DICKERSON, OMGB, listing the contents of the file on Dr. AUERBACH which relate to subject matter. This statement covers the period from 9 September 1946 to 13 January 1947.

Annex 7. Letter of Dr. AUERBACH, dated 7 February 1947, concerning procedure for handling of property collected by him.

Annex 8. Letter from Civilian Agency Head, Munich, enclosing a copy of the custodian-contract which was signed by Dr. AUERBACH on 7 February 1947.

Annex 9 is a letter written by Dr. AUERBACH, and addressed to Property Control Branch, OMGB, regarding a case similar to Schlesinger's. The last paragraph of this letter expresses Dr. AUERBACH's viewpoint with respect to property of persons who were fortunate enough to be able to leave Germany and thereby escape hardships etc.

Annex 10 is a letter from Civilian Agency Head, Munich, concerning the custodianship of Dr. AUERBACH.

3. The foregoing clearly indicates the method by which Dr. AUERBACH collected and, in some cases, disposed of movable Jewish property, and his attitude toward same. An investigation by the LCAH's office has revealed that the records maintained by Dr. AUERBACH are inadequate and that in most cases the property disposed of by Dr. AUERBACH cannot be located. Except for leases of the controlled properties, the only authority to dispose of these items given Dr. AUERBACH was with respect to perishable property, and in these cases, 1st indorsement of this office to letter of LCAH dated 1 July 1947, subject: Letter of the Staatskommissariat fuer Rassistisch, Religioes und Politisch Verfolgte - Dr. Philipp Auerbach, required payment to be made.

FOR THE LAND DIRECTOR:

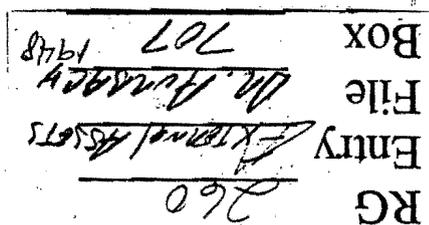
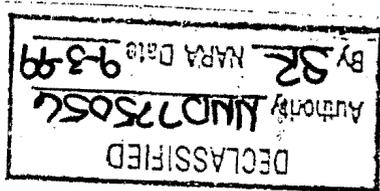
SHERWYN L. EHRLICH

Acting Land Property Control Chief

11 Incls.:

- Incl 1 - Ltr Bay.Landesamt f. Wiedergutmachung, dtd 30/12/48 w/2 incls.
- Incl 2 - Cy ltr Dr. Auerbach, dtd 19 Nov 46 w/1 incl.
- Incl 3 - Appeal to the People of Bavaria dtd 21 Nov 46
- Incl 4 - Cy ltr OMGB, dtd 7 Jan 47, Subj.: Handling of Duress Property
- Incl 5 - Cy ltr CAH Munich, dtd 3 Feb 47
- Incl 6 - Report Mr. Dickerson to Col. Lord, dtd 3 Feb 47
- Incl 7 - Cy ltr Dr. Auerbach, dtd 7 Feb 47 w/2 incls.

- 2 -



317604

qafeg y
belesoch
Auerbach
Auerbach
Auerbach

SUBJECT: Property Confiscated by Dr. AUERBACH and Distributed to Needy Persecutees. Ltr AG 386 MGBP, to Property Division, OMGUS, dated 4 January 1949 - Cont'd.

- Incl. 8 - Cy ltr CAH Munich, dtd 11 Feb 47 w/cy custodian-contract Dr. Auerbach
- Incl 9 - Cy ltr Dr. Auerbach, dtd 3 Nov 47, Subj.: Property Claimed by Ludwig A. Lieblich (US)
- Incl 10- Cy ltr LCAH, dtd 12 Dec 47 w/1 incl. Subj.: Custodianship of Dr. Auerbach
- Incl 11- Cy ltr LCAH, dtd 1 Jul 47 w/1 incl. and Cy 1st Ind. OMGB thereon, dtd 11 Jul 47

Telephone: Munich Military 4-330

DECLASSIFIED
 Authority: AUCD725056
 By SR
 NARA Date: 9-3-99

RG 260
 Entry ~~External Assets~~
 File *Dr. Auerbach*
 Box 707
 1948

REPRODUCED AT THE NATIONAL ARCHIVES

5092713

Dr. Auerbach's
file
(39)

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

JHL/GED/ri

S: 25 May 1949

AG 386 MGBP

2 May 1949

SUBJECT: Objects of Art Confiscated from Firm Max Bachler,
Bad Brueckenau, Wernarzerstrasse.

TO : Property Controller, District Unterfranken,
Kreis Schweinfurt, APO 800, U.S. Army.

1. Attached copies of letter of the Bayerische Landesamt fuer Wiedergutmachung, Munich, dated 26 April 1949, has been received by this office.

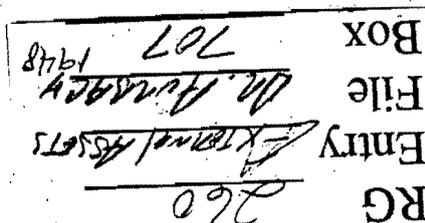
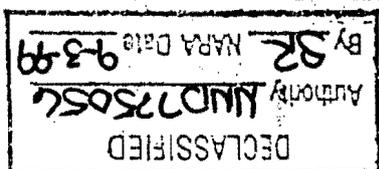
2. Request that the matter be investigated, and that a report on your findings be forwarded to this office no later than 25 May 1949.

FOR THE LAND DIRECTOR:

J. H. LENNON
Land Property Control Chief

1 Incl.:
Cy ltr Dr. Auerbach,
Generalanwalt,
dtd 26 April 49 w/1 incl. (dupl.)

Telephone: Munich Military 4-330



317606
909713

C O P Y

Bayerisches Landesamt
für Wiedergutmachung
Der Generalanwalt
der rassistisch, religiös
und politisch Verfolgten

München, den 26.4.49
Arcisstrasse 11
Tel.: 2831

Dr. A/Scha

Subject: Confiscation at the Firma
Max B a c h l e r, Bad Brueckenau, Wernerzerstrasse

To : Office of Military Government
Property Control
Att.: Mr. Dickerson

M u n i c h
Tegernseerlandstrasse.

Dear Mr. Dickerson,

Reference is made to my letter concerning in subject mentioned affair. I informed you of the confiscation of articles of virtue (listed enclosed) paintings and other articles of art. at the firm Max Bachler by the Rural Police Wuerzburg "Chefdienststelle Unterfranken", Criminal Investigation Department under No. 122/47 dated 25 March 1947.

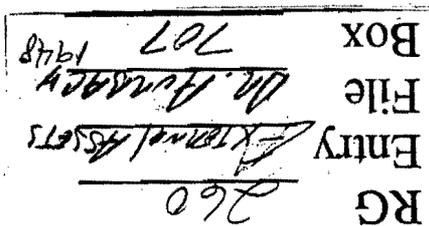
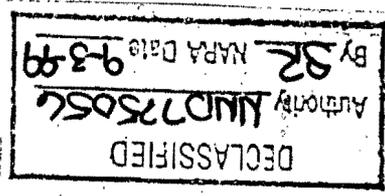
Those objects have been placed under protection of the Collecting Point by my office.

I should appreciate it very much, if you would kindly inform me, whether a legal owner has been identified, since otherwise I should like to claim those items for rehabilitation purposes.

Sincerely,

sgd: Dr. Auerbach
tpd: Dr. Auerbach
Generalanwalt

Seal



709713

Del. Generalis
 Del. Alsequeant
 Escribanos

C O P Y
 A b s c h r i f t
 Aufstellung ueber beschlagnahmte Oelgemaelde und
 Kunstgegenstaende

Katal. Nr.	Lfd. Nr.	Gegenstand:	Art:	Bemerkung:
34	1	Schifferkahn	Kl. Oelbild	v.H.Liesegang, Goldraht
34	2	Landschaftsbild	" "	m. Goldrahmen
	3	La Tarantella	Aquarell	Schwarzer Rahmen
8	4	Stilleben	gr. Oelbild	" "
	5	ital. Szene 6 Personen	kl. Oelbild	ohne Rahmen
	6	Landschaftsbild	Aquarell	v. Auguste v. Seckendorf
	7	Winterlandschaft	Oelbild	von Stademann, Goldrahm.
35	8	Landschaft	gr. Oelbild	v. Heinefetter, Goldrahmen
	9	Eschenheimer	Aquarell	v. Sonntag, Silberrahmen
15	10	Alte Landschaft	Guasche	schwarzer Rahmen
14	11	Landschaft 6 Personen	Oel auf Kupfer	Goldrahmen
16	12	Altarbild Maria m. Kind	Oelkopie	ohne Rahmen
16	13	Altarbild, Josef	Oelkopie	ohne Rahmen
22	14	Portraet (oval)	kl. Oelbild	mit Goldrahmen
	15	Damenportraet	Oel auf Kupfer	" "
	16	2 Maenner	Oelbild	mit Goldrahmen
38	17	tanzendes Paar	Oelbild	v. Monticelli, Goldrahmen
24	18	Pater	gr. Oelbild	schwarzer Rahmen
	19	Landschaft	gr. Oelbild	ca 2m breit, schw. Rahmen
1	20	Geburt des Adonis	gr. ovales Oelb.	ca 1,70m breit, Ohne Ra.
1	21	Tod des Adonis	" " "	" " " "
21	22	Melanchton	kl. Oelbild	brauner Rahmen
17	23	Maenner portraet	Oelbild	ohne Rahmen
26	24	Petruskopf	"	" "
18	25	Prinz v. Oranien	"	" "
36	26	Landschaft m. See	Oelgemaelde	v. A. Kessler, Ohne Rahmen
31	27	Landschaft m. Viehherde	"	ohne Rahmen
33	28	Landschaft	"	ohne Rahmen, v. Burnitz
40	29	Blumenstilleben	gr. Oelgemaelde	ohne Rahmen
	30	Stilleben	gr. Oelgemaelde	" " v. Huysum
28	31	Damenportraet	" "	" "
13	32	Landschaft, See	" "	v. Calami, ohne Rahmen
39	33	Landschaft m. Einsiedler	" "	v. Leopold Bode, ohne R.
23	34	Madonna m. Kind	" "	ohne Rahmen
	35	Bauernstube	gr. Oelgemaelde	v. Gudden, ohne Rahmen
20	36	Mutter u. Sohn	" "	" "
5	37	Landschaft m. Maria und Josef	" "	" "
12	38	Seestueck m. Schiffen	" "	" "
3	39	ital. Landschaft	gr. Oelgemaelde	" "
	40	Kinder m. Schulerb.	" "	v. Roessler "
27	41	Damenportraet	" "	ohne Rahmen?
30	42	Ehepaar	" "	mit Goldrahmen
	43	Berglandschaft	kl. Oelbild	mit Goldrahmen
	44	Schimmel m. Stute		

DECLASSIFIED
 Authority: NND775056
 BY 82 NARA Date 9-3-99

RG
 260
 Entry
 Dr. Murray
 707
 1948
 Box
 File

317608

REPRODUCED AT THE NATIONAL ARCHIVES

Katal. Nr.	Lfd. Nr.	Gegenstand	Art	Bemerkung
			<u>Figuren</u>	
	1	Bronzefigur		Pferdebaendiger
	2	"		angelehnter nackter Mann
	3	"		Stier (auf Marmor)
	4	"		2 Pferde
	5	"		Nashorn mit Tiger
	6	"		Loewe
			<u>Teppiche</u>	
	1	Perserteppich		Heris (gross)
	2	"		"
	3	"		Afghan
	4	Teppich		Tuerkische Bruecke
	5	Perserlauerer		Seidenteppich
			<u>Fehlende Oelgemaelde</u>	
2	1	Landschaft		
4	2	Wahrsagerin		
6	3	Kirmes		
7	4	Bauerntanz		
9	5	Vogelstilleben		
10	6	Ratsherren		
11	7	Bauernstube, trinkende Bauern		
19	8	Bauernstube		
25	9	Maenner koepfe		
29	10	nicht mehr im Besitz		
32	11	Niddalands haft		
37	12	Durchbruch (v.Hasselhorst)		

DECLASSIFIED
 AUTHORITY: NND735056
 BY: SR NAPA Date: 9-3-99

RG 260
 Entry: External Assets
 File: Dr. HUNTER
 Box: 707
 1948

60921E

DECLASSIFIED

Authority NND 775057
By S2 NARA Date 10-19-99

RG	260
Entry	Adelia Hall
File	
Box	391

RG 260
AG 602.3
file
Box 111

Recs of the Exec Ofc
Ofc of the Adjutant General

CARRIER SHEET - MUST REMAIN WITH ATTACHEL RS - USE ENTIRE WIDTH OF SHEET - NUMBER ITEM SECUTIVELY - DRAW LINE UNDER EACH ITEM

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

General Corresp.

AG 602.3
restoration

FILE NO:
SUBJECT: Proposed cable in reply to WX-81072

SECRET APO 742

NO.	TO	FROM	DATE	(Has this been coordinated with all concerned?)
1	ED	FD	30 Sept 46	Finance Division concurs in proposed draft of cable in reply to WX-81072.

FOR THE DIRECTOR:

PC

actg. E.M.R.

Theodore H. Ball
THEODORE H. BALL
Deputy Director

Telephone 43068

2	ED	ODPA	1 Oct 1946	1. The Office of Political Affairs does not concur in the draft of the attached cable for the following reasons:
---	----	------	------------	--

a. The Office of Political Affairs does not believe that the suggestion of turning over Jewish property to an international agency as trustee, contained in WX-81072, would necessarily mean turning over any of the responsibilities of Military Government to such an organization. In cable CC-3169 dated 6 September, OMGUS suggests a similar step to AGWAR when it proposes to transfer certain libraries to an international union of academies of archaeology, history, and art in Rome.

b. It is agreed that any final decision on the matter in question should not be taken until the Departments of War and State have had an opportunity to study the proposed restitutions law. However, it is our opinion that this proposed restitutions law does not provide comprehensive measures covering the whole subject of property of a persecutee. If we interpret the law correctly, there are several gaps, one of them being the proper coordination of the law, if enacted in its present form, with restitution and property control obligations of Military Government. For example, it does not seem appropriate that such property as Military Government already has in its custody and which falls in the categories discussed in this reference cable should be turned over by Military Government to German courts or agencies with the thought that they can effect a more satisfactory restitution of such property than can Military Government. As a matter of fact, we have discussed this aspect of the problem with members of the Legal Division and they seem to feel that such properties can be restituted directly by Military Government without in any way compromising the restitutions law, but on the contrary simplify some of its administrative difficulties.

c. It is agreed that the proposal for the transfer of cultural materials now owned or possessed by German state, municipal,

Encl 6

Page No.

317610

FILE NO:
SUBJECT: Proposed cable in reply to WX-81072

NO. TO FROM DATE

SECRET

and other public institutions to the proposed Jewish corporation is somewhat ambitious and could result in a legalized form of looting from such institutions.

d. It is agreed that, in order to afford special treatment to the cultural and historical property of Jewish individuals and organizations in Germany, an attempt should be made to reach quadripartite agreement. However, in the event it is impossible to develop satisfactory quadripartite procedures, it is believed advisable to investigate such steps as may or should be taken unilaterally.

For the Director:

LOYD V. STEERE,
Deputy Director

Telephone 43182
Room 1120 Dir Bldg
WCHaraldson/rr

3 ED LD 2 1. Legal Division does not concur in the proposed draft
Oct of reply to cable WX-81072 of 22 September 1946 for the
46 following reasons:

a. Legal Division agrees with the Office of Political Affairs that the proposal for turning over Jewish property to an international agency as trustee does not necessarily mean surrendering any of the responsibilities of Military Government to such an organization, if proper safeguards are provided. It is, therefore, suggested that after the word "government" in the fifth line of page 1 of the draft, the following be inserted:

" Therefore any such organization should be permitted to take possession of religious and cultural objects now in possession of individuals or institutions only to the extent that the organization establishes its claim as successor in interest under the Restitution Law, which, when enacted, will provide comprehensive measures covering restitution of the property of persecutees. With respect to religious and cultural objects now in possession of Military Government at collection centers, it is felt that Military Government might dispose of such objects without resort to the machinery of the Restitution Law but disposal to an international agency would necessarily be under procedures which would allow adequate time for filing of claims by individual claimants and for the hearing of such claims. Furthermore, if claims are to be filed by an international agency on behalf of Jewish interests in general it is considered imperative that the agency be truly representative of Jewish interests throughout the world with adequate provision in particular for the representation of Jewish interests now in Germany. It seems doubtful that a New York membership corporation would be in a position to satisfy this requirement."

2
(Page No.)

THIS SPACE WILL NOT BE VISIBLE WHEN FILED

SECRET

Box 391
File
Entry Adella Hall
RG 860

DECLASSIFIED
BY 52 MAR 24 DATE 6-19-99
NND775057

317611

DECLASSIFIED
Authority NND 775057
By C&P NARA Date 9/8/99

RA 260
Rees of Prop. Division
Box 13
390/44/20/04
File: "Jewish
Displaced Persons and
Property"
1744

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

Dr Klein/hs

5 December 1946

MEMORANDUM:

SUBJECT : Reference to the Ascertainment of Records Concerning Jewish Property.
TO : Mr. E. J. Casseday, D/Chief, Property Control Branch.

For the ascertainment of records of former Jewish property there are two possibilities for location, either by the aid of

1. public registers according to the kind of property as defined under para I below, or
2. by means of official records, which were filed on the basis of discriminating legal measures by the Nazis against certain categories of persons as indicated under para II below.

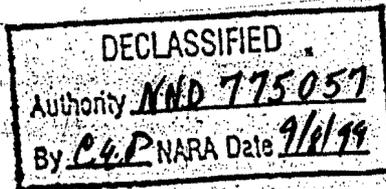
I. RECORDS ACCORDING TO THE TYPE OF PROPERTY.

1. According to German Law all real estate and any right pertaining to real estate is entered in the Grundbuch (land register). All records in connection with real estate will be found at the respective Amtsgericht, Abt. Grundbuchamt, in whose district the real estate is located. In addition to the Grundbuch and Grundakten, this agency keeps an alphabetical Personen Register containing the names of all owners of real estate, i.e. a cross index to the so-called Grundbuch. In connection with locating former Jewish owners of real estate it would only be necessary to check the Personen-Register, containing the names and addresses of all of them. According to the 2. Carrying-out decree regarding the law of changing family- and first name of 17.8.38 - RGBl I, S. 1644 (2.VO z. Durchf. d. Ges. u.ber die Aenderung von Familiennamen u. Vornamen) all Jewish persons had to adopt a Jewish first name and this new name had to be entered into all public registers. Therefore it would be easy to find out former Jewish owners of real estate in checking the Personen-Register.

2. The Trade Register (Handelsregister), which is also kept at the Amtsgericht, Abt. Handelsregister is the official record indicating all interests in connection with commercial enterprises. It contains 2 divisions:

- a. In division A individual business men, partnerships (Offene Handelsgesellschaften) and limited partnerships (Kommanditgesellschaften) are entered.
- b. Division B contains corporations (Aktiengesellschaften, Kommanditgesellschaften auf Aktien, Gesellschaften mit

Produced PC



- 2 -

beschränkter Haftung) and mutual insurance organizations (Versicherungsvereine auf Gegenseitigkeit)

In both divisions all facts are contained concerning the date of beginning, firm-name, location, purpose and kind of the enterprise, branches, representatives, dissolution and liquidation; with regard to corporations the amount of the capital, the members of the officers (Vorstand) and all other data where publication is required by Commercial Law Code.

In the Trade Register as well as in the Land Register Jewish interests will be found out very easily by checking the Personen-Register with regard to the adopted name.

3. At the former Reichs Patent Office (Reichspatentamt) a Patent-Register was located containing all patent rights. There is also an alphabetical names register of all holders of such rights.

4. Similar to the Grundbuch (Land Register) there is a Shiff-Register at the Amtgericht of the respective home port where all ships, which are subject to registration, according to the legal regulation, have to be entered as well as all liens against ships. There exists likewise an alphabetical names register of ship owners.

II. SPECIAL RECORDS REGARDING PROPERTY OF JEWS DECLARED AS ENEMIES OF THE STATE AND JEWISH PROPERTY.

On the basis of so-called legal measures and in order to centralize Jewish properties and to impose special charges on it, to transfer or to confiscate it, special official agencies were created under the control of the Reich Ministry of Finance, Division VIII/14, Ministerialrat Dr. Madel and Generalbuero for general financial matters, GBV, Division Patzer with the function to seize, administer and utilize the respective property.

1. The local Sachfinanzpräsident under the direction of the Finance Ministry had a special division, the so-called "Vermögensverwertungsstelle". All properties except securities which were confiscated in favor of the Reich according to

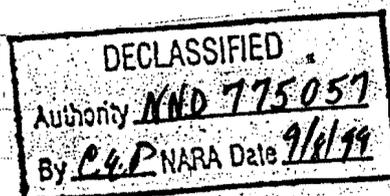
- a. Law concerning the confiscation of communist property of 26 May 1933 RGBl I S.293 - in connection with law concerning the confiscation of properties belonging to persons alien to the German nation and enemies of the German State of 14 July 1933 - RGBl I S.479)

Gesetz über die Einziehung kommunistischen Vermögens vom 26. Mai 1933 - RGBl I S.293 - in Verbindung mit dem Gesetz über die Einziehung volks- und staatsfeindlichen Vermögens vom 14. Juli 1933 - RGBl I S.479 -

- b. Law concerning the withdrawal of naturalizations and deprivation of German citizenship of 14 July 1933 - RGBl I S.480

Gesetz über den Widerruf von Einbürgerungen und die Aberkennung der deutschen Staatsangehörigkeit vom 14. Juli 1933

317813



- 9 -

RGI I 3,722.

- c. 11th decree regarding the National Citizenship Law of 23 Nov 1941 - RGI I 3,722 -

Elfte Verordnung zum Reichsbürgergesetz vom 25. November 1941 - RGI I 3,722 -

- d. 19th decree regarding the National Citizenship Law of 1 July 43 RGI I 3,372

Dreizehnte Verordnung zum Reichsbürgergesetz vom 1. Juli 1943 - RGI I 3,372

- e. Legal sentences of courts in which besides the penalty confiscation of property had been pronounced.

Rechtskräftige Urteile von Gerichten, in denen neben der Strafe auf Vermögensentziehung erkannt wurde.

were transferred to this office in order to utilize it for sales, public auction, etc.

The records of the Oberfinanzpräsident Berlin are now in the hands of a custodian appointed by the Kommandatura. A special report is attached as inclosure A.

2. The Liquidating Office of the Ministry of Finance (Restverwaltung des Reichsfinanzministeriums) has almost complete files of all securities not subject to administration and utilization of the Oberfinanzpräsident which came into the hands of the Reich on the basis of the laws enumerated under 1a - e above. About 35,000 - 40,000 files containing names and addresses of the owners and amount of the securities will be an important record to find out the proper value of the property concerned and to reconstitute it to the rightful owner.

3. Insofar as emigrated Jews from Germany were already citizens of other nations at the time of the beginning of the war, their property records were kept with the office of the Reichskommissar f. d. Erfassung feindlichen Vermögens (Reichs Commissioner for handling Enemy Property). The office of the Reichskommissar was located in the Reich Ministry of Justice in Berlin. Every Oberlandesgericht had files of such enemy property within its district of jurisdiction.

On the basis of information of the Restverwaltung of the RMF all records of the Reichskommissar were transferred to Staffeln/Westfalen.

4. The proper finance offices (Finanzämter) have kept complete records about the Reichsfluchtsteuer, the Judenvermögensabgabe according

317614

DECLASSIFIED
Authority *NND 775057*
By *C4P* NARA Date *9/8/99*

- 4 -

to the VO unter dem Einsatz des juedischen Vermoegens and i. Durchf. V. O. overpaid income taxes, property taxes and special wage taxes (Socialausgleichsbeitrag).

A number of volumes regarding the Judenverm. Abgabe are collected in the Restverwaltung IGM in Berlin.

1 Incl:
Report dtd 2 Dec 46

FR. RUTH KLEIN

Telephone: Bnt. 42925

RG 260
Rees of the Exec Office

Military Governor's Reports

Control office:
Rees. Assembled by
General Clay for
the writing of his
memoirs
June Box 233

PROPERTY CONTROL

1945

July Vol. 1. 1200 properties taken into custody in US Zone including properties UN citizens, citizens of neutral countries, former German government, and Nazi party.
1400 (approx) known claims of US citizens to German properties - less than 1/3 in US Zone; bulk of US claims residences and apartments

(in unnamed envelope at the very back of the box)

Properties of German Reich, Nazi Party, its agencies and leading members declared subject to seizure.

Property Control Officers directed during month to assume control of properties of German Labor Front (Deutsche Arbeitsfront) in US Zone. This organization was part of Nazi party-founded as a State labor organization became empire including People's Car Factory, retail food organization with 12 to 13,000 outlets, labor bank with 7 subsidiaries, insurance group with 10 companies, 36 industrial and commercial concerns and various real estate property. US Zone contains approx. 18% of real estate, 1 insurance company, 20% of branch banks, 12 manufacturing plants and 1335 food retail outlets.

The Reichskommissar fur de Verwaltung Feindlichen Vermogens is the German office corresponding to US Office of Alien Property Custodian. It was organized as agency to buy, sell, loan and hold property belonging to enemy individuals and enterprises. List being prepared from records of this office to aid Property Control Officers in locating properties.

August Vol. 2. Continued to take under MG control the properties of United Nations and Neutral Nations. Location and identification largely from inquiries received from owners; however, study of Deutsche Arbeits Front result in notable increase in number their properties taken over.

Study of record of Reichskommissars Office show conflict between the responsible German ministry and the Security Police and Nazi Party. Former appointed trained, competent and honest administrators in accordance with law but latter used property for personal and party purposes.

September Vol. 3 Large increase in properties taken under control during September due to recently authorized restitution policy inviting eleven countries to submit claims for certain categories of property, and new information from research studies.

2,221 properties under control in US Zone as of 30 Sept.

Custodianship presenting many problems, chief problem being lack of suitable vetted custodians. Some establishments important to economic life of district may be closed if qualified custodians not found.

317616

PROPERTY CONTROL
(continued)

1945
October
Vol 4

2,821 German Govt. and Nazi-owned properties taken under control during October.
Total 5,042 properties valued at 1,149,110,818 RM.

All units or operations of IG Farben seized as of 31 October under US Control Officer of IG Farbenindustrie.

November
Vol 5

1,734 properties taken over in November
Total 6,776 with value 1,602,326,497 RM
118 units or operations of IG Farben seized

December
Vol 6

2,176 properties taken over in December
Total 8,957 with value 2,083 million RM, of which industrial units account for approx RM 1,390 million
Includes practically all units or operations of IG Farben in US Zone

January 46
Vol 7

3,010 properties taken over in January
Total 11,967 units valued at RM 2.3 million
2,259 units (50% of properties taken over in January) were property of German Government, The Nazi party, and Nazi party members.
337 UN properties seized (incl. 206 US citizens)

1946

Investigations continuing of organizations subject to seizure under Law 52.

Der Deutsche Automobil Club and subsidiary Deutscher Automobil-Rechtsschutz-Versicherungs AG ordered seized.

Auditing reports of Deutsche Treuhand AG being examined for enterprises in which Nazi State held interest

February
Vol. 8

3,648 properties taken over in February
Total 15,604 units valued at RM 2,561.1 million
56% total located in Bavaria
88% German owned properties
5% United States properties
Real estate 55% of total number but only 12% of value
Industrial units 5.9% total number but 62% total value
2,569 German govt. Nazi party and partymembers' properties under control valued at RM 176.6 million.

In number of Kräise, trustee agencies created for small businesses closed under Law No. 8 but proved of need to Community, pending settlement of appeals by owners.

Board appointed to formulate program for ultimate disposition and use of all properties and interim measures for immediate disposition of certain types property. Some properties already released in restitution cases; temporary productive use by MG, the Armed Forces, or Civil Govt. authorized in some instances.

317617

PROPERTY CONTROL
(continued)

March
Vol. 9

22,579 total properties under control at end March
45% increase over total in February
53% increase in total value
Total value RM 3,920.1 million
Increase due to German State, Nazi party and Nazi
members' properties (77% by number-95% by value)

81 properties released from custody by 31 March
(73 because found not subject mandatory control)

Need acute for disposition program. Plans underway
to review categories subject control to reduce number;
possibility transfer to German governmental agencies;
formulation long-range policies for final disposition
property to assist persecuted peoples. Also recommended
properties of Laender and its political subdivisions not
be used by occupation forces be turned over to Laender.

Minister Presidents directed to submit plans for assuming
custody of much of property and disposition thereof.
Plans to include measures for prompt restitution of
property acquired under duress or wrongfully confiscated
and interim program for partial satisfaction claims for
economic rehabilitation of German residents made destitute
by Nazi persecution.

April
Vol. 10

9,067 properties (RM 2,291.5 million) taken under control in April
40% increase in number
58% increase in value
31,645 units now under control valued at RM 6,211.6 million
95% all controlled properties owned by Germany, US and UK
(Germany alone 84% total number-90% estimated value)
46% real estate properties (12% estimated value of properties)
5.3% industrial units (63% in value)

1,128 properties of DAF (Deutsche Arbeitsfront) taken into custody
this month. Total 2,411 DAF properties now under control (about
45% known DAF properties in US Zone)

Property Control Committee (composed of representatives of Mil. Govt.
and ^{representatives} of the Minister Presidents of the 3 Laender met several times
in Stuttgart and agreed organization and procedures for assumption
of responsibilities for property by German authorities. In general,
German Reich and Nazi property to be supervised by German authorities;
UN and neutral nations' properties to be supervised by Mil Govt. Hesse
and W/B expect to initiate measures in May

Peak period
May

Vol. 11
11,784 properties valued at RM 1,095.5 million taken over
35% increase by number
15% increase by value
43,429 units now under control; valued RM 7,307.1 million.
German Reich units - 35,978-valued RM 5,372.0 million
United States units - 3,669 -valued RM 247 million

157 properties valued at RM 28.7 million released as of 31 May

RM 7,307 million worth of properties to be turned over to
German authorities next month for safeguarding and admin-
istering. -of total approx. RM 3,169 million-Bavaria;
RM 2,035 million-Greater Hesse; and RM 1,482 million-W/B.

317618

PROPERTY CONTROL

June Peak Period

57,457 units valued at RM 8,587 million under control
2,437 industrial units - 58% value
26,740 real estate units - 15% value
85% of properties under control German-owned of
which 70% former properties German Reich or Nazi
party/members.
110 properties of IG Farben-valued over RM 1 billion.

Supervision of properties in Bavaria transferred to
German authorities during June.

Supervision of properties in Hesse and W/B previously
transferred - which completes this operation.

German agencies exercise only custodial and supervisory
functions and are subject to MilGov for direction re
disposal of properties

]

?

July
Vol. 13

Note: Heading changes to "Property Control & Foreign Exchange"

4,821 units valued at RM 989 million taken under control

8% increase by number

11% increase by value

62,278 units under control valued RM 9,575 million-total

Greatest increase in Bavaria (2,733 units or 13%)

38,821 Nazi Party properties under control-Value RM 3,506 million
represent 62% by number and 40% by value of total properties
controlled. over

122 IG Farben properties now controlled-valued/RM 1 billion

63 properties-valued RM 3.5 million released during July

38 of these properties of formerly absent owners who returned

(Foreign exchange notes not included)

August
Vol. 14

Note: Heading once more "Property Control"

2,166 units taken under control

64,444 total units controlled-value RM 10,547 million.

Regular checks on financial condition of properties show
most commercial and industrial enterprises have operated
at a profit or have suffered only small losses.

Directive approved by CONL provides for disposal of large
part former Nazi holdings now controlled, and for return
to trade unions and cooperatives (or their successor
organizations) of properties taken from them and
incorporated into Nazi institutions.

September
Vol. 15

5,441 properties taken over September

69,885 units under control-valued RM 10,932 million

8.4% increase by number

3.6% increase by value

317619

PROPERTY CONTROL
(continued)

4,542 properties - valued RM 74,000,000 taken over in October
74,427 total units - estimated value RM 11,000,000,000.

November
Vol. 17

5,894 properties-valued RM 307,236,328 taken over in November
80,321 total units-estimated value RM 11,313,106,000

December
Vol. 18

2,883 properties - valued RM 103,226,287 taken over in December
83,204 total units - estimated value RM 11,416,332,000

January
Vol. 19

2,543 properties - valued at RM 76,675,000 taken over January
85,747 total units - estimated value RM 11,493,000,000

1947

February
Vol. 20

3,014 properties - valued RM 115,598,000 taken over February
88,761 units total - estimated value RM 11,609,000,000.

March
Vol. 21

No entry

April
Vol. 22

No entry

May
Vol. 23

No entry

June
Vol. 24

All funds of Nazi organizations collected from employees
as social insurance now regarded as funds held in trust
for and therefore payable to social insurance agencies.

Action taken authorizing release from control of certain
properties in US Zone and Berlin Sector owned by non-
residents of Germany who are citizens of UN or neutral
countries (except Spain & Portugal). Now possible, when
certain conditions are met, for non-resident owner to
transfer responsibility for operation and management of
property from appointed custodian to agent of his own
designation who will be responsible to the owner. This
applies only to property with clear title and does not
affect property seized or transferred by Nazis under force
or duress and subject to restitution.

July
Vol. 25

No entry

August
Vol. 26

MilGov will relinquish responsibility for operation/management
of properties owned 51% or more by citizens and residents
of UN and neutral countries (except Spain & Portugal), as
of 1 Jan 48. Despite approach of deadline only few owners
have taken steps to resume through designated agents the
operation of their own properties.

Designation of agents to manage property does not require MG
license; however certain transactions in this connection not
authorized by general licenses existing will require special
license under Laws 52 and 53. Present licenses permit normal
conduct of business but do not authorize any capital investment
without MG approval.

Owners must make arrangements by correspondence with agents and
should not expect to personally visit Germany under present
travel restrictions. MilGov will not recommend custodians but
will not object if custodian already appointed is requested to
continue. Agents must be residents of Germany and politically
acceptable under denazification law. Properties affected do
not include "duress properties" or any property involving
disputed title.

317820

PROPERTY CONTROL
(continued)

umber
. 27

34 of forty-eight units of IG Farben scheduled for release have been turned over to trustees apptd by IG Farben Control Officer (US).

Land Property Control Officers given instructions re transfer of title and release of certain properties for land settlement purposes. Step taken following approval of General License No. 9 under MG Law No. 52 (Blocking and Control of Property), also known as General License No. 2 under MG Law 53 (Foreign Exchange Control). Land settlement to be implemented in Lander under land reform laws of each Lander.

Property in US Zone which has long been out of possession and use by owner who has returned to Germany on business or other temporary authorization may not be taken from Germany. This applies also to members of Armed Forces or persons serving with Armed Forces. Persons authorized to leave Germany who have been constantly or recently in possession of belongings may remove ordinary household and personal effects.

Property other than household effects, etc. removable under General License No. 1, may not be removed from US Zone without special license. Consideration is given to decontrol of property of individual wishing to reestablish permanent residence in Germany.

October
Vol. 28

Program effective 30 October 47 to release from property control all property in US Zone in which nationals of UN or neutral countries (except Spain & Portugal) have less than 51% interest. Responsibility to name administrators rests with minority interest holders and must be done by direct correspondence. Upon appointment of administrator, properties will be released to German administrators who are authorized to act for entire property. No property in dispute will be released. On 1 March 1948, those properties not yet released will be turned over to German State Property Control Agencies with MilGov, exercising only general supervision.

November
Vol 29

MG Law No. 59 (Restitution of Identifiable Property) became effective on 10 November 1947 in US Zone. This provides for restitution of identifiable property taken from rightful owners between 30 Jan 1933 and 8 May 1945 by duress; applies only to US Zone (excludes US Sector Berlin); claims must be filed with Restitution Agency by 31 Dec 1948; local investigation will be made and in absence of any question or dispute, order issued for restitution. In case of appeal, branch of German courts will decide; further appeal may go to German appeal courts. Upon restitution the consideration received by persecutee must be returned to restitutor in kind if possible.

317621

PROPERTY CONTROL
(continued)

147
ember
. 30
Decontrol of Foreign-Owned Property

Original dates for decontrol of properties (1 Jan 48 for majority interest and 1 March 48 for minority interest) have been postponed to 31 March 48.

Release of Property of Germans in Category III & IV

Up to present, all property of Nazis has been under control. New program will not control property of Nazis given preliminary Class III or Class IV classification by Public Prosecutor prior to trial. All properties will be released immediately unless plant requiring more than 50 workers or other grounds for control exist.

If person originally given Class III or IV classification found by Spruchhammer to be Class I or II offender - that portion of property to be confiscated will be controlled until final judgment and transfer to German state govt. Control of such property will be under Law for Liberation from National Socialism and Militarism. This will free approximately 20,000 properties. Enterprises employing more than 50 persons or having a tax value of more than 1,000,000 marks will not be released at present.

January
Vol. 31

Decontrol Program

1948

Provisions extended in January to include properties of ex-enemy nationals, i.e. Bulgaria, Hungary, Italy and Rumania. This action followed the policy of the State Dept as announced in November, 1947.

Implementing MG Law No. 59

Minister Presidents of 3 Laender and President of Senate of Bremen requested submit implementing regulations pursuant to law "Restitution of Identifiable Property" re functioning of restitution agencies in various areas. Laender legislation will then set in motion process of restitution.

Decontrol of IG Farben

Units are being placed under separate management if retained as integral part of German economy.

50 plants designated for release to IG Farben Control auth.

43 have trustees appointed

30 actually released to Control Office

23 units in Hesse

15 Bavaria

9 Wuerttemberg/Baden

2 Berlin Sector

Lease of Properties by Semi-official agencies in Germany

It has been discovered that some semi-official agencies operating in Germany have leased property direct from Germans. MilGov has instructed Field Property Control Officers that all leases, etc. for such property must be made through Army Real Estate Officer in area concerned. Present leases will be voided. Property necessary for operation of these agencies will be requisitioned and reassigned to organizations

317622

PROPERTY CONTROL
(continued)

January
Vol. 32

Hesse established on 20 February (by legislation) 10 offices to exercise jurisdiction over all property control and restitution under MG Law 59.

Wuerttemberg-Baden, with 4 proposed agencies, and Bavaria with 5 agencies will be in operation in near future.

Bremen started machinery to implement Law on 23 Jan 48 when President of Senate appointed a single Office for Property Administration.

Only in Bremen is Land office considered a restitution agency within meaning of Law 59; offices in other Laender will restrict activities to administrative matters only.

March
Vol. 33

No entry

April
Vol. 34

No entry

May
Vol. 35

Note: Title changes to "Property Control and External Assets" 5,517 properties of former Nazi party members released to owners total of 20,796 released this year. Increase in released property result of acceleration of denazification procedure in US Zone.

Bavaria: 27 propers-value over RM 20,000,000 released April/May trade union and railroad employees assoc. gained title to 16 units valued RM 1,640,000; and Munich Police Assoc. regained former rest home at Spitzingsee.

New MG policy announced in May permits former residents of Germany to obtain license for export of household goods and personal effects in US Zone owned prior to 8 May 1945. Property affected principally in storage or left with German friends or relatives.

Note: External Asset information not included here.

June
Vol. 36

274 properties owned by UN nationals released in June 545 total released, valued at RM 459,280,325 program for release has been markedly accelerated.

MG virtually completed transfer to German State Corp. for Utilization of Public Property of all captured enemy equipment under US property control and all funds derived from sale thereof. Transfer operation started in April, 1947 in accordance with Property Control Circular No. 4 of 28 March 47. Equipment and funds transferred valued at RM 28,446,009. In addition, other captured enemy materials to value of RM 312,000,000 turned over to STEG as of 20 June by other MG organizations and US Army for use in German civilian economy.

Jewish Restitution Successor Organization (charitable organ. incorporated in NY) apptd on 23 June by MilGov as successor organization to claim heirless Jewish property in US Zone subject to restitution under MG Law 59. The successor organization may claim restitutable property of any Jewish person dying without heirs, and may file and prosecute claims for restitutable property formerly belonging to Jews in US-Zone if owner does not file claim ~~XXXXXX~~ prior to 31 Dec 1948.

317623

PROPERTY CONTROL
(continued)

July
1. 37

Properties continue to be de-controlled - the largest numbers to persons cleared by de-nazification tribunals (for complete statistics up to 31 July 48, see MG report 37)

No further properties of UN or neutral nationals will be controlled unless in danger of "irreparable harm". To speed up decontrol of these properties, German states are authorized to charge a fee for property administration.

Recent survey revealed that some operating bank properties have been under control. These will be released unless special circumstances require control.

Property Control Circular No. 2 (under MG Law 59) issued as instructions to safeguard properties on which petitions are filed until claims are settled.

August
Vol. 38

1,935 UN/neutral properties decontrolled in August
This number included 1,709 properties owned by Standard Oil of NJ-valued RM 2,925,822; and 2 units of Intern. Business Mch. Corp. valued RM 1,793,353; also 8 units of Dutch margarine and soap combine "Unilever" valued RM 6,580,236; Luxemburg-owned cable and wire company; Dutch-owned artificial silk company.

2 August - MG Regulation No. 4 passed - defines composition, jurisdiction, etc of Board of Review for US Zone to act on appeals from decisions of the Civil Division of the Court of Appeals that such decision violated the law; Also provides for appeal from decision of Restitution Chamber on grounds of a. findings supported by evidence; b. abuse of Chamber c. prejudice on part of Chamber. The Board may refuse to grant review. Decision is final and not subject to further review. Board may affirm, modify or reverse decision reviewed, or to remand case back to Court from which referred. Board consists of 4 US citizens designated by Mil. Governor for term not less than 1 yr., and Court appoints German Legal Advisor. Mil. Governor may request Board to issue advisory opinion on any question submitted by him. The establishment of this Board is last important act of legislation necessary for administration of Law 59 and final disposition of cases.

18 August - issuance of authorization No. 1 under Regulation No. 3 of Law 59, enabling Jewish Restitution Successor Organization personnel to act for that corporation in US Zone and to examine and extract information from specified files and records. Based on preliminary authorization previously issued, JRSO has started its functions with Hqs. at Nuremberg and branches at Munich and Frankfurt - several other branch offices to be established.

317624

PROPERTY CONTROL
(continued)

ember
(contd)

UN/neutral properties still under control total 10,988 units valued at RM 1,300 million. Larger and more valuable units have been decontrolled. All possible steps being taken to speed up decontrol of these properties.

German State Properties: ultimate disposal under discussion by 3 western occupation governments-no decision as of 30 November.

December
Vol. 42

6,253 units - net decrease of controlled property in Dec. Total of 152,915 units controlled since 1 July 45 - 67,039 units (value RM 8,616,526,101) still controlled.

47% of all properties controlled as of 31 Dec are "Duress" properties

182,892 petitions filed for restitution duress properties under MG Law 59 - 168,000 claims filed in December alone. Deadline for claims 31 Dec. Claims received at Central Filing Agency by 31 March 49, which show by postal, telegraph or US diplomatic notation that they were posted or received for dispatch on or before 31 Dec 48 will be accepted.

163,075 petitions filed by Jewish Rest. Successor Organ. representing 89% of all claims reced at Central Filing Agency. Processing of these claims will be deferred until also JRSO applications are received to avoid duplication of effort.

4,405 units of former Nazi members released after denazification decisions. - 10,174 properties in this category still retained pending denazification tribunal decisions.

January
Vol. 43

Central German Property Control Coordinating Committee established in December, 1948 to achieve objective of reducing property control functions of Mil. Govt. to a minimum by 1 July 49. Composed of 4 German Land Civilian Agency Heads, committee will meet at frequent intervals to coordinate policies and receive instructions from MG in preparation for new responsibilities.

Attempt being made to secure tripartite agreement for establishment of German property control agency for 3 Western Sectors of Berlin.

61,684 units (value RM 7,508,344,952) under control in US Zone as of 31 January. As of 1 July 49 it is expected that only properties classified as "duress", properties owned by Class I or II Nazi offenders, and property in Berlin Sector, will remain under control.

30,625 duress properties under control as of 31 Jan (50% all property under control)

Properties of Reich State: 4,799 units (RM 3,295,980,659) under control 31 January. During the month MilGovt decided that legislation should be promulgated to provide disposition of these properties. Terms will be tripartite and are still under consideration. Properties can be rapidly disposed of after legislation becomes effective.

317626

PROPERTY CONTROL
(continued)

ary
continued)

Absentee Owned Properties: 10,010 units (RM 861,109,615)
under control 31 January.

Method being worked out by MG for properties not decontrolled
by owner to be turned over to curators in absentia appointed
by German Courts. Owners will be notified when procedure
determined.

Instructions issued by MG in January for release of all properties
in which absentee-owned interest not controlling one,
provided competent board of directors managing company and
agreeable to foreign interest.

21% of absentee-owned properties under control are in
Berlin Sector. Owners are reluctant to take over
control of Berlin properties in view of uncertain
situation.

613 Nazi party properties still under control (241 in Berlin)
All such properties (except Berlin and those formerly
belonging to Reich Food Estate) being turned over to
various Laender under CONL Directive 50. These
properties include practically all labor-union and
consumer cooperative properties in 4 Laender in US Zone.

MG decided in January that properties of German Red Cross
will be considered as falling within definition of Art. 1
CONL Law 2 (provides for Termination and Liquidation of
the Nazi Organization) and will be disposed of as rapidly
as possible under CONL directive 50.

Berlin properties of consumer cooperatives will be returned
to former owners (the Grosseinkeufsgellschaft (GEG) in
Hamburg) due to order prohibiting formation of coop.
societies in US Sector Berlin.

317627

Draft Report on Real Property

Ellen O'Connor

October 28, 1999

The issue of Nazi victim-owned real property taken under control by the U.S. Military Government (MG) is quite significant. As of January, 1949, there were 30,625 properties valued at 1.28 billion DM/RM. (The report listed the DM/RM property values as being equivalent in the source, Statistical Annex Issue No. XXIII, Report of the Military Governor, January, 1949, No. 43; see Kapralik, 1962 for a discussion of the complicated matter of property value assessments.) In U.S. MG terminology, these properties were called "duress properties," a category specifically designating the property of Nazi victims. As of December 31, 1948, 47% of all property in the MG Property Control (PC) Division was categorized as duress property (NARA RG 260, Records of the Property Division, Box 15, Reparations and Restitutions file, "Property Division Report for December," MG Report no. 42, p. 5).

Relatively early in the Occupation (as of the end of November, 1945), the U.S. MG had taken a total of 6,776 properties under control with a valuation of RM 1,602,326,497 (NARA RG 226, Records of the OSS, Entry 108B, Washington-Reg-Int-42 file, "Finance and Property Control: Monthly Report of the Military Governor, U.S. Zone," Dec. 20, 1945, No. 5, p. 16). (These are of course the RM values prior to currency reform which occurred in June, 1948.) At that time, the category of duress property was not broken out. (Further research could determine the monthly report in which duress properties begin to get tracked and follow the flow.) The peak period of property taking was May- June of 1946 (NARA RG 260, Records of the Property Division, Box 11, PH-129 File, "Property Control Interview," July 13, 1949, p. 7), due to the passing of Law 8, the German law under the U.S. MG that required the seizure of properties belonging to former Nazis. As of January 1, 1948, duress properties totaled 23,242 with a value of 1.1 billion marks; the number steadily increased to a high of 31,472 (value 1.28 billion marks), with a slight drop as of the closeout of the Property Division in July of 1949 (duress properties could be released from control if amicably settled or if adjudicated under Law 59 of November, 1947; see below.)

317628

This report divides US MG policy with respect to the control and restitution of duress properties into three parts, according to the key property policies in place at the time: (1) Law 52, in place from the entry of U.S. armed forces into Germany (September, 1944); (2) Title 17, which transferred implementation of property control to the Laender (a period extending from May through September, 1946); and (3) MG Law 59, in place as of November 10, 1947, which addressed the restitution of duress properties.

Research to date reveals breakdowns with the control and restitution of properties as follows: Some duress properties (1) escaped control altogether, (2) were prematurely or inappropriately released from control, or (3) were loosely controlled while held. However, this research to date does not enable either a precise or rough figure as to the costs to victims as a result of these breakdowns, particularly with regard to the first category,

Background: Key Property Policies Concerning Real Property

With the entry of the U.S. military into Germany, beginning in September of 1944, directives concerning property control had been issued and ordered to be posted in the occupied territories. (For further background on U.S. policies concerning property, see Nazi victim property policy document.) Law 52 stated that all property in the occupied territory “owned or controlled, directly or indirectly, in whole or in part” by a number of persons and organizations was “hereby declared to be subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military government.” One such category was “property which has been the subject of duress, wrongful acts of confiscation, dispossession or spoliation from territories outside Germany, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise.” Law 52—what it said, when it said it, and to whom—is problematic and merits further investigation. A key issue, made in some OMGUS documents, was that Law 52 did not require but only authorized seizure (NARA RG 260, Records of the Branch Chief, Property Division, Box 23, “Reports: Property Control Meetings” file, Minutes of the LPCCs with Heads of German Restitution Agencies, September 2-3, 1948, p. 12). Some of this ambiguity is reflected in the different versions of Law 52 and different directives accompanying it. For example, one early G-5 directive stated that MG officers should “[t]ake **immediate** control (emphasis in original) of a

number of property categories; the duress category was not included in this list (however, the directive stated that "all other property **specifically** ordered taken under control" should be taken under control) (NARA RG 260, Records of the Executive Office, The Control Office, Historical Division, Directives and Regulations 1945, Box 268, Administration of Military Government in Germany—Finance file, "Instructions to OCs of Kreis Detachments," December 7, 1944, p. 2; also *ibid.*, January 31, 1945, pp. 1-2). However, a subsequent G-5 directive instructed Financial Officers to "make spot checks to ensure that property... listed in Law 52" had been blocked (NARA RG 260, Records of the Executive Office, The Control Office, Historical Division, Directives and Regulations, 1945, Box 268, Administration of Military Government in Germany—Finance file, Check List for Financial Officers during Mobile Phase of Military Government, December 20, 1944, p. 2). Duress property was, of course, listed in Law 52; so under this particular directive, such property was explicitly to be blocked. Similarly, in the Wuerttemberg-Baden area, a memorandum declared that "confiscated or aryanized Jewish properties administered by the Finanzaemter will be taken under formal property control" (NARA RG 260, Records of the Executive Office, The Control Office, Historical Division, Directives and Regulations 1945, Box 268, Administration of Military Government in Germany—Property Control file, "Property Control Memorandum No. 9: Properties subject to control pursuant to paragraph 2, Law No. 52 and paragraph 1, b, Section XVII, Administration of Military Government in U.S. Zone, December 19, 1945). Law 52 was evidently interpreted in different ways, at different times, in different places; and this ambiguity as to the policy on seizure of victim property is in itself a noteworthy finding. Finally, regardless of its meaning, there is substantive evidence that the Law was ignored anyway. An MG review of Law 52 found that the Law was extensively violated and was basically unenforced (NARA RG 260, Office of the Finance Division, Records of the Foreign Exchange Depository, Box 161, "Enforcement Program 1946" file).

Title 17, enacted in (late 1945 or early 1946—need date), followed basic U.S. policy objectives in transferring the responsibility for PC and restitution to the German civil administration, a part of a more general objective of re-educating and redemocratizing Germany (see Nazi victim property policy document). Points with regard to the implementation of Title 17 are discussed further below.

MG Law 59 established U.S. government policy specifically as regards the restitution of Nazi victim property ("duress" or "category G" properties). It was the clearest and most firm statement that the

U.S. MG made concerning restitution of Nazi victim property. It provided for the restitution of identifiable property that, for reasons of race, religion, nationality, ideology, or political opposition to National Socialism, was transferred under duress during the Nazi regime. Law 59 recognized the principle that duress properties should not escheat to the state because of the lack of heirs or successors. The Law authorized a Jewish Restitution Successor Agency (JRSO) to claim and receive heirless and unclaimed Jewish property. Law 59 was hard won over several months in extensive negotiations with the Laender and was apparently, in the end, forced on them (see below). It was clearly resisted by many Germans—particularly the controversial Article 30, “Strict Liability,” which excluded the possibility of a transaction in good faith (i.e., those engaging in such transactions were subject to the same liability “if [they] knew or should have known under the circumstances... at the time [they] acquired the property that it had been obtained at any time by way of an aggravated confiscation.” Furthermore, transactions entered into between January 30, 1933 and May 8, 1945 were considered acts of confiscation due to this having been “a period of persecution by any person who was directly exposed to persecutory measures” as set forth in the Law. Furthermore, transactions made by persons “who belonged to a class of persons which... was to be eliminated in its entirety from the cultural and economic life of Germany” were also presumed to have been acts of confiscation (Article 3, “Presumption of Confiscation”).

The U.S. MG did not intend a long-term involvement in property control and restitution. “As a matter of policy, MG was interested in winding up the entire Restitution Program as early as possible and within a two to three year period” (NARA RG 260, Records of the Property Division, Box 11, PH-129 file, “Report of Field Trip by Mr. Hartzsch and Mr. Porter to the Various Laender in the U.S. Zone,” p. 5). Consistent with high-level U.S. Government policy during the period, the process was seen as a drain on the German economy: “Most of the presently existing uncertainty with regard to titles to properties and the present burden on the German economy and people should be eliminated at the earliest practical date” (ibid., p. 12). As of July, 1949, the MG handed property control and restitution to a German committee under MG observation: the “Central German Property Control Co-ordinating Committee,” made up of former German Land Civilian Heads. The treatment of duress property and its restitution after JRSO and under this Committee is not addressed in this paper but remains an item for further consideration.

The course of events from Law 52 until the dissolution of OMGUS Property Control Division suggests that by the time U.S. MG had formulated and in essence forced a decision on restitution of Nazi victim property (Law 59), the structural mechanisms and the moral resolve to implement such a policy were considerably weaker than they had been as of the early days of the Occupation: Transfer of virtually all governmental functions to the Germans was complete; and the U.S. was focused on getting out of Germany (see property policy document). This of course is not entirely the fault of the U.S.; in fact, the U.S. MG began its restitution efforts with attempts to establish a quadripartite, then a tripartite, and finally a bipartite law on restitution—all of which failed but of course which took many months, making the goal of speedy restitution virtually impossible. In the end, the U.S. MG pursued a unilateral policy that ultimately became Law 59. At the point where attention was given to Nazi victim property restitution, there was also a clear lessening in the means—both in letter and in spirit—to execute it. In addition, two basic forces were at work in terms of the numbers of properties under control: properties were escaping or being released from control, or being loosely controlled on the one hand; and unfiled but potential claims were mounting (e.g., Clay states in his Memoirs that 90% of all claims were filed in the last month—December of 1948; and correspondence indicates many protests as to the short amount of time granted for filings; e.g., see NARA RG 260, Records of the Executive Office, Records of the Property Division, Box 607, Restitution Volume II file, letter to Dr. Flesch and letter to R. Maron—[need dates]). The body of the report elaborates on and provides further support for this conclusion in three parts corresponding to the laws in effect at each time period.

Property Policy under Law 52 as Administered by the U.S. MG

Law 52 became effective as the U.S. armies moved through Germany. (See previous points concerning the different versions and interpretations of this Law.) Property Control had previously been limited to enemy war materials confiscated as booty, so there was “little or no precedent for exercising controls over all kinds of property in Germany” (OMGUS, “Property Control in the U.S.-Occupied Area of Germany, Special Report of the Military Governor, July 1949, p. 6). Law 52 authorized the U.S. MG to take properties into custody on the basis of information contained in records and also according to “decisions made by Property Control officers in the field” (ibid., p. 6). Also, former owners of German property and/or their successors in interest made direct inquiries; PC offices estimated that between 500 to

1,000 such inquiries were made monthly. Finally, reports required by MG from present owners, German governmental agencies, and financial and credit institutions with respect to property confiscated under Nazism were screened and resulted in PC action (*ibid.*, p. 39). The above facts are cited in an official wrap-up report of PC; other evidence indicates that this process was quite problematic. For example, PC officials stated Law 52 authorized seizure but did not require it (NARA RG 260, Records of the Branch Chief, Property Control Division, Box 23, "Reports: Property Control Meetings" file, Minutes of the LPCCs with Heads of German Restitution Agencies, p. 12). A series of reports prepared by the Finance Division found "no enforcement in the U.S. Zone of Law No. 52" (NARA RG 260, Records of the FED, Box 161, "Enforcement Program 1946" file). Investigations carried out in April and May of 1946, in all three Laender of the U.S. Zone, showed "widespread weakness in administering and enforcing" property control laws (NARA RG 260, Records of the FED, Box 161, "Draft: Subject: Enforcement of Financial Policy in Military Government," undated, p. 1). Violations included continued access to property and funds on the part of former Nazi officials. "The majority of Nazi offenders removed from office had had several months in which to dissipate and conceal assets before blocking became effective; and presumptive violations of the laws have already run into thousands" (NARA RG 260, Records of the FED, Box 161, "The Problem of Enforcing Military Government Financial Laws," undated and unsigned, p. 1).

Another crucial point concerns the threshold value of properties subject to seizure. According to a retrospective final report on Property Control under the U.S. MG, the minimum value of real estate subject to seizure was RM 10,000 and later, under the pressure of the work level, the minimum valuation was set at RM 60,000 (RM values prior to the reform initiatives of 1948) (Hoover Library, Stanford University, Government Documents Germany, Germany, Territory under U.S. Military Occupation, 1945--, U.S. Zone; Military Governor: Property Control in the U.S.-Occupied Area of Germany, 1945-1949, Special Report of the Military Governor, July 1949, pp. 8-9; this report is hereafter cited as "Special Report, July 1949"). Property Control under Title 17 (need exact date)

From early 1946 until Law 59 was enacted in November of 1947, Title 17 (MG Regulation 17) was the key law governing property control and restitution. (Need date.) A number of directives had transferred property control to German civil administration (see Title 17, Section 17-102 for a listing of these directives). However, the Title stated, "Military Government retains general supervision over the

German Property Control Agencies.” As indicated below, there was considerable ambiguity in this relationship between the MG and German civil authorities.

One of the key issues in terms of Title 17 was the threshold value of seizable and seized properties. Section 17-501 of this Law stated, “The [German civilian] Land Control Agency Heads (LCAHs) will do what is reasonable, depending on the circumstances of each case. They will not exercise control over properties not important or valuable enough to warrant control. The nature of the property, the necessity for control, and its condition, value, ownership, and income-producing capacity are factor to be considered in deciding whether the property is important or valuable enough to warrant control. This decision will be made by the LCAH.” The U.S. MG had set some precedent in this regard (see point above concerning minimum property values). The head of the Property Control branch instructed Hesse PC officials to release duress properties “not sufficiently important or valuable enough to warrant control” (NARA RG 260, General Records of the Property Division, Box 1252, Duress Property file, “Application of MGR 17-501,” August 22, 1947). Although no monetary value was set, further explanation was provided. “Reference is made specifically to small plots of land of insignificant value which are not income producing either because the structure thereon has been completely destroyed or because the land itself is not suitable for agricultural purposes. It appears that no purpose is served in exercising custody with respect to such properties since nothing of value can be removed therefrom and no income is received which will warrant the appointment of a custodian. However, the only possibility for the evasion of Law 52 with respect to such properties is the unauthorized transfer of such properties from Property Control custody and, at the same time, giving a list of such properties to the Grundbuchrichter of the Amtsgericht of competent jurisdiction, with instructions that no transfers of title to the properties will be permitted.” The memo concluded with the instruction to review “all such properties under control” and to take “necessary action to release those properties where Property Control action is not deemed warranted in light of the criteria set forth above” (ibid.).

More problematic in terms of assessing extent and impact on duress properties are issues concerning the actual administration of duress properties under Title 17. For the most part, German civil servants and citizens generally performed the routine tasks of property control and administration. The scale is large: about 80,000 “property control custodians” were charged with the caretaking and

safeguarding of duress properties until Law 59 was enacted. Property Control Officers (PCOs) performed supervisory, advisory and related functions. In these instances, PC policy dovetailed with denazification policy, as all those with official PC responsibilities had to be sufficiently denazified. However, there were many difficulties in finding suitable custodians and PCOs. Owners of properties were often asked to recommend custodians; however, as noted below, some owners had actually "acquired" properties from Nazi victims and so were clearly not in a neutral position concerning these properties (NARA RG 260, Records of the Property Control Division, Box 12, Property Control file, unsigned, undated correspondence). Custodians were at times removed: from January through March of 1948, 54 custodians were recommended for removal. Grounds for such action were cited as "inefficiency, black market activities, political unreliability as indicated by falsification of fragebogen (denazification survey), failure to comply with MG directives, embezzlement, illegal sale of assets, and gross negligence" (Special Report, July 1949, pp. 12-13).

One key issue concerns the meaning and application of "duress properties" according to the local authorities. One investigation of a particular Kreis found not one single case of a duress sale among the 67 properties concerned in a particular investigation (NARA RG 260, General Records of the Property division, Box 1252, Duress Property file, "Special Report to Land Property Control Chief," August 15, 1947, p. 2). Properties were misclassified, intentionally or unintentionally, thereby being prematurely released from control: In one case, duress properties were misclassified as U.N. properties (NARA RG 260, Records of the Branch Chief, Property Control Division, Box 18, Policy Matters file, "LPCC Meeting Minutes, Jan. 22-24, 1947, p. 8). These properties thus escaped the special controls applicable to the duress property category. Finally, some properties may have been inappropriately released; one Legal Division document allowed that claims could be settled (if licensed under Law 52) and released from control under German law which "recognize[d] the validity of what is termed a 'compromise' in American law" (NARA RG 260, Records of the Property Division, Box 7, Duress properties file, Memo, Settlement of Duress Claims out of Court, from Legal Division to Property Control Branch, Finance Division, June 13, 1947, pp. 1-2.)

Finally, German civil administration were able to interpret Title 17 in ways which questioned the spirit of the duress property distinction. In one particularly noteworthy instance, German Land Control

Agency Heads got together and agreed that in some cases, aryanization had been good for businesses and should be continued. They argued that as they were responsible for determining what type of property should be taken in to PC custody, in the same way, they should be permitted to determine the employment of individuals associated with properties taken under custody. "...[I]n post-war Europe, administering and maintaining properties is a question of elasticity and dynamics which tasks require in any case cooperation of business-men who have initiative and are disposing of first-class sources from where to procure the essential raw materials. In almost any case those qualifications are vested in the aryanizer who has managed the property for 10 or more years..." (NARA RG 260, Records of the Property Division, Box 7, Duress Properties file, Re: Discussion held on 3 December 1948 between Mr. Porter and the LCAHs of Laender Bavaria, Wurttemberg-Baden and Hessen, December 13, 1948, p. 2). Although further research did not produce a reply to this statement, the German property authorities were right in indicating the range of authority assigned to them under Title 17.

Law 59

Under MG instructions/orders, the Laenderrat (the newly established German government under the U.S. Military Occupation of Germany, set up in the four Laender at various times from the end of 1945 through mid-1946), formed a Property Control Committee, which drafted a law providing for the restitution of identifiable property which, for reasons of race, religion, nationality, ideology, or political opposition to National Socialism, was the subject of transfer under duress during the Nazi regime. In March, 1947, the draft was approved by the Property Disposition Board of the U.S. MG. The Laenderrat simultaneously submitted and protested a draft, claiming that a just restitution could not be achieved without the enactment of a uniform restitution law in all four zones; that the draft law did not give the restitution agencies the necessary freedom of action to safeguard equitable treatment of individual cases on their merits; that the law would lead to hardship for honest persons who had acquired property in good faith (the controversial "Article 30: Strict Liability"); and that the time limit for the filing of claims (until December 31, 1948) was too long (Special Report, July 1949, p. 40).

A uniform restitution law was pursued—first at the quadripartite, then the tripartite, and finally at the bipartite level. Eventually the U.S. MG chose to pursue a policy only for the U.S. Zone. On October 7,

1947, the MG asked the Laenderrat Ministers presidents if they were prepared to promulgate the draft law in their respective Laender. But a unanimous decision was not reached and MG observers concluded that it would never be reached. So the MG stated its intent to promulgate the restitution law as MG Law 59, November 10, 1947. Law 59 was based on the original Laenderrat draft with certain modifications (see Special Report, *ibid.*, July 1949, p. 41).

To secure information on properties that had been transferred under duress, the law provided for the submission of reports by present owners of duress properties or by persons or financial institutions having information concerning duress property transfers. Claimants filed a petition with a description of the confiscated property and stating as exactly as possible the time, place and circumstances of the confiscation and if possible the names and addresses of all persons having or claiming to have an interest in the property (Hoover Library, Stanford University, Government Documents – Germany, Germany – Territory under U.S. Military Occupation, 1945--., Military Governor, "Property Control History, Policies, Practices and Procedures of the United States Area of Control, Germany," Special Report of the Military Governor, November 1948, pp. 24-25).

The main purpose of Law 59 was to establish Restitution Agencies with the basic responsibility of effecting amicable settlements. If amicable settlement could not be achieved, then cases were referred to German court Restitution Chambers. Appeals from there went to appellate courts and from there to a Board of Review made up of 4 American judges and experts on German law.

A crucial issue with regard to U.S. MG restitution under Law 59 involves the scope of properties included in this Law. The Law stated that properties of 1,000 RM and over were subject to its provisions (Article 73). In an important letter written by the Chief of the Property Division to the Property Division officials in all the four Laender, the criterion of "significant value" was again put forward in the context of determining the extent to which duress properties could be decontrolled "without prejudicing the rights of interested individuals or organizations." The following properties were authorized for decontrol:

"properties of insignificant value"; "property placed under control through error"; "property involved in the final settlement or adjudication of a restitution claim"; "property deemed to be adequately protected by blocking control"; and "property with respect to which it can be definitely ascertained that no claim has been filed by any individual or organization" (NARA RG 260, Records of the Property Division, Box 7,

Duress Properties file, memo from Hartzsch dated March 28, 1949). Hartzsch did not define "insignificant value" in this memo; however, as Title 17 had assigned this determination to the PC officials of the four Laender, they may have continued this practice.

Another important question in terms of the scope of properties covered under Law 59 was the deadline for claims submission. The deadline (December 31, 1948) was protested vehemently (e.g., NARA RG 260, Records of the Executive Office, Box 607, Restitution Vol. I file, letter of January 25, 1949 to Clay and protesting the filing deadline). The deadline was not changed; thus claims which should have been filed were not (e.g., claimant who filed late due to negligence and fraud on the part of the restitutor [the person who had acquired duress property]; see NARA RG 260, Records of the Property Division, Box 9, Law 59 file, "Legal Opinions," correspondence dated March 1, 1949). In addition, there was the problem of insufficient claims. Law 59 set forth numerous criteria for a properly filed claim, ranging from substantive points to the size of the paper used and the number of copies to be submitted (Article 58; see also Reg 1, Part II). Insufficient claims were forwarded to an agency in Wiesbaden (future research could address what, if anything, happened to these claims). (Note that Wiesbaden was located in Hesse, a pro-Nazi area; see further below.)

Furthermore, there were a number of administrative breakdowns in the implementation of Law 59. First, it is important to mention that this Law was in fact forced upon the German civil administration. The Restitution program was "not a popular one" and it was anticipated to become less rather than more accepted (NARA RG 260, Records of the Property Control Division, Box 10, Law 59 Expediting Plan file, Minutes of Conference held at Bad Nauheim on December 14, 1949, p. 1). In Bavaria, PC officers claimed that many Law 59 claims were simply "grievances against neighbors" (NARA RG 260, Records of the Branch Chief, Property Division, Box 15, Law 59 file, Letter from OMG Bavaria Property Control dated February 1, 1949). "German agencies assigned to restitution tasks under U.S. supervision spend more time combating restitution than actually restituting" (NARA RG 260, Records of the Property Division, Box 15, PH-27 Restitution file, "Study of Restitution Problems," unsigned and undated document, p. 2). In the same document, restitution was cited as being unpopular not only with the Germans but also with "branches and divisions of Military Government" (*ibid.*, p. 2).

317638

This objective of achieving amicable settlements no doubt had effects on the process of speedy and just restitution. However, we need to do more investigation into this process. Evidence indicates that both restitutors and restitutees had interests in avoiding settlement. The reasons for the latter doing so are cited as problems with monetary transfers; for the former, the prospect that restitution laws would be interpreted more in their favor (NARA RG 260, Records of the Property Division, Box 10, Law 59 Expediting Plan File, "Conference Held at Bad Neuheim on December 14, 1949," p. 7) eventually going the way of denazification, a policy which relaxed significantly over time, particularly as the German civilian administration took charge of it (Gimbel, 1968). In Wurttemberg-Baden, 62% of cases were amicably settled by arbiters from November 1947 through November 1949; including amicable settlements achieved in the restitution chambers, 81% of cases were amicably settled (NARA RG 260, Records of the Property Control Division, Box 10, Law 59 Expediting Plan file, Minutes of Conference held at Bau Neuheim on December 14, 1949, p. 6). (We need to further pursue the extent to which Nazi victims' property was compromised in this "amicable settlement" process. Some documents suggest that the number of amicable settlements may have dropped dramatically after Law 59; e.g., see NARA RG 260, Records of the Property Division, General Records of the Director, Box 11, PH-76 Internal Restitution File, Summary progress report of petitions and cases received by the restitution authority, month of May, 1949.) There is evidence of interference in amicable settlement cases (NARA RG 260, Records of the Property Branch Chief, Box 15, Law 59 file, memo from OMG Bavaria dated February 16, 1949 describing such interference); and insufficiently denazified individuals could be found in the restitution chambers (NARA RG 260, Records of the Property Division, Box 9, Amicable Settlements file, letter from the Chief of the Administration of Justice Branch in Nuernberg to a Colonel Raymond, July 7, 1948). "In dealing with Property Control instrumentalities, one feels the strong influence of the individuals who promoted Aryanizing actions" (NARA RG 260, Records of the Property Division, Law 59 Legal Opinions file, Box 9, letter from a counselor-at-law to the Deputy Chief of the Property Control and External Assets Branch, June 24, 1948, p. 2). Land Wurttemberg-Baden reported problems in handling amicable settlements, specifically "lack of sufficient instructions"; moreover, "a number of amicable settlements were made without prior filing of petitions with the Central Filing Agency" (NARA RG 260, Records of the Branch Chief, Property Control Division, Box 23, Reports: Property Control Meetings file,"Minutes of LPCCs

with Heads of German Restitution Agency,” p. 14). The same Land indicated that they had wanted to make restitution laws effective immediately and “We had very satisfactory results in obtaining amicable settlements” until they subsequently learned that in obtaining these settlements, they had not followed U.S. MG wishes (ibid., p. 15). In Bavaria, some members of an “Amicable Settlements Committee” (investigate?) profited through the persecution of Nazi victims (ibid., p. 17) although the situation was stated as having been “immediately” remedied (ibid., p. 17).

There were variations in interpretations and applications of Law 59 across the four Laender. One particularly difficult area was Hesse. This Land had an “awful” reputation with regard to property control (NARA RG 260, Records of the Property Control Division, Box 11, PH-129 File, “Property Control Interview,” p. 17). MG Property Control officials considered it an “extremely pro-Nazi” area (ibid., pp. 17-18). A significant example which shows how Hesse may have deserved this reputation was its interpretation of Law 59. W. R. Rule, Land Property Control Chief for OMG Hesse, wrote to the Property Control officers under him that “...it has been felt that the placing of all property transfers since 1933 regardless of the extent of the applied duress would so hinder the German economy, that it was deemed more wise to take into custody only property which was unquestionably clear cut cases of duress” (NARA RG 260, General Records of the Property Division, Box 1252, “Duress Property” file, Letter from Rule to the Civilian Agency Head Frankenberg/Eder, November 26, 1946, p. 1). In another case, blocked property owned by wives and children of politically implicated husbands and fathers was released (NARA RG 260, OMG Hesse Property Division Records, Box 1257, LCAH to PC (General) file, letter from Hesse Landeszentralbank to the Ministry of Finance, January 26, 1948). One observer’s report bluntly stated that there was simply “no direct supervision” of restitution in Hesse; he wrote that “the Belgian Mission found on spot checking that 40% of the reports submitted by German property control agencies were false” (NARA RG 260, Records of the Property Division, Box 15, PH-27 Restitution file, unsigned document, June 16, 1948). (It is noteworthy that William Rule, who directed PC in Hesse, was rejected when he applied for the position of member of the Board of Review based on apparently negative comments from top officials of the Property Division; see NARA RG 260, Records of the Property Control Division, Box 11, PH-76 Internal Restitution File, Memo to Clay from John Raymond, Director, Legal Division, dated November 3, 1948). The situation in Hesse may be worth further investigation due to the extent of Nazi

victim-owned, particularly Jewish-owned, properties in that region. Frankfurt was located in Hesse Land and it had the second-largest Jewish population in Germany (Berlin having the largest).

Finally, the degree of supervision and control actually exercised by the U.S. MG authorities vis-à-vis PC and restitution is ambiguous. MG PC officials sent mixed signals concerning their level of involvement. Frederick Hartzsch, the Chief of PC, stated a policy of “non-interference” in the proceedings of Restitution Agencies, specifically in the case of a disputed custodian in Hesse Land (NARA RG 260, Records of the Property Branch Chief, Box 15, Law 59 file, memo from Hartzsch dated April 12, 1949). “It was the purpose of MGL 59 merely to establish the organization for the settlement and adjudication of restitution cases and to supply the substantive and procedural provisions necessary for its administration, while the administration itself (except for the filing procedure for the Central Filing Agency and the reviewing procedure before the Military Government Board of Review) should be left exclusively to the German Restitution Authorities” (NARA RG 260, Records of the Property Division, Box 4, Conferences-Meetings-Attend. File, “Report of the Administration of MG Law 59,” undated, p. 7). One PC official stated that the MG did not want to administer Law 59, “for that is the job of the Germans themselves... The policy of the Military Government is that the Military Government is not the proper agency to interpret Law 59, but that this must be done by the Restitution Agencies, the Restitution Chambers and ...the Board of Review” (NARA RG 260, Records of the Branch Chief, Property Division, Box 23, Reports: Property Control Meetings file, “Minutes of LPCCs with Heads of German Restitution Agency,” p. 4).

A candid report, written by an unidentified individual who reportedly represented American claimants before German restitution agencies in the American and French Zones, described the idiosyncratic nature of restitution policies and procedures. “...I have come to believe that the fate of restitution is at this time...strictly a personality problem.” He elaborated on the many different ways that German officials interpreted their tasks. He described some officials who “in a more or less open manner make known to the defendants that they approve of their standard defenses, i.e., that the respective laws are unjust, that they constitute new unlawfulness and that they could not stand enforced for all times” (NARA RG 260, Records of the Property Division, Box 15, PH-27 Restitution file, unsigned and undated document entitled “Confidential,” pp. 1-2. “Only in a few instances I gained the conviction that I was pleading before

a German official or judge, who was trying to the best of his ability to live up to the spirit of the law”
(*ibid.*).

Dissolution of Property Control

On July 1, 1949, MG Property Control offices were dissolved. The remaining PC duties were transferred to a Central German Property Control Coordinating Committee composed of the four LCAHs. Some PC functions were not transferred to the Central Committee and were assigned to the MG’s Economics Advisor (Special Report, July, 1949, p. 2). Duress properties were turned over to the JRSO along with the power to continue filing claims on behalf of Nazi victims. (What did JRSO do? This is the hand-off question—do we have time/resources to investigate.)

One other outstanding area should be noted: First, Berlin is a special case and merits further investigation. “A very substantial part of all duress property [was] located in Berlin” (NARA RG 260, Records of the Property Division, Box 4, Conferences-Meetings-Attend. File, “Report of the Administration of MGL 59,” undated document, p. 9). Due to differences among the Allies, a restitution law was enacted by the Kommandatura (the Occupying Powers’ government in Berlin) relatively late—in July, 1949. Concerning property control, the U.S. Zone did acknowledge a category of duress properties; Law 52 was in effect in Berlin and properties were “normally placed under control whenever it was established that the provisions of MG Law 52 were applicable” (Berlin Sector: A Report by the Office of Military Government, Berlin Sector, from July 1, 1945 to September 1, 1949; Stanford University Library, Government Documents Section, Call No M105.2: B 45, p. 88). The value of duress properties was approximately 1,000,000 RM throughout the period of mid-1947 through mid-1949 (*ibid.*, p. 90). (Why are they using RM in a 1949 report—after currency reform?)

Conclusion

This report has identified the key policies (Law 52, Title 17, and Law 59) with respect to the control and restitution of Nazi victim real property during the U.S. Military Occupation of Germany. There are two high-level findings: (1) At the moment when restitution policy was clearly and officially articulated via Law 59, the U.S. had already transferred a significant amount of policy making, interpretation, and application to the German civil administration and given the level of local resistance to

Law 59, there were significant breakdowns in the restitution process; and (2) We can never be sure of the number of properties which simply slipped through the loopholes of Law 52, Title 17, and Law 59 due to issues such as property "insignificance" and interpretations as to what constituted "duress" property. Referencing a discussion among the LCAHs held on December 3, 1948, a LCAH in Wiesbaden described how "duress" was interpreted "broadly" from 1945-1946 to mean "all formerly Jewish properties" but that under Law 59, a "somewhat restricted" interpretation had established "the possibility of non-repairable harm as a prerequisite for Property Control Action" (NARA RG 260, Records of the Property Division, Box 7, Duress Property file, "Statement: G Properties"; referencing a discussion held on December 3, 1948, p. 1). If this is the case, and consistent with the first observation, we can tentatively conclude that restitution was almost a one step forward, two steps back process. Finally, with regard to the matter of properties that slipped through the control process altogether, it is noteworthy that a finding in the British zone was that just under 30% of individual landed property was actually declared by those who had acquired it and that 70% of the Jewish successor organization claims there were made based on special investigators employed by that organization. This fact suggests that at least in the British Zone, neither claimants nor restitutors were coming forward in many cases. Our report cannot possibly capture the number of properties which "slipped through" the process entirely—and this number may very well have been quite significant.

Finally, it should be noted that the U.S. MG had ready access to information linking properties to Nazi victims, particularly Jewish victims. On December 5, 1946, a Dr. Ruth Klein of the Finance Division submitted a detailed memo to the Chief of the Property Control Branch indicating where registers pertaining to a wide range of asset categories, including real estate, were located. These registers indicated the Jewish ownership of the properties over which the MG had taken control (NARA RG 260, Records of the Property Division, Box 13, "Jewish Displaced Persons and Property File," memo from Klein to Cassoday, December 5, 1946).

317643



COPY

Reproduced at the National Archives
Archives

II

Helene

Law 59 Issues

#6
#15 1. Official and/or definitive policy statements

→ 2. What happened with property control (PC) before Law 59
Official law indicates property just blocked?

Correspondence indicating loopholes?

27 — 3. Process of drafting Law 59

Where did idea come from to give PC and reinstatement over to the Germans?

14, 16, 18 Origin and development of this idea
19, 30

Did it originate from State, Clay, who? — Reading suggests Clay

Development of Law 59

Quadrupartate failed—US went it alone

Laeadent drafted through “instructions” — Complaints

#13 Room for interpretation – significance and results of this room
20

4. Problems with implementing Law 59

21, 28 — How did OMGUS see itself responding?

1-5 — Numerous protests paying legal fees out of proceeds refused
7-9, 22, 24, 39, 40, 41, 42 extension of closing date so far flung clients can
10, 11, 23, 31 Formal reporting system be notified and paper trail

26, 12 Generate apparent loopholes in Law. —

→ “Amicable settlements”

Translations problems

32 — general German resistance to the Law

25 Establishment of Jewish Claims Agency

317644

(Problems with implementing Law 59)

Dissemination of Law “we have no paper”

34
35 - **Use of property custodians “acquired” property from persecutees**

Use of judges, bribery and same issue as above

**German sympathy for other Germans –case with denazification—
compliance between PC and denazification**

Arbitrators taking sides

**Misclassification “duress “G” property being classified as “A”
property**

ñ **Bavaria – amicable settlements committee profited from
persecutees**

ñ **Hamburg-Baden -- did not follow OMGUS wishes with
regard to amicable settlements need to learn how long
with what costs**

**Was problem remedied immediately as statement
indicated?**

ñ **Hesse: OMGUS correspondence extremely pro-Nazi—
evidence of this in the restitution agencies?**

ñ **How did the Laender interpret “duress” property?**

ñ **Regional government coordinating officer –liaison
between Lay and Laender (RGCO)**

33
36,37 ñ **Legal division of OMGUS problems with interpreting
Law 59?**

317645

ñ Chief Field Operations Consultant charged with task of expediting restitution--investigate - *BxH*

5. Extent and values of property at stake

Consolidated OMGUS reports

Effect of above loopholes

Progress of cases—claims submitted, adjudicated, Vs settled appealed etc.

17

Track stats and look for patterns

6. examples of adjudications of cases to show:

How policies were applied, ignored, misapplied etc.

317646



COPY

Reproduced at the National Archives

Loop holes + abuses

Entry ONCUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority AND 75057
By SR NARA Date 9-2-99

①

REPRODUCED AT THE NATIONAL ARCHIVES

2734

371

31 January 1949

Dr. Heinrich Koehler
Finanzministerium
Wuerttemberg-Baden
Stuttgart, Germany

112
PC

Dear Dr. Koehler:

Re: Advance Payments to Attorneys
in Restitution Proceedings

Reference is made to your letter of 13 January 1949, subject as above, and to copy of a communication directed to you by Dr. Heinrich and Dr. Waldeck of Heidelberg.

This office desires to express its appreciation to you for bringing this letter to the attention of the staff of ONCUS, Wiesbaden. It expresses the problems involved in the above subject most clearly and emphasizes the necessity, also felt by this office, for some measure of relief if the case can be devised and initiated.

As you are perhaps aware, the question of the manner in which such relief may best be afforded has been and continues to be the subject of frequent discussions both, at this point and in Berlin. The degree of consideration being given to the matter indicates quite clearly the realization on the part of Military Government that a solution must be found as early as possible.

However, at present, allocation of funds from blocked property accounts to be used to defray a claimant's legal costs in the preparation of a claim under Military Government Law No. 59, is prohibited by the terms of General License No. 10.

That reply must, therefore, ^{be} communicated to Drs. Heinrich and Waldeck.

Sincerely,

FRED E. HARTZSCH
Chief

317647

Entry DMGUS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority 11ND 75057
By SR NARA Date 9-2-99

(2)

COPY AND COMPARED

GEORGE M. MICHAELS
Attorney and Counsellor at Law
Metcalf Building
Auburn, New York

26 April, 1949

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

Gentlemen:

I represent two United States citizens who have duly executed the required petitions for restitution of property in Germany under Military Government Law No. 59.

The property was posted by the property control officer of the United States Army and a custodian was appointed with full power to collect rents, pay expenses and exercise complete dominion over the property in question.

My clients have recently been advised by the Bayerisches Landesamt für Wiedergutmachung in Würzburg, that two of the German parties involved refuse to recognize the aforesaid petitions for the reason that they had paid substantial amounts of money to the Bayerisches Bauernsiedlung in 1939 and, since they were purchasers in good faith, they will not abide by any decisions made by any other government.

It will be appreciated if you will advise my office at your earliest convenience whether any new rulings have been made under the aforesaid law. Up to the present time, we have been operating on the assumption that property seized by any agency of the Nazi government, under proper circumstances, amounted to confiscation and that any purchasers thereof lost whatever right, title and interest which they may have had in such property.

If there has been no change in the law, I have advised my clients that we can ignore the letters.

Thanking you for many favors rendered to this office in the past, I am,

Respectfully yours,

/s/ George M. Michaels

GEORGE M. MICHAELS

GMM:cp

317648

Entry DMGUS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By SR NARA Date 9-2-99

3

REPRODUCED AT THE NATIONAL ARCHIVES

2734

WJD/1s

20 August 1948

Dr. oec. publ. Karl Roesen
Rechtsanwalt
Ludwigstrasse
Garmisch-Partenkirchen

Dear Dr. Roesen:

Your letter to the Central Filing Agency at Bad
Nauheim, dated 21 July 1948, has been forwarded by this
Agency to this office.

In this letter you summarize a number of cases
that are pending in your office and ask for an official
interpretation as to the facts related therein. We are
sorry that we cannot comply with your request because this
office does not undertake to give authoritative interpreta-
tions of any of the provisions of Military Government Law
No. 59.

W
O
F
E
N
N
N

Cases that are properly filed with the Central
Filing Agency at Bad Nauheim will be forwarded to the
Restitution Agencies that have jurisdiction over the sub-
ject matter and cases that cannot be settled amicably
there, will be transmitted to the German courts charged
with the adjudication of restitution cases under the
pertinent provisions of the Law. Ultimately, the Military
Government Board of Review, established by Regulation No. 4
of Military Government Law No. 59, may pass on questions
coming under its jurisdiction.

Sincerely,

Tel: WIESBADEN 21341
Ext 426

FRED E. HARTZSCH
Chief

317649

Entry DMGUS Prop Div
File Prop Central
Box 13 390/41/10/34

DECLASSIFIED
Authority NUD 775057
By SR NARA Date 9-2-99

4

Translation /og

Württembergischer Kreditverein
Aktiengesellschaft
Bodenkreditanstalt

Stuttgart 1, 4 May 1948
34 Kanzleistrasse

TO: the Central Filing Agency
Bad Nauheim

SUBJECT: Precautionary notification according to Law No 59
of Military Government with reference to mort-
gage-bonds.

In 1939 the Seehandlung (Prussian Statebank) requested our Bank, as well as other mortgage-banks to place an amount of mortgage - bonds of our Institution among their customers. At that time greater amounts of bonds, deriving from the " so-called Jewish delivery" had accumulated at the Seehandlung. Should the Seehandlung have thrown these bonds on the market itself at one gulp, it would presumably have caused a strong pressure on the quotation level. In order to avoid this, the bank preferred to request the emission-institutes for placement of these bonds by granting them a bonification. Neither we, nor the other banks could refuse this demand. But we are not able to set up an unbroken inventory of all those bonds taken over at that time from the Seehandlung, nor are we able to state, which of these bonds originated from Jewish property or from any other stocks. What we did at the time was, to get rid of them quickly.

Out of precautionary measures we state this fact in order to inform the Central Filing Agency, but we must negate that there is a legal obligation for this notification according to Art. 73 of the " Restitution Law". According to Art. 73, cipher 2a the obligation to notify is abolished with reference to movable items, which have been acquired by an orderly usual commercial transaction through a competent enterprise. This is always the case with respect to stocks, which an emission-institute transfers to another bank, as is the case too with those mortgage-bonds, which we got from the Seehandlung. Besides we cannot know, which pieces of our emission, that changed into possession of the Seehandlung, had been "taken away" from a previous purchaser within the local sphere of validity of Law No 59. In the end, the whole transaction was no purchase for the purpose to invest

Entry DMGOS Prop Div
File Prop Central
Box 3-390/41/10/3-4

DECLASSIFIED
Authority NUD 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

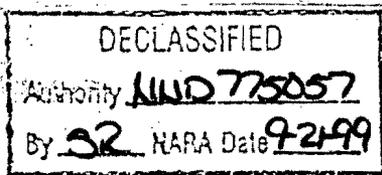
own property, but referred to an order given by the Seehandlung with respect to placement of obligations. Besides it is insignificant—seen from the economic point of view, whether, —as in this case— out of usual technical reasons, we first were owners of the different stocks before they were passed on from case to case. Finally we only came in touch with these stocks as sale-commissioners of the Seehandlung. That is why this notification is effected only for reasons of precaution without recognizing a legal obligation to do it and in rejecting expressly any material-legal obligation of our Bank, based on the Law No 59,

Württembergischer Kreditverein
Aktiengesellschaft

signatures:

Registered

Entry DMGDS Prop Div
File Prop Control
Box 13-390/41/10/3-4



(5)

REPRODUCED AT THE NATIONAL ARCHIVES

Mr. Wilson

HANS STRAUSS

THIRTY PINE STREET
NEW YORK 5, N. Y.

WHITEHALL 3-2180
CABLE ADDRESS: STRAYORK

June 14, 1948

Office of Military Government for Germany (U.S.)
Property Division
Property Control and External Assets Branch
APO #633
c/o Postmaster, New York, New York

Attention Mr. Fred E. Hartzsch, Chief

Dear Mr. Hartzsch:

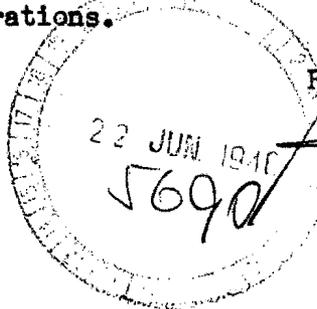
I beg to enclose herewith correspondence I had with Mr. Ray C. Kramer of New York City, and his attorneys, Sullivan & Cromwell, also of this city, with regard to the contemplated auction of allegedly unidentifiable German loot.

As outlined in my letter to Mr. Kramer, I consider the proposed auction a grave violation of Military Government Law #59. Mr. Kramer, as well as anybody else who is in possession of looted property, is obliged under Military Government Law #59 to register such property with the central filing agency at Bad Nauheim, Germany. The purpose of such registration is obviously to enable later identification of such property. It is inconceivable that the purposes of Law #59 should be flouted by any agency of the United States, under whose jurisdiction the law has been promulgated. If it would be permissible for any agency of the U.S. to determine whether or not any property is identifiable or not, there would have been no need to promulgate any law such as Law #59 and the problem of restitution of internal loot could have been left entirely in the hands of administrative divisions of Military Government.

I have no doubt that determination of the U.S. Army, of which Messrs. Sullivan & Cromwell speak when they state that the property in question has been determined as unidentifiable, has been reached only after conscientious effort on the part of the responsible army officials. That, whoever, does not exclude -- especially under the circumstances prevailing where most of the owners of looted property or their heirs have been dispersed all over the globe -- that grave errors have been made which could be corrected if the procedures of law #59 would be adhered to. It is the purpose of this letter to request a review of the proposed procedure under these considerations.

Respectfully yours,

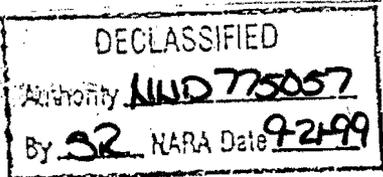
Hans Strauss
Hans Strauss



HS:EM

317652

Entry DMGDS Prop Div
File Prop Control
Box 3 390/41/10/3-4



REPRODUCED AT THE NATIONAL ARCHIVES

HANS STRAUSS

THIRTY PINE STREET
NEW YORK 5, N. Y.

WHITEHALL 3-2160

CABLE ADDRESS: STRAYORK

DUPLICATE

May 22, 1948

Mr. Ray C. Kramer
119 West Fortieth Street
New York, New York

Dear Sir:

From Arthur G. Altschul's report in today's New York Times I understand that you - as agent for the United Nations- are familiar with the details regarding an auction of Nazi loot to be conducted next month for the benefit of unrepatriable displaced persons.

I am assisting a great number of persons -mostly citizens of the United States- in recovering some of their property which they lost in Germany and other European countries due to Nazi acts. I am engaged in an extensive correspondence with various city pawn offices and other German agencies and individuals in order to identify many of these objects which in some cases were confiscated, in others turned over or sold to the authorities under pressure or duress.

Article I of American Military Government Law No. 59 provides for the restoration to the former owner of all identifiable property of which he was wrongfully deprived within the period from January 30, 1933 to May 8, 1945 for reasons of race, religion, nationality, ideology or political opposition of National Socialism. In order to facilitate the identification of such property, Article 73 of the said law provides that anyone who has or has had in his possession, at any time after it was transferred by or taken from a persecuted person, any property which he knows or should know under the circumstances is confiscated property or has been subject to a transaction which is subject to avoidance because of existing pressure, shall report this fact to the Central Filing Agency at Bad Nauheim, U.S. Zone of Germany, on or before May 15, 1948. I am quite sure that it may be assumed under the circumstances that most of the loot in question falls under the category of such confiscated property and may be subject to restitution to individuals. Claimants are entitled to file their claims up to December 31, 1948 (Article 56).

Most of the former owners hold receipts from municipal pawn offices and other organizations to whom their property was turned over. They also hold inventories of the contents of lift vans which were auctioned by various storage firms. I have only recently been receiving replies from these organizations about the fate of some of this property and am sure that some of it -after tracing- should be found among the articles subject to sale next month.

I should appreciate having your advice on possible provisions made in your organization in order to meet the requirement of Article 73 of Military Government Law No. 59 as it cannot be assumed that this law would be knowingly flouted by the proposed auction.

What will be the legal situation of owners who -while the articles are on exhibit prior to auction- are able to identify and prove former ownership of some of their property? (Initials on silverware and china, numbers in watches, and so forth)

Very truly yours,

Hans Strauss

HS:OM

317653

Entry DMGDS Prop Div
File Prop Central
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

SULLIVAN & CROMWELL
48 WALL STREET
NEW YORK 5, NEW YORK

MAY 27, 1948

Mr. Hans Strauss
30 Pine Street
New York 5, N.Y.

Dear Mr. Strauss:

Mr. Ray C. Kramer has referred to us your letter of May 22, 1948 with respect to the proposed sale of merchandise for the Preparatory Commission for the International Refugee Organization.

As I told you in our telephone conversation of yesterday morning, such merchandise has been examined and determined to be unidentifiable by the United States Army. After such examination it was turned over to the Preparatory Commission for the International Refugee Organization by the United States Government under the authority of certain treaties and international agreements. I particularly direct your attention to Article 8 of Part I of the Final Act of the Eighteen-Power Paris Conference on Reparation and to the Five-Power Paris Conference of June 14, 1946.

If you should have any further question, please do not hesitate to call me.

Very truly yours,

Allan Kramer

317654

Entry 2MGDS Prod Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority: UND 775057
By: SR NARA Date: 9-2-99

#6

REPRODUCED AT THE NATIONAL ARCHIVES

Appendix B

LAWS SUBMITTED BY LAENDER RAT SUBSEQUENT TO 25TH MEETING THAT HAVE BEEN APPROVED BY MILITARY GOVERNMENT FOR PROMULGATION BY THE MINISTERS PRESIDENT.

- L 25-2 - "Supplementary Law to Ordinance concerning Measures in Field of Legislation on Partnerships and Corporations and on Wholesale Buyers' and Traders' Cooperatives".
- L 25-3 - "Law concerning Recognition of Free Marriages of Racial and Political Persecutees".
- L 25-4 - "Law concerning Redemption Debts and Redemption Loans".
- L 26-1 - "Law Amending Law concerning Structure of Criminal Courts".
- L 27-4 - "Law concerning Suspension of Periods of Limitation and Similar Time Limits, dated ...".
- L 27-5 - "Law concerning the Nationality of Persons Deprived of Citizenship".
- L 27-6 - "Third Ordinance to Law concerning the Changing of Family Names and Christian Names (Cancellation and Change of Jewish Names Assumed under Compulsion)".
- L 28-1 - "Law concerning Provisions for Future Employment of Denazification Personnel".
- L 28-2 - "Law concerning Social Insurance of Inmates of Labor and Internment Camps".
- L 29-1 - "Law, Assignment to a Land Supreme Court of Cases involving Legal Remedies".
- L 29-2 - "Amendment to the Law on Settlement of Recurring Commitments in Connection with Judicial Execution upon Immovable Property".
- L 30-1 - "Law Amending the Second Amendment to the 1946 Law concerning the Structure of Criminal Courts".
- L 30-2 - "Law Amending Article 25 of the Law for Liberation from National Socialism and Militarism".
- L 31-5 - "Law on Eligibility for Expellee Lawyers for Admission to the Bench".
- ✶ L 31-6 - "Implementing Regulation to Article 59 of the Restitution Law". ✓
- L 31-3 - "Law concerning Regulation of Claims of Expellees to Social Insurance Benefits, to be Promulgated in Bremen".
- L 31-2 - "Law relative to Combating Venereal Diseases".
- L 31-7 - "Law Amending Law concerning Regulation of Claims of Expellees to Social Insurance Benefits".

317655

Entry DMGUS Prop Div
File Prop Control
Box 3 390/41/10/3-4

DECLASSIFIED
Authority 11ND 775057
By SR NARA Date 9-2-99

#7

REPRODUCED AT THE NATIONAL ARCHIVES

JAP/1s

6 October 1948

Dr. Margarete Schubert
Rechtsanwaeltin
4 Sophienstrasse
Bamberg, Germany

Dear Dr. Schuberth:

This will acknowledge receipt of your letter dated 10 September 1948 regarding advances from properties under control for legal services rendered on behalf of claimants whom you represent in proceedings under Military Government Law No. 59, which letter has been referred to this office for reply.

The various arguments you have advanced in justification of payment of services rendered by you on behalf of claimants under Military Government Law No. 59 have been carefully noted and considered, but we regret that we are unable to agree with your conclusion.

Your attention is invited to paragraph 2 of General License No. 10 (MG Law No. 52) or General License No. 4 (MG Law No. 53), which expressly provides that such license does not authorize

"a. the debit to any account blocked pursuant to Military Government Law No. 52, unless the account is in the name of and is owned by a necessary party to the restitution proceeding and such debit is for the payment of the necessary obligations of such party arising in connection with such proceeding." (Italics supplied).

Since neither property or account funds are "in the name of" or "owned" by claimants under Military Government Law No. 59, it cannot be said that General License No. 10 (MG Law No. 52), or General License No. 4 (MG Law No. 53), authorizes withdrawals from said accounts for payment of attorneys representing claimants. It is appreciated that in some cases, the interpretation here given may work hardship, but in the absence of any change in the Law, it must be enforced in accordance with its terms.

PC FILE
10/5
B
6

317656

Entry 2MEUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority AWD 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

TO: Dr. M. Schuberth, Bamberg, Germany

6 Oct 1948

This office has been advised that remittances may now be made by foreign residents for payment of attorneys in Germany in connection with proceedings under Military Government Law No. 59, and it is suggested that you so advise your clients.

Sincerely,

Tel: WIESBADEN 21341
Ext

FRED E. HARTZSCH
Chief

317657

Entry *DMSUS Prop Div*
File *Prop Control*
Box *3-390/41/10/3-4*

DECLASSIFIED
Authority *NWD 775057*
By *SR* NARA Date *9-2-99*

8

Mr Porter

Dr. Margarete Schuberth

Sch/A *[redacted]* Bamberg, den 10. September 1948.
Sophienstraße 4

Rechtsanwältin
Fernsprecher Nr. 886

Bankkonto: Bayerische Vereinsbank Bamberg

To the
Office of Military Government for
Germany, (US)
Office of Property Control-Branch
1) Berlin
APO 742

U r g e n t !

As legal adviser, representative and lawyer of more than 60 claimants for restitution I am obliged to ask your help in the following matter:

My clients, who have mostly restitution-claims for factories, real-estate, banking-accounts etc. in Germany, wish that my operations in their behalf should be paid by the revenues of this property. As the preparations of filing claims request much trouble and expenses, they have granted me advances on my final fee by special writings, signed by a public notary.

The "Landesamt für Vermögensverwaltung und Wiedergutmachung" refuse to pay these advances since currency-bill; at first they made obstructions and many difficulties; now the central office, the "Landesamt" at Munich has given order to all minor offices in Bavaria to refuse definitively the paying of advances on this argument:

"It is not stated a priori to whose share the property under control will fall in the restitution proceedings. Therefore it would not be admissible to burden it with advances to attorneys of the claimants."

This argument is completely incorrect and only suitable for confirming the resistance of the "Arisseure". After law 59 there is no doubt that the confiscated property has to be returned if the claimant demands it. If restoration is not demanded at least additional payments must be given. It may absolutely be suggested to the "Arisseure" to effect payments already now, especially when the claims for advances are endurable. The advances I demanded would in no case surpass 10 per cent of the yearly profit of the controlled property, in many cases, especially when a factory is concerned, it amounts to scarcely 1% of the yearly profit.

Considering the fact that the "Arisseure" also after capitulation and installment of Property-Control have had a high usufruct of the confiscated property, the argument of the "Landesamt" is an injustice crying to heaven. In many cases payments of RM 350.- - 400.- a month were given to the "Arisseur" out of the confiscated property during the last 3 years; many of the "Arisseure" live up to this day in the expropriated house for a hire which is not conform with the proper value of the lodging but is understated to spare taxes.

317658

Entry DMGDS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By SR NARA Date 9-21-99

REPRODUCED AT THE NATIONAL ARCHIVES

As I cannot continue my working for restitution-claims without the requested payments, I asked for help at the "Staatskommissar" Dr. Auerbach, whose office answered me that Dr. Auerbach did not attain an agreement with the president of the "Landesamt" at Munich in this matter and therefore addressed Military Government in a personal writing. He did not get any definitive answer till now, but the news that his proposals were send to OMCUS-Berlin.

Fearing that in the present want of financial subsidies I would not be able to bring in the claims in time (31.12.48), I reported to my clients abroad, too. They are consterned and indignant. They wished me to address Military Government for help. They showed me copies of journal-reporting abroad, where is told that the Government of the USA will do everything to help the performance of restitution.

I repeat: the paying of advances out of the controlled property cannot be avoided lest restitution should be hampered. It can be done easily, because the controlled property still brings profit enough: the factories as well as the houses. The monthly rents of the houses are stored on the banking-accounts, where they don't bring any profit at all but helping the "Landesamt" to sustain their enormous staff of employees.

With General License No. 10, issued in connection with Law 52, also known as General License Nr. 4 to Law 53, Military Government intended to help restitution and to ease payments out of controlled property. But the "Landesamt" don't know General License No. 10 at all.

The recent proposal of the "Landesamt" at Munich the finances for restitution may be got "from other sources", perhaps transferred from abroad or attained by a preliminary judicial statement, cannot be effected practically. My clients cannot be forced to send \$ or £ to Germany for recovering their confiscated property, considering the circumstances they have lost it. This proposal cannot be discussed at all. As to preliminary judicial statement, we have at now in Bavaria wether the special Restitution Chambers nor the number of judges needed for these statements in time. Besides, against whom the statement would be taken? The "Ariseur" is under property control and, as he cannot dispose of this property, he will say he has no money left. In many cases we don't even know the exact name and staying of the debtor; who in such cases will be the adversary in a trial? If still more time is lost with deliberations I better leave restitution-claims and look for an other earning of my livelihood.

As the problem is urgent I ask Military Government to state and inform the Landesamt at Munich that General License No. 10 is applied to all kinds of controlled property belonging to Law 59 and refers especially to paying advances to the representative of the claimants for Restitution.

Respectfully

Dr. Paul W. ...
Lawyer.



317659

Entry DMEUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED

Authority NND 775057

By SR NARA Date 9-2-99

9

REPRODUCED AT THE NATIONAL ARCHIVES

Translation/og

Dr. Margarethe Schubarth Sch/A
Lawyer
Telephone: No 886
Bank-account: Bayrische
Vereinsbank.
Bamberg

Bamberg 4 September 48
4 Spplienstr.

TO: the Zentral-Anmeldeamt.
Bad Nauheim.

ATTN: the Chief of the Office, Mr. Bernhard Tischbein.

I take the liberty of calling your attention to following facts, which endanger considerably the announcement of restitution-claims at your office and consequently restitution itself:

Since years I represent a great number of persons, living abroad, who are entitled to restitution, especially such living in the USA.; the number of my mandators has recently much increased and amounts to about 60 persons.

Since currency reform was introduced, the continuation of my work, which becomes the more extensive and urgent the nearer the end of the announcement respite comes-is endangered and will be made impossible to me in future, by the point of view taken by the Landesamt für Vermögensverwaltung und Wiedergutmachung in Bavaria.

After currency reform was introduced I was obliged to ask my mandators for an advance of money out of their property located in Germany, as for example land property immovables and business capital. The requested advance of money kept in moderate limits, it was to the utmost 10 % of the yearly rent and far less even, when concerning business income. My mandators sent me assignments on advance of money, amounting in total to about DM. 7.000 up to now. The Landesamt however refused to pay these advances of money until now.; recently the Landesamt Munich has given the following instruction to all outer offices:

" As it is not yet settled to whom the expropriated property is going to be reverted to by the restitution procedure, it is not admissible to burden the property by such advances of money to legal advisors.

The respective applicants may refer to the State Commisariat for racially, religiously and politically persecuted persons."

On account of this regulation, one plant, which

317660

Entry 2M025. Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED

Authority 11ND 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

until then, had immediately paid the demanded advance in right judgement of the legal situation, asked me to return them the advanced money.

Surely I need not explain to you how absurd this point of view of the Landesamter is. According to the "Restitution Law" there can be no doubt whatever, that all property will have to be given back, in case the entitled person demands it. Should restitution of the property not be demanded, additional payments will have to be made anyhow, and in every case. Those persons, who acquired Jewish property (Ariseure) are, as to my opinion, quite fit to start paying off, the more so, in case these payments keep in supportable limits. Considering besides that these persons, who acquired Jewish property have benefitted, even after the capitulation considerably of the expropriated values. In ever so many cases the Ariseure(persons, who acquired Jewish property, got 350-400.-RM, and now D.M. paid, out of the business income and in many cases the Ariseure live, still now, in expropriated houses for a rent, which does not correspond to the actual worth of the lodging and was only fixed so low in order to save taxes. Consequently this point of view of the Landesamter is a monstrous injustice. The persons entitled to restitution have not seen a penny of their property since years. And in consequence of these measures taken they will not even be able to pay their lawyer themselves for the preparation and carrying out of the announcement of their claims and restitution procedure.

I have repeatedly discussed this matter by letter with the Commissariat for racially, religiously and politically persecuted persons in Munich and recently have tried to interest Dr. Auerbach personally for this matter; to-day I was informed by the respective office (Dr. Hoenig-Ohnsorg) that this matter is being discussed with the Vicepresident of the Landesamt in Munich, Dr. Endres and that his point of view had to be waited for. But it is impossible for me to wait any longer, as I am not able to pay the expenses of my office and my work. I have had to borrow money from strangers already and have to pay high interests for it. My mandators will be horrified hearing these facts.

I therefore must request you to intervene immediately and to insist that the financial carrying out of the restitution claims, that is to say: the announcement, is to be made possible by paying urgently needed advance of money. As my mandators abroad are partly only superficially informed of their claims, the announcements of these is dependent of my getting the necessary informations from banks, insurances, authorities of all kind, offices of notaries etc and of private persons. I need not emphasize that all this costs money.

Yours truly
/s/ Dr. Schuberth
Lawyer

Entry 21005 Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED

Authority NND 775057

By 52 NARA Date 9-2-99

#10

REPRODUCED AT THE NATIONAL ARCHIVES

2734

JTW/jr
7070

8 September 1948

Mr. Lester Lichter
26 Court Street
Brooklyn 2, N.Y.

Dear Mr. Lichter:

Reference is made to your letter dated 8 August 1948. Your communication indicates that the property mentioned therein may be subject to restitution under Military Government Law No. 59 "Restitution of Identifiable Property", promulgated on 10 November 1947.

It is suggested that you obtain a copy of the Law and its implementing Regulations Nos. 1 and 2 by writing to the Civil Affairs Division, Department of the Army, Washington 25, D.C. You should then be able to determine whether they are applicable to your client's claim.

In case the Law is applicable you should file a petition for him in accordance with Regulation No. 1 with the Central Filing Agency (Zentralanmeldeamt) at Bad Nauheim, Germany. Petitions not filed before 31 December 1948 will be barred and claims filed with any other agency are invalid.

Military Government Law No. 59 provides for the blocking and control of property which has been subject to transfer under duress. In addition to these provisions Articles 54 and 55 of Military Government Law No. 59 provide for the safeguarding of confiscated property in a suitable manner if the situation so requires. Under the present policy of Military Government, safeguarding measures will not be initiated until the proper petition has been filed with the Central Filing Agency. It is, therefore, in your interest to proceed with the filing of your client's petition as indicated above.

You are also advised that Military Government Law No. 59 does not apply to property located in Berlin. However, similar legislation is being considered relating to property in that area. In the event such a law is promulgated, it will be given wide publicity, in order that claimants may proceed to submit

PG 3
137

317662

Entry DMSOS. Prop. Div.
File Prop Control
Box 390/41/10/34

DECLASSIFIED

Authority NUD 775057

By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

their claims in the approved manner and to the designated agencies.

Correspondence with respect to such claims should be withheld pending the promulgation of the legislation referred to above.

Sincerely,

STED E. HARTZOG
Chief

317663

Entry OMGUS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By 32 NARA Date 9-2-99

11

REPRODUCED AT THE NATIONAL ARCHIVES

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
AG, Miscellaneous Branch
APO 712

Language: German
Date of Communication: 28 Dec 48
Translated by: TBM/ah Date: 17 Jan 49

Name and address of writer:
Der Vorstand der Rechtsanwaltskammer
in Frankfurt a.M.
Frankfurt
Gerichtsstr. 1

TO: Gen Clay

Summary of Communication

The writer, chairman of the Frankfurt Board of Attorneys, requests the extension of Law No 56 for at least three months so that all of those people, especially abroad, will have sufficient time to submit their claims for restitution.

Communications difficulties have made it impossible for many of these people to meet the deadline of December 31, 1948, he says.

Form OMGUS - 470-a
(30 June 48)

317664

Entry DMGDS Prop Div
File Prop Control
Box 3-390/41/10/3-4

DECLASSIFIED
Authority NWD 775057
By SR NARA Date 9-2-99

(4)

REPRODUCED AT THE NATIONAL ARCHIVES

WJD/mn

2734

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
PROPERTY DIVISION
Property Control and External Assets Branch
APO 633
Wiesbaden, Germany

16 June 1948

SUBJECT: Inquiry of Industrie-und
Handelskammer, Kassel

TO : Chief
Central Filing Agency
(Zentralammeldeamt)
Bad Nauheim, Germany

1. Reference is made to your letter of 25 May 1948 referring to the above inquiry.

2. Interpretation of any of the provisions of Military Government Law No. 59 is up to the Restitution Authorities established under the Law.

3. For administrative purposes and in reply to the request of Industrie-und Handelskammer of 14 April 1948, it is hereby stated that the term "value" within the meaning of paragraph 2b of Article 73 of Military Government Law No. 59 is to be interpreted as the "market value". The price which the purchaser paid, or which the seller demanded, was influenced by the duress conditions prevailing at the time of the confiscation. Consequently, neither of them can be considered as the "value" within the meaning of the above quoted provisions.

4. You are hereby authorized to bring this administrative opinion to the attention of the Industrie-und-Handelskammer in reply to their request of 14 April 1948.

Telephone: Wiesbaden 8341
Ext 426

FRED E. HARTZSCH
Chief

PC FILE

317665

Entry *DMSOS Prop Div*
File *Prop Control*
Box *3-390/41/10/3-4*

DECLASSIFIED
Authority *AND 775057*
By *SR* NARA Date *9-2-99*

#13

REPRODUCED AT THE NATIONAL ARCHIVES

2334

JAP/18

24 November 1948

Mr. Paul Winker
Dipl.-Kaufmann
50 Liebigstrasse
Frankfurt/Main

Dear Mr. Winker:

Re: Military Government Law No. 59

Reference is made to your letter dated 13 November 1948 in the above entitled matter, receipt of which is hereby acknowledged.

This office regrets that it is unable to comply with your request for a definitive ruling or interpretation of the provisions of Military Government Law No. 59. The administration of such Law and interpretations thereunder are exclusively within the competency of the German Restitution Agencies and Courts established pursuant to the Law therefor.

You are advised to consult a German attorney of your own choice for interpretations of Military Government Law No. 59 concerning the matters enumerated in your letter, and specifically the applicability of Military Government Law No. 59 to the various types of claims which you mention in your letter. Such German attorney of your choice will be in a position to inform you as to the scope of claims that may be filed under Military Government Law No. 59. If not covered by Military Government Law No. 59, as seems to be the case with regard to many of the matters listed by you, provision may have been made in the General Claims Law, recently passed by the Laenderrat and now pending approval by Military Government.

General Claims Law - German Law

In view of the expiration date of 31 December 1948, prescribed for the filing of claims under Military Government Law No. 59, which date will not be extended, this office would suggest that you immediately consult with an attorney and effect the filing of claims wherever proper with the Central Filing Agency at Bad Nauheim so that no prejudice will result to the claimants by any further delay.

Sincerely,

FRED E. HARTZSCH
Chief

317566

PC FILE
11/27
B
26"

Entry. 2MGUS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority 11ND 75057
By SR NARA Date 9-2-99

12

REPRODUCED AT THE NATIONAL ARCHIVES

19-11-1948

MEMORANDUM:

SUBJECT: Letter from Dipl. Kfm. Paul Winkler to
OMGUS Property Division dated 13 November 1948,
re: Military Government Law No. 59

TO : Mr. Porter

1. Subject letter deals generally with the request for legal binding interpretations of Military Government Law No. 59, which is not within the scope of this office. All legal interpretations of Military Government Law No. 59 are under the jurisdiction of the German Restitution Agencies and courts and the Board of Review. Even if Legal Division, OMGUS issues legal opinions or interpretations, it is Military Government policy not to declare them to be binding on the German Courts.

2. In the first paragraph of his letter, Mr. Winkler states that he received a number of orders from foreign clients, in addition to the restitution claims, to contain in these claims petitions for restitution of Reich Flight tax, Jews Property Tax, confiscation of jewelry etc. Although the Law does not provide for the restitution of these taxes, it would be better to contain as much as possible in the petitions for restitution, particularly in view of the deadline of 31 December 1948.

3. For these reasons Mr. Winkler in paragraph 2 of his letter is asking for legal binding opinions, for which of the claims listed below a petition for restitution might be filed with the Central Filing Agency.

a. Reichs Flight Tax for which the persecutee was charged before or after his emigration.

b. Jews Property Tax which was paid to the local Finance Office or to the Finance Office Berlin-Moabit.

c. Delay-taxes, penalties etc. which have been charged in connection with the Jews Property Tax.

d. Bank-accounts, funds and assets at public banks which were transferred to the local Finance Office without order of the owner (especially in 1944) according to "confiscation-orders".

e. Securities which have been administered and safeguarded by banks and also have been transferred to the Finance Office in accordance with a confiscation

1994E
317667

Entry *DMSUS Prop Div*
File *Prop Control*
Box *3 390/41/10/3-4*

DECLASSIFIED

Authority *AWD 775057*

By *SR* NARA Date *9-2-99*

REPRODUCED AT THE NATIONAL ARCHIVES

order.

f. Foreign securities, inland stocks or other inland securities nominated in a foreign currency, which had to be sold to the Reichsbank.

g. Claims against insurance companies in foreign currency, which had to be converted into Reichsmark.

h. Losses caused by ^{*lapses*} ~~deletion~~ of insurance contracts necessary because of the emigration.

i. Losses caused by forced ^{*Sales*} selling of jewelry etc. to the local loan institutions, which paid only a certain percentage of the true value.

k. Property-losses, caused by the ordered transference of the inland assets with 4% of the official exchange rates for foreign currency.

l. Payments to the German Golddiskontbank and similar payments which have been charged for the transport of personal property and baggage.

4. In the last paragraph Mr. Winkler states that the deadline comes closer and that he would appreciate very much legal binding informations on the above questions. He attaches a free envelope.

Hans-Georg Jackel
Hans-Georg Jackel

1 Incl

Ext 428

Entry DMGDS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NND 75057
By SR NARA Date 9-2-99

14

REPRODUCED AT THE NATIONAL ARCHIVES

C O P Y
Translation

~~TOP SECRET~~

Bayerisches Landesamt
für Vermögensverwaltung und
Wiedergutmachung
Land Civilian Agency Head

3 February 1948

III-Allg. 4/48

To
Military Government for Bavaria
Land Property Control Chief,
Attn.: Mr. J. H. L e n n o n,

NOTE
Lennon claims that no answer has been received to this letter. So far as I know a copy

M u n i c h
Tegernseerlandstr. 210

SUBJECT: Reichsvereinigung deutscher Juden (Reich Union of German Jews) in the sense of the 10th Decree pursuant to National Citizenship Law dated 4 June 1939 (Reich Law Gazette I p.1097).

The Reich Union of German Jews is a creation of the Third Reich. It has been established by the Third Reich for the purpose of expropriating, without payment of consideration, Jewish property, especially property of the Jewish Congregations and similar corporations, in favour of the Third Reich or for the purposes of same. It was entirely subordinated to the dictators of the Third Reich. In consequence thereof, it has to be considered to be equal to the formations of a party or quasi-party organization.

The Reich Union of German Jews is not mentioned in the Annex to Control Council Law No. 2, however, according to its kind, purpose and its subordination, it also belongs to the organizations of the party and its dictators.

Almost all of the property of the former Jewish Congregations has been taken over by this Reich organization of the Third Reich without payment. The Jewish Congregations have reasonable priority to regain possession of the properties taken from them. If the Reich Union of German Jews is treated similarly or equally to a party organization, immediate re-transfer of the property of this Reich organization to the Jewish Congregations in accordance with Control Council Directive No. 50 could take place.

It is requested that the Bayerisches Landesamt für Vermögensverwaltung und Wiedergutmachung be authorized to handle the property of the Reich Union for German Jews pursuant to Control Council Directive No. 50, and thus satisfy the claims of the Jewish Congregations.

*This letter was forwarded to Dugan on 13 Feb 1948
by L P C G Bavaria*

Entry DMGUS. Prop Div

File Prop Control

Box 3 390/41/10/3-4

DECLASSIFIED

Authority NND 775057

By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

Almost all of the Jewish Congregations have filed applications pursuant to Control Council Directive No. 50 and have therewith expressed their concurrence in the legal opinion as outlined above.

sgd: Dr. Endres

Entry 2MEUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority AWD 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

C O P Y

T R A N S L A T I O N

COMMITTEE REPRESENTING THE INTERESTS OF THE JEWISH COMMUNITIES.

Stuttgart W, Reinsburgstrasse 26
Tel. 6 94 92

23 Dec. 1947

R e s o l u t i o n

To:
Ministerpresidents of the US Zone
Chief Commander of American Forces
General Lucius D. CLAY
for information.

The Jewish communities of the American zone had a session in Stuttgart on 21 December 1947 and are thanking Military Government for the promulgation of Law No. 59, which will rend possible reparation of harm done to all confessions, trade-unions and political parties.

Conscious of our responsibility towards the survivors and liabilities towards those who never came back, we think it our duty to demand limitation of the right of succession in connection with Law No. 59.

As Jews we refuse to come by inheritances which we had never got in another time and under other circumstances. We refuse to inherit from those of our brothers and sisters from whom we had never inherited but for Hitler's government.

We therefore demand limitation of the right of succession for Jewish property to third degree in all cases falling under Law Nr. 59. Property becoming ownerless shall be used for reparation of harm done to Jewish people by Hitler's government. We want to declare publicly that we do not intend to become indirect profiteers of Nazi State. It is our intention to legally realize restoration of lost rights, using law in a just and legal way. We think it our duty to avoid unnecessary harshness in reparation of harm done.

s/ Signature and stamp.

Handwritten: 2

Entry DMAOS, Prop Div
File Prop Control
Box 3 390/41/10/3-4

DECLASSIFIED
Authority 11ND 775057
By SR NARA Date 9-2-99

16

REPRODUCED AT THE NATIONAL ARCHIVES

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

9 May 1946

MEMORANDUM:

SUBJECT : Jewish Properties in Germany
TO : Colonel L. W. Jefferson
FROM : M. K. Wise

1. The 10th decree (par. 5), issued on 4 July 1939, (RGB1.I 1097) pursuant to the Reichsbuergergesetz (National Citizenship Law), provided that all Jewish associations, organizations and cultural establishments be dissolved or incorporated in the newly created Reichsvereinigung der Juden in Deutschland (Union of Jews in Germany). In accordance with this decree about 1500 Jewish associations and establishments and about 1650 Jewish communities (religious unions) were dissolved and thus incorporated.
2. The property of all organizations in question was transferred to the Reichsvereinigung der Juden in Deutschland. This process was completed by the end of January 1943. After 1 February 1943 the Reichsvereinigung der Juden in Deutschland became the owner of the whole of public Jewish property.
3. Pursuant to a decree of the Reich Security Head Office (Gestapo), the property of the Reichsvereinigung der Juden in Deutschland was sequestered on 10 June 1943 and transferred to the credit of the Reich. Movable and immovable properties of the Central Office of the Union were sequestered and the Oberfinanzpraesident Berlin-Brandenburg took charge of the administration.
4. A transfer balance sheet which he prepared is now being examined at the Generalsteuereverwaltung Berlin, Property Administration Office (Vermögensverwaltungsstelle). The properties of the Union located elsewhere on German territory, e.g., in Bavaria, East-Prussia, etc, were taken over by the local Gestapo agencies.
5. The value of the properties on the books of the Vermoegen-sverwaltungsstelle comes to about RM 175,000,000, of which approximately RM 30,000,000 were invested in real estate, the remainder being in bank accounts and shares of stock. The greater part of the bank accounts and stocks were reinvested in national loans (Reichsanleihe).

Entry DMEUS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority 11ND 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES



6. The properties within the Berlin District come within the scope of M.G. Law No. 52 and are now under property control.

7. Statistical particulars regarding the character and value of the sequestered properties are scattered. In accordance with a report of the Reich Ministry of Economic Affairs, dated 29 November 1938, the following information was given in connection with the declaration of Jewish property, pursuant to the 10th decree of 26 April 1938:

"An estimate of Jewish property values, for the territory of the old Reich and Austria, is as follows:

- (a) Investment in agricultural property and forestry RM 112 million
- (b) Real estate RM 2343 million
- (c) Operating capital (after deduction of operating expenses) RM 1195 million
- (d) Other property RM 4881 million
- (e) Total - RM 8531 million

8. The above figures relate to property values as of 27 April 1938. The Annexed Summary Report (in German) gives figures as to values estimated as of 31 December 1944, following the sequestration pursuant to the decree of 9 June 1943.

317678
673

REPRODUCED AT THE NATIONAL ARCHIVES

Properties in Berlin

Nachweis
des Grundbesitzes der Reichsvereinigung
der Juden in Deutschland, Bezirksstelle Berlin only

Russischer Sektor

- 1) Weissensee
 - a) Parkstrasse
 - b) Wittlicherstrasse
 - c) Lothringenstrasse/Lichtenbergerstrasse
 - d) Metzstrasse
- 2) Auguststr. 11/13
- 3) Niederschönhausen, Bismarkstr. 16/22, Rosenthaler Weg
- 4) Niederschönhausen, Fresestrasse
- 5) Blumenstr. 97
- 6) Chorinerstr. 26
- 7) Elsasserstr. 54
- 8) Elsasserstr. 85
- 9) Köpenick, Freiheit 8
- 10) Gipsstr. 12a
- 11) Grosse Hamburgerstr. 27
- 12) Friedrichshagen, Hahnsmühle 16
- 13) Johannistr. 16
- 14) Kl. Auguststr. 10
- 15) Weissensee, Kronprinzenstr. 3
- 16) Köpenick, Mahlsdorferstr. 94
- 17) Oranienburgerstr. 28
- 18) Oranienburgerstr. 29/30
- 19) Oranienburgerstr. 31
- 20) Oranienburgerstr. 40/41
- 21) Schönhauser Allee 162

Französischer Sektor

- 1) Iranischestr. 3

Englischer Sektor

- 1) Joachimsthalerstr. 13
- 2) Königsallee 11a
- 3) Levetzowstr. 7/8
- 4) Lützwowstr. 16
- 5) Lützwowstr. 48
- 6) Lützwowstr. 49
- 7) Schulstr. 7
- 8) Turmstr. 9

Amerikanischer Sektor

- 1) Marienfelde, Kirchstr. 63
- 2) Münchenerstr. 37
- 3) Thielschufer 10/16

Entry RMGOS Prop Div
 File Prop Central
 Box 13 390/41/10/3-4

DECLASSIFIED
 Authority NUD 775057
 By SR NARA Date 9-21-99

REPRODUCED AT THE NATIONAL ARCHIVES

Union of Jews in Germany

Report of Properties sequestered by the Reich
 pursuant to decree of 9 June 1943

A u f s t e l l u n g

des vom Reichssicherheitshauptamt durch besonderen
 Erlass vom 9. Juni 1943 zu Gunsten des Deutschen
 Reiches beschlagnahmten Vermögens der Zentrale der
 Reichsvereinigung der Juden in Deutschland.

Stichtag: 31. Dezember 1944. [as of]

a) Vermögen (Assets)

I	<u>Kassenbestand (Cash)</u>		RM	46,60	
II	<u>Postscheckguthaben (Postal ck accts)</u> Berlin 16 8696		"	217,04	
III	<u>Bankguthaben (Bank accts)</u>				
A	Bankhaus b. Heinz, Teck- lenburg & Co., Berlin W. 8				
	Kto. ordinario	RM	365.552,--		
	Kto. Grundstückserlös	"	1.953,--	RM	367.505,--
	<u>Festgeldkonten: (Fixed interest accts)</u>				
	Separato I	RM	3.750.000,--		
	II	"	2.250.000,--		
	III (Laaser)		67.361,--	"	6.067.361,--
	<u>Wertpapierdepots: (Securities & bonds)</u>				
	a) Inländ. Anleihen i/RM		13.144.000,76		
	b) Inländ. Anleihen i/frd. Whrg.	"	120.418,40		
	c) Ausländ. Anleihen	"	1.739,37		
	d) Inländ. Aktien	"	34.731,15		
	e) Ausländ. Aktien	"	1.425,--	"	13.302.314,68
	<u>Gesamtbestand (a)</u>			RM	19.737.180,68
B	Reichskredit-Ges. A.G. Berlin W. 8				
	Kto. ordinario	RM	81.598,45		
	<u>Festgeldkonten:</u>				
	Separato I	RM	1.500.000,--		
	II	"	3.900.000,--		
	III	"	1.500.000,--		
	IV	"	1.500.000,--		
	V	"	1.750.000,--		
	VI	"	1.250.000,--	"	11.400.000,--
	<u>Wertpapierdeposits:</u>				
	a) Inländ. Anleihen i/RM		47.037.914,96		
	b) Inländ. Anleihen i. frd. Anleihen	"	188.868,--		
	c) Ausländ. Anleihen	"	3.958,26		
	d) Inländ. Aktien	"	2.175,--		
	e) Ausländ. Aktien	"	806,02	RM	47.233.722,24
	<u>Gesamtbestand (b)</u>			RM	58.715.320,69

Uebertrag RM 78.452.765,01

	(Cont.)	<u>Uebertrag</u>	RM 113.548.711,47
IV	<u>Grundfandrechte (Mortgages)</u>		
	Bestand an Hypotheken	"	245.966,51
Va	<u>Forderungen aus Grundstuecksverkaeufen (Claims)</u> Lfd.Nr. 1 - 15	"	187.843,30
Vb	<u>Forderungen an eingegliederte und aufgeloeoste Organisationen</u> Lfd.Nr. 901 - 948	"	456,16
Vc	<u>Forderungen verschiedener Art</u> Lfd.Nr. 01 - 039	"	312.362,52
Vd	<u>Ansprueche aus Erbschaften und Vermaechtnissen</u> Lfd.Nr. 501 - 567	"	488.161,04
Ve	<u>Forderungen aus Forstrechnungen</u>	"	47,62
Vf	<u>Forderungen aus Abt. Wanderung (Hilfsverein)</u>	"	2.914,05

Inventar

a)	Bueromaschinen	RM 2.950,--	
	./. Abschreibung	" 295,--	RM 2.655,--
b)	Bueromaterial	" 147,55	" 2.802,55
			RM 114.789.265,22

	<u>b) Schulden (Liabilities)</u>		
	Pensionsansprueche (Pension claims)	RM	59.675,--
	Aufwendungen fuer Grundstuecksverkaeufe	"	- . -

Rueckstellungen: (Disbursements)

a)	Allg. Treuhandstelle fuer jued. Auswanderung	"	16.000,--
b)	Zentralstelle f. jued. Darlehnskassen	"	75.404,17
c)	Palaeestina-Amt	"	70.314,15
d)	angefallenes Vermoeegen eingegliedert oder aufgeloeoster Organisationen	"	56.000,--
		RM	277.393,32

c) Grundvermoeegen

Grundvermoeegen - abgegeben an die zustaendigen Oberfinanzpraesidenten.

Zusammenstellung (Summary)

(Assets)	a) Vermoeegen	RM 114.789.265,22	
(Liabil.)	b) Schulden	" 277.393,32	
	c) Grundvermoeegen	- . -	
	(Properties sequestrated by the Reich - value not given -)	RM 114.511.871,90	(das im Reich belegene Grundvermoeegen ist von den jeweiligen Landesregierungen erfasst.)

Entry DMGUS Prop Div
File Prop Control
Box 3-390/41/10/3-4

DECLASSIFIED
Authority 11ND 775057
By SR NARA Date 9-21-99

REPRODUCED AT THE NATIONAL ARCHIVES

Vermögensuebersicht

des beschlagnahmten Vermögens der Reichsvereinigung
der Juden in Deutschland, Bezirksstelle Berlin,
per 30.9.1944.

Besitzteile

<u>I. Fluessige Mittel</u>			
1. Kassenbestand	RM	95,22	
2. Postscheckkonto 42237	"	3.758,47	
3. Bankkonto	"	<u>2.108.699,82</u>	RM 2.112.553,51
<u>II. Wertpapiere</u>			
			" 5.782.067,96
<u>III. Verrechnungskonto Abwicklungsstelle A</u>			
			" 2.192.182,11
<u>IV. Forderungen</u>			
1. Hypotheken	RM	155.302,--	
2. Beitrage u. Leistungs- entgelte	"	234.334,76	
3. Sonstige Forderungen	"	<u>778.308,32</u>	" 1.167.945,08
<u>V. Anlagevermoege</u>			
1. Grundbesitz Berlin	RM	9.936.174,--	
2. Grundbesitz Provinz	"	98.278,--	
3. Sonstige Vermoegens- werte	"	<u>12.437,05</u>	" 10.046.889,05
			RM 21.301.637,71
			=====

Schuldteile

I. Hypothekenschulden	RM	258.294,55	
II. Treuhandbetrage	"	31.227,89	
III. Allgemeine Verbindlich- keiten	"	94.081,76	
IV. Rueckstellungen	"	1.266.582,--	
V. Kapitalisierte Renten und Ruhegehaelter	"	<u>1.247.139,25</u>	RM 2.897.325,45
			RM 18.404.312,26
			=====

Entry DMGUS Prop DIV
 File Prop Control
 Box 13-390/41/10/3-4

DECLASSIFIED
 Authority NUD 775057
 By SR NARA Date 9-21-99

REPRODUCED AT THE NATIONAL ARCHIVES

Uebertrag RM 78.452.765,01

C Seiler & Co., Muenchen
 Kto. ordinario RM 6.966,71
 Wertpapierdepots:
 a) Inlaend. Anleihen i/RM 8.55.407,37
 b) Inlaend. Anleihen
 i/frd. Whrg. 217,60 " 855.624,97
 Gesamtbestand (C) RM 862.591,68

D Bayer. Staatsbank, Nuernberg
 Kto. ordinario RM 7.276,--
 Wertpapierdepots:
 Inlaend. Anleihen " 1.053.766,-- RM 1.061.042,--

E Reichsschuldenverwaltung
 Berlin. (Reich deposits)
 Kto. IV/3015 RM 101.326,50
 " " " 96.340,50
 " " " 61.683,50
 " " " 27.121,87
 " " " 1.997,50
 " " " 1.026,25
 Kto IV/60505 " 2.050.109,37
 " IV/11 " 6.820,--
 " IV/5112 " 101,10
 " IV/4307 " 12.417,62
 " IV/4294 " 206,50
 " IV/3863 " 654.851,50
 " IV/3864 " 1.097.109,50
 " IV/3865 " 498.929,75
 " IV/3866 " 410.895,--
 " IV/3300 " 578.528,25
 " IV/3879 " 9.925.000,--
 " IV/3842 " 11.562.625,--
 " IV/3867 " 1.166.187,50
 " IV/3868 " 4.912.875,-- " 33.166.152,21

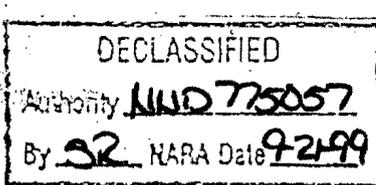
F Preuss. Staatsbank
 (Seehandlung) Berlin
 Uebergangsposten " 6.160,57
 RM 113.548.711,47

Uebersicht (Summary)

I	RM	46,60
II	"	217,04
III A	"	19.737.180,68
B	"	58.715.320,69
C	"	862.591,68
D	"	1.061.042,--
E	"	33.166.152,21
F	"	6.160,57

RM 113,548,711,47 Millions

Entry DMBDS Prop DIV
File Prop Control
Box 13-390/41/10/5-4



18

REPRODUCED AT THE NATIONAL ARCHIVES

Translation es/22

Berlin W 15, 2 December 1946
Kurfuerstendam 193/194
Telephone: 910211

Willi Schweig
Custodian of Reich
confiscated properties
in Greater Berlin appointed
by the Allied Kommandatura

~~CHIEF~~
Finance Division
Property Control Branch

Berlin-Dahlem
Boltzmannstr. 3

As to your order, I report the following:

The Oberfinanzpräsident (Higher Financial President) Berlin-Brandenburg in Berlin W.15, Kurfuerstendam 193/194, Vermogensverwertungsstelle (Property Utilization Office) was commissioned to confiscate and use funds within the jurisdiction of his district - Berlin and province Brandenburg - which belonged to the German Reich according to the following laws, decrees or sentences:

- 1) Law concerning the confiscation of communists property of 26 May 1933
RGBl I S. 293 - in connection with law concerning the confiscation of properties belonging to persons alien to the German nation and enemies of the German State of 14 July 1933 - RGBl. I S. 479.
- 2) Law concerning the withdrawal of naturalizations and deprivation of German citizenship of 14 July 1933 - RGBl. I S. 480.
- 3) 11th decree regarding the National Citizenship Law of 25 November 1941
RGBl I S. 722 -
- 4) 13th decree regarding the National Citizenship Law of 1 July 1943 -
RGBl. I S. 372. -
- 5) Legal sentences of courts in which besides the penalty confiscation of property had been pronounced.

I.

After the break down I was charged with the management of this office. I found in this office approx. 43,000 records containing 72,000 confiscations of property in Berlin. The furthermore traced confiscations of properties pertaining to persons residing in the province Brandenburg have been transferred to the provincial administration of Brandenburg. The records include cases of expatriation (inigration) as well as cases of deportation. The records were in a very bad condition. The records did not show to which extent the properties were confiscated and utilized. The Hitler government also failed to keep up statistical notes concerning the confiscated properties. Also the records of the seized (not confiscated) properties of the National Association of Jews in Germany were found among the records of the

317679

Entry DMGDS Prop Div
File Prop Control
Box 13-390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By SR NARA Date 9-2-99

Higher Financial President Berlin-Brandenburg. I considered it my first and most important task to classify all records and to determine how much of the properties have been utilized. The properties being utilized, I determined the proceeds thereof. To get an easier survey I ordered to prepare for each record a list of properties as shown in inclosure 1, in which the properties are subdivided in utilized and non-utilized properties. The utilized properties are listed under "proceeds". The non-utilized properties are listed singly. These lists of properties have all been held statistically and the results of the non-utilized properties are gathered in serial sheets as to inclosure 2. Up to date 53,000 cases of the here listed 72,000 cases have been determined and registered in the described procedure.

Insofar as the properties have not been utilized they are subject to Law 52 of the American, British and French Military Governments respectively Order No. 124 of the Russian Military Government. I am appointed custodian by the Allied Kommandatura for the supervision of properties subject to the mentioned laws respectively Order No. 124. My supervision of properties is furthermore extended to forced sales subject to Law No. 52. The supervision of properties is handled according to the orders of the individual Military Government.

II.

To my office belongs furthermore a file containing approx. 100,000 names of immigrated and deported persons. An explanation for the difference of the figures 100,000 and 72,000 is, that for persons who did not own property a record was not filed; on the other hand a loss of approx. 10,000 records according to war-events must be considered.

III.

My administration includes furthermore the property of the National Association of Jews in Germany. In this connection I beg to state the following:

The National Association of Jews in Germany has been set up by the 10th decree to the National Citizenship Law of 4 July 1939 - RGBl I S.1097 - which orders in Par 1 "that the Jews shall be united in a National Association, that the National Association is a legal association, bears the name National Association of Jews in Germany, has its residence in Berlin and uses as local branches the Jewish Cult Associations." The property of the National Association was seized on 10 June 1943.

The National Association itself did not perish therefore. It has actually been dissolved by the end of the war. Thru this actual dissolution the National Association as a legal personality has not yet been perished, that means has legally not expired. It is an economical association according to Par 22 of the German Civil Code (BGB), because its purpose was not only a charitable or social, that means an ideal, but to a non-considerable extent an economical as can be determined of its purchases and sales of estates, of its letting of a part of these estates and of its hospital organizations showing considerable proceeds and expenses. There is nothing to

Entry DMGUS Prop Div
File Prop Central
Box 390/41/10/3-4

DECLASSIFIED
Authority MIN 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

- 3 -

be found that the property of the National Association of Jews in Germany shall be confiscated by the treasury after dissolution. An Association continues to exist until the end of the necessary liquidation (namely distribution of properties to the authorized persons); as far as required by the purposes of liquidation. (Paragraphs German Civil Code (BGB). Hence it follows that the in Germany newly founded Jewish congregations are not the legal successors of the National Association of Jews in Germany.

s/ Schweig.

317681

Entry UNRRA Prop Div
File Prop Control
Box 3 390/41/10/3-4

DECLASSIFIED
Authority UND 775057
By SR NARA Date 9-2-99

19

REPRODUCED AT THE NATIONAL ARCHIVES

Copy

AB/RO

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

UNRRA HEADQUARTERS - U. S. ZONE
Wiesbaden

12 October 1945

TO: Brigadier-General S. R. Mickelson
Chief, Displaced Persons Branch
Office of Military Government (U.S. Zone)
H.Q. USMGT, APO 757, U. S. Army

FROM: Director, UNRRA, U. S. Zone

SUBJECT: Claims for Restoration of Properties belonging
to Displaced Persons.

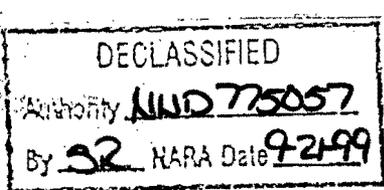
1. Numbers of Displaced Persons, mostly German Jews, but also Displaced Persons of other nationalities, want to establish their claims concerning the restoration of their former rights on properties as specified in Article VIII.9.C. of Military Government Law No. 52, and which have been confiscated by the Germans on the basis of Nazi Law.
2. According to information from Major Denckle of the Property Control Section of the Economics Branch, Office of Military Government (U.S. Zone), now exercising supervision of such properties in the U.S. Zone of Occupation, Displaced Persons whose property was confiscated by the Germans should make a brief claim with a precise description of the property in order to prove its existence and to enable Military Government to assume control of the property.
3. In the absence of instructions from the Property Control Section of the Economics Branch, Office of Military Government (U.S. Zone) in regard to forms and procedures for putting forward the legal claims of the Displaced Persons for the restoration of their confiscated properties, the Displaced Persons are unable to file such claims.
4. It is therefore recommended that the Military Government issue simple forms and instructions, especially with regard to Articles I and VII of the Military Government Law No. 52. This would enable the Displaced Persons without legal assistance but with the help of Welfare Officers of the UNRRA teams to fill in these forms in English and receive satisfaction for their claims.

/s/ Alwin R. Guyler
A. R. GUYLER
Zone Director

317682

317682

Entry OMGUS Prop Div
File Prop Control
Box 13 390/41/10/3-4



20

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)

Property Division
Property Control and External Assets Branch
APO 633
Wiesbaden, Germany

MEMORANDUM

13 April 1949

SUBJECT: Request for issuance of a General License under Military Government Law No. 53 to facilitate Restitutions under Military Government Law No. 59

TO : Property Division, OMGUS
APO 742, U. S. Army

Attn: Mr. Cassoday

1. A communication has been received from the American Federation of Jews from Central Europe, Inc., dated 5 April 1949, in which request is made for consideration of the issuance of a general license to Military Government Law No. 53 which would permit the release of funds presently blocked under Military Government Law No. 53 for fulfillment or satisfaction of obligations toward restitutors, for instance as refunds to cover consideration received for confiscated property, and to facilitate the realization of funds for the prosecution of restitution claims under Military Government Law No. 59.

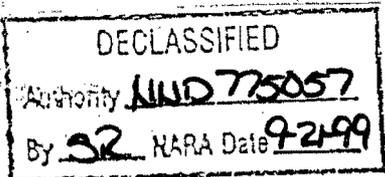
2. The problem posed by this organization is fully set forth in an excerpt from such letter which is as follows:

"We take this opportunity to call your attention to another problem of actual interest to claimants under Law #59, who live in the United States or in other countries outside of Germany. There is quite a number of such claimants who, in connection with their restitution claims, have acquired or will acquire Deutsche Marks paid or to be paid into bank accounts in Germany. Those bank accounts are blocked under the provisions of Military Law #53 and cannot be disposed of without a special license of the Military Government. On the other hand there are many claimants under Law #59 living here or elsewhere who are in need of Deutsche Marks for the fulfillment of their obligations towards the restitutors, for instance to refund to the restitutor the consideration received for the confiscated property (Art. 44 of Law #59).

In our opinion it would be of great help to both categories of claimants if the owners of blocked DM bank accounts, resulting from restitution, were permitted by General License to transfer those accounts to claimants who want to acquire Deutsche Marks for the realization of their restitution claims. In this way

317083

Entry DMGOS Prop Div
File Prop Control
Box 13 390/41/10/3-4



REPRODUCED AT THE NATIONAL ARCHIVES

"Request for issuance of a General License under MG Law 53 to facilitate restitutions under MG Law 59", dtd 13 Apr 1949

the owners of blocked accounts would be given a possibility of utilizing their Deutsche Marks within Germany, whereas the acquirers of such accounts need not send dollars to Germany for buying Deutsche Marks. In other words: the Marks remain in Germany, the dollars in the United States.- Nobody will be harmed by such procedure, neither the American nor the German economy. Moreover it goes without saying that such procedure would be an efficient measure to counteract the black monetary market."

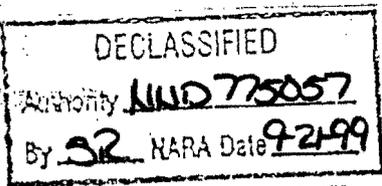
3. This matter is brought to your attention for possible discussion with the Office of the Finance Adviser to determine the necessity, advisability, desirability and feasibility for the issuance of such a general license at this time. It would be appreciated also, if possible, if you could furnish us with interim advice so that we may be able to reply to the communication received from said organization.

Tel: WIESBADEN 21341
Ext 426

FRED E. HARTZSCH
Chief

317684

Entry OMGUS Prop Div
File Prop Control
Box 3-390/41/10/3-4



21

REPRODUCED AT THE NATIONAL ARCHIVES

C O P Y

AMERICAN FEDERATION OF JEWS FROM CENTRAL EUROPE, INC.
1674 Broadway Room 808-809 New York 19, N.Y.

April 5, 1949

Mr. Fred E. Hartzsch, Chief
Property Division
OMGUS Wiesbaden
APO 633
c/o Postmaster, New York

My dear Mr. Hartzsch:

We received your letter of March 17, 1949, from which we gladly learned that you have submitted an amendment to General License No. 10 to the competent Agencies of Military Government whereby consideration will be given to our suggestion made in our letter of February 17, 1949.

We take this opportunity to call your attention to another problem of actual interest to claimants under Law No. 59, who live in the United States or in other countries outside of Germany. There is quite a number of such claimants who, in connection with their restitution claims, have acquired or will acquire Deutsche Marks paid or to be paid into bank accounts in Germany. Those bank accounts are blocked under the provisions of Military Law No. 53 and cannot be disposed of without a special license of the Military Government. On the other hand there are many claimants under Law No. 59 living here or elsewhere who are in need of Deutsche Marks for the fulfilment of their obligations towards the restitutors, for instance to refund to the restitutor the consideration received for the confiscated property (Art. 44 of Law No. 59).

In our opinion it would be of great help to both categories of claimants if the owners of blocked DM bank accounts, resulting from restitution, were permitted by General License to transfer those accounts to claimants who want to acquire Deutsche Marks for the realization of their restitution claims. In this way the owners of blocked accounts would be given a possibility of utilizing their Deutsche Marks within Germany, whereas the acquirers of such accounts need not send dollars to Germany.

317685

Entry DMGDS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NWD 775057
By SR NARA Date 9-21-99

REPRODUCED AT THE NATIONAL ARCHIVES

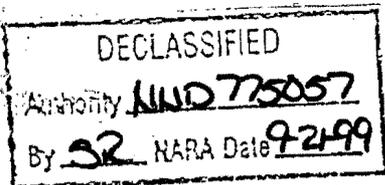
for buying Deutsche Marks. In other words: the Marks remain in Germany, the dollars in the United States. Nobody will be harmed by such procedure, neither the American nor the German economy. Moreover it goes without saying that such procedure would be an efficient measure to conteract the black monetary market.

We would be greatly interested in learning your reaction to this suggestion.

Very truly yours,

/s/ Herman Muller
/t/ HERMAN MULLER
Exec. Vice President

Entry *DMSDS Prop Div*
File *Prop Control*
Box *390/41/10/3-4*



10

REPRODUCED AT THE NATIONAL ARCHIVES

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
Property Division
APO 742
Berlin, Germany

25 March 1948

SUBJECT: National Association of Jews in Germany
(Reichsvereinigung deutscher Juden)

TO : Director
Office of Military Government for Bavaria
APO 407, U. S. Army

Attn: Land Property Control Chief

1. This office does not concur in the opinion expressed by the Land Civilian Agency Head of Bavaria of 9 February 1948. The reasons for this decision are as follows:

a. The present Jewish congregations and communities in Germany are not legal entities under German public law.

b. While the present membership, to a certain extent, is composed of former members of the congregations and communities whose property was taken over by the National Association of Jews in Germany, they, in fact, represent only a small percentage of the original members of the dissolved congregations and communities.

c. A substantial percentage of the original membership have emigrated to foreign countries and have become residents of Allied and Neutral nations.

d. Military Government Law No. 59 provides for the appointment of Successor Organizations to enforce the rights of such dissolved congregations and communities as have accrued to them under the Law. This policy has not yet been carried out; no Successor Organizations have been appointed; consequently no decision in an individual case will be made by this Headquarters until the provisions of the Law with respect to the appointment of Successor Organizations will be carried out.

Fred E. Hartzsch

Telephone BERLIN 42934

FRED E. HARTZSCH, Chief
Property Control Branch

1 Incl: Carrier Sheet
from Mr. Mason
dtd 22 Mar 48

317687

Entry OMGUS Prop Div
File Prop Control
Box 3 390/41/10/3-4

DECLASSIFIED
Authority AWD 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

CARRIER SHEET - MUST REMAIN WITH ATTACHED PAPERS - USE ENTIRE WIDTH OF SHEET - NUMBER ITEMS CONSECUTIVELY - DRAW LINE UNDER EACH ITEM

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

FILE NO:
SUBJECT: Letter from LCAH Bavaria re National Association of Jews in Germany

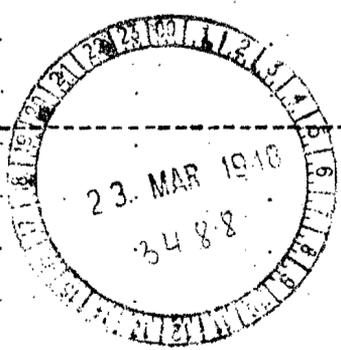
NO.	TO	FROM	DATE	(Has this been coordinated with all concerned?)
1	Property I. S. Control Atten: Chief, Claims Section	Mason	22 March 1948	1. Reference is made to the letter from Dr. Endress suggesting that the Jewish community properties taken over by the National Association of Jews in Germany should be disposed of under Article 3 of Control Council Directive No. 50 on the grounds that the National Association of Jews in Germany can be considered a Nazi organization within the meaning of Control Council Law No. 2.

2. No opinion has as yet been issued by the Legal Division, OMGUS, as to whether the National Association of Jews in Germany is a Nazi organization within the meaning of Control Council Law No. 2. However, it would appear that irrespective of its status under that Law, it would be inappropriate to dispose of the property of the Jewish Gemeinden held by it on the basis of Article 3 of Control Council Directive No. 50, in view of the specific provision of Article 8 of Directive No. 50, that the Zone Commander shall "restitute . . . 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 1 hereof". It would appear therefore that the property in question should be disposed of under provisions of Article 8 of Military Government Law No. 59, "Restitution of Identifiable Property".

3. It should be noted that the present Jewish congregations and communities in Germany are not legal entities under the German public law. While their present membership is composed, to a large extent, of former members of the Gemeinden whose property was taken over by the National Association of Jews in Germany, they in fact represent only a minor percentage of the original membership of the dissolved Gemeinden. A much larger percentage of the original membership is presently living abroad as residents of allied nations. Military Government policy has always contemplated that a single successor organization should be appointed for the community properties in question which would represent not only the interests of the present German communities but those of the surviving members of the former Gemeinden living abroad as well as those of other interested Jewish organizations. Such an organization has in fact been organized and has applied to Military Government for designation as the appropriate successor organization under Articles 8 and 10 of the Military Government Law No. 59. It is my understanding that the present German communities in the American Zone are represented on the Board of Directors of this applicant by three directors. It would thus appear inappropriate to permit the disposition suggested by Dr. Endress of the property in question until a decision has been reached on the application for designation as successor organization presently being considered by OMGUS.

Telephone 43059
Rm 2087, Dir Bldg

Irwin S. Mason
Irwin S. Mason
Advisor to General Clay
on Internal Restitution



Entry DMGUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By SR NARA Date 9-2-99

24

REPRODUCED AT THE NATIONAL ARCHIVES

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
APO 742

Date 25 March 1948

TO: Mr. OMGB
Attn: LPCC
FROM: Fred E. Hartzsch, Chief
To: Property Control Branch, PD

The LCAH in his letter of 9 Feb. 1948, made the bold suggestion to consider the National Association of Jews in Germany as ~~the~~ establishment of the Third Reich and consequently asked for authorization to turn over the property of all the Bavarian Hebrew congregations to the now existing congregations, under the provisions of Control Council Directive No. 50.

Attached is a draft of my negative answer with reasons for it. At your suggestion I have consulted Mr. Mason in this matter and his opinion is expressed in his Carrier Sheet of 22 March 1948 is attached.

W. J. Dickson
FRED E. HARTZSCH

317689

Entry OMGUS Prop Div
File Prop Control
Box 15 390/41/10/3-4

DECLASSIFIED
Authority MIN 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

C O P Y

SUBJECT: Letter from LCAH Bavaria re National Association of Jews in Germany

No.	TO	FROM	DATE	
1	Property Control Atten: Chief, Claims Section	I. S. Mason	22 March 1948	1. Reference is made to the letter from Dr. Endress suggesting that the Jewish community properties taken over by the National Association of Jews in Germany should be disposed of under Article 3 of Control Council Directive No. 50 on the grounds that the National Association of Jews in Germany can be considered a Nazi organization within the meaning of Control Council Law No. 2.

2. No opinion has as yet been issued by the Legal Division, OMGUS, as to whether the National Association of Jews in Germany is a Nazi organization within the meaning of Control Council Law No. 2. However, it would appear that irrespective of its status under that Law, it would be inappropriate to dispose of the property of the Jewish Gemeinden held by it on the basis of Article 3 of Control Council Directive No. 50, in view of the specific provision of Article 8 of Directive No. 50, that the Zone Commander shall "restitute ... 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 1 hereof". It would appear therefore that the property in question should be disposed of under provisions of Article 8 of Military Government Law No. 59, "Restitution of Identifiable Property".

3. It should be noted that the present Jewish congregations and communities in Germany are not legal entities under the German public law. While their present membership is composed, to a large extent, of former members of the Gemeinden whose property was taken over by the National Association of Jews in Germany, they in fact represent only a minor percentage of the original membership of the dissolved Gemeinden. A much larger percentage of the original membership is presently living abroad as residents of allied nations. Military Government policy has always contemplated that a single successor organization should be appointed for the community properties in question which would represent not only the interests of the present German communities but those of the surviving members of the former Gemeinden living abroad as well as those of other interested Jewish organizations. Such an organization has in fact been organized and has applied to Military Government for designation as the appropriate successor organization under Articles 8 and 10 of the Military Government Law No. 59. It is my understanding that the present German communities in the American Zone are represented on the Board of Directors of this applicant by three directors. It would thus appear inappropriate to permit the disposition suggested by Dr. Endress of the property in question until a decision has been reached on the application for designation as successor organization presently being considered by OMGUS.

Telephone 43059
Rm 2087, Dir Bldg

Irwin S. Mason
Advisor to General Clay
on Internal Restitution

317090
317690

Entry OMGUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority 11ND 775057
By SR NARA Date 9-2-99

25

REPRODUCED AT THE NATIONAL ARCHIVES

M. Dickman

**Council for the Protection of the Rights
and Interests of Jews from Germany**
(COUNCIL OF JEWS FROM GERMANY)

President :
Rabbi Dr. Leo Baeck

KA/AA

8, FAIRFAX MANSIONS,
LONDON, N.W.3
Telephone : MAIda Vale 9096

23rd December 1947

Mr. E.N. Reinsel,
Chief of Property Control Branch,
O M G U S ,
A.P.O. 742, U.S. Army.

Dear Sir,

re: Establishment of a Claims Agency in Germany.

We beg to refer to the talks Dr.S.Moses, Dr.M.Nussbaum and Mr.A.Schoyer had with you with regard to the establishment of a Claims Agency in Germany.

Now we beg to submit to you the following formal application:

- 1) The exact number of claimants for restitution in the American area of control is not known, but it may fairly be assumed that it amounts to at least 25,000. Moreover, many cases are complicated and need thorough preparation. On the other hand, the small number of suitable lawyers practising in Germany are even now overburdened and they will not be able to cope with the tremendous additional task connected with the restitution of the Jewish property in Germany. Therefore the claims for restitution cannot duly be prosecuted by the single claimants without the existence of a special Claims Agency.
- 2) Such a Claims Agency could considerably facilitate the work of Property Control and of the German authorities. It would see to it, that only reasonable claims are filed and that the applications of the claimants are in conformity with the regulations. Furthermore, it could and would contribute to the amicable settlement of claims and thereby prevent from unnecessary litigations.
- 3) With these aims in view the Council of Jews from Germany (hereinafter called "Council") has resolved to establish such a Claims Agency. The Council intends to secure the co-operation of other appropriate organisations, especially the Jewish communities in Germany.
- 4) The Council is a union of the organisations of Jews from Germany in the various countries of the world and represents the majority of all Jews who have claims for restitution in Germany. President of the Council is Rabbi Dr. Leo Baeck, the former president of the Jewish central organisation in Germany, who commands the respect of the Jews all over the world.

-/-

Entry DMGDS Prop Div
File Prop Control
Box 3 390/41/10/5-4

DECLASSIFIED
Authority UND 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

With letter of November 6th 1946 the Control Office for Germany and Austria in London (now Foreign Office, German Department) has requested the Council to set up a Restitution Office. It is stated in that letter that the Control Office would like this office of the Council to go into action as soon as possible and that it should be regarded as a principal channel of enquiry for claimants, although not as the only channel. The Restitution Office in London has been opened in spring 1947, and on the further request of the Control Office the organisations affiliated to the Council have also established similar offices. The Control Office has accorded official recognition to the Restitution Office. The Restitution Offices have assisted already a great number of claimants and prepared their applications.

5) It may be observed that the existence of the Successor Organisation provided for in the Restitution Law No.59 does not make superfluous the establishment of a special Claims Agency by the Council. For the "Jewish Agency for Palestine" and the "American Joint Distribution Committee" which are leading in the building up of the Restitution Commission think it not ~~to be~~ expedient for themselves or for the Successor Organisation to deal with the claims of the living individuals and they are not prepared to participate in the establishment of a Claims Agency. But both organisations realise that a special Jewish Claims Agency with the aim to assist individual claimants is necessary and should be established by another appropriate Jewish organisation or organisations, especially the Council.

6) The Claims Agency to be established shall, at their request, assist individual claimants in ascertaining and securing their property, in obtaining the documents necessary to prove their legitimation, in prosecuting their claims and in administering the restituted property. It does not aspire any monopoly and shall work in close cooperation with the suitable lawyers residing in Germany as well as with lawyers practising in the countries where the claimants are residing.

7) The Claims Agency shall have one Head Office at Frankfurt/Main or another place within the American Zone and the necessary number of branch offices in the different Laender. For this purpose a German Gesellschaft mit beschraenkter Haftung shall be established.

8) The staff of the Claims Agency should be taken from local personnel. Only very few persons from abroad will be needed in order to manage

Entry *DMGDS Prop Div*
File *Prop Control*
Box *3 390/41/10/3-4*

DECLASSIFIED
Authority *NUD 775057*
By *SR* NARA Date *9-2-99*

REPRODUCED AT THE NATIONAL ARCHIVES

and supervise the organisation and to keep the necessary contact with the offices of the Council and its constituent organisations in the countries where the claimants are residing. It is intended that first Directors of the Claims Agency in Germany shall be Dr. Meinhold Nussbaum from Palestine and Mr. Adolf Schoyer from London who have been working in Germany since spring 1946.

9) In order to cover the expenses connected with the maintaining of the Claims Agency, the claimants applying to it shall be charged a moderate fee, which in the case of needy persons shall be reduced or released. It shall be provided in the Articles of Association of the Claims Agency that it is not its purpose to make profits and that in the case of the dissolution of the Claims Agency the remaining net property shall be used for the benefit of Jewish victims of Nazi persecution.

10) For the due performance of the Claims Agency's task it is necessary that all German Authorities and Organisations which are in the possession of documents or other material relevant to restitution give, without payment of fees, full information to the Claims Agency or its representatives, and provide them with the copies reasonably required for the purpose of the Claims Agency.

11) American Military Government is therefore respectfully asked on behalf of the Council of Jews from Germany

to approve the establishment of a Jewish Claims Agency and to inform thereof the Military and German Authorities.

Yours faithfully,
COUNCIL OF JEWS FROM GERMANY

A. Schoyer

(A. Schoyer)

S. Moses
(S. Moses)

M. Nussbaum
(M. Nussbaum)



Entry DMGDS Prop Div
File Prop Control
Box 13 390/41/10/3-4

DECLASSIFIED
Authority AND 775057
By SR NARA Date 9-2-99

10/1

Mr. Wilson

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
MUNICH GERMANY APO 407 US ARMY JHL/GED/ri

AG 386 MGBFP

11 March 1948

SUBJECT: Letter of Dr. Auerbach,
State Commissioner for Racial, Religious and
Political Persecutees.

TO : Deputy Military Governor,
Office of Military Government for Germany (US)
APO 742, U.S. Army,
Attn.: Property Division, Property Control Branch.

1. Attached is copy of letter of Dr. Auerbach, State Commissioner for Racial, Religious and Political Persecutees, dated 1 March 1948.

2. In the letter Dr. Auerbach states that he can not accept the ordinance as issued by the Bavarian Minister President, unless the Restitution Branch of the Landesamt für Vermögensverwaltung und Wiedergutmachung is made a separate agency and placed under his control.

3. This office can not see the advantage of such a change, inasmuch as the structure of the Landesamt für Vermögensverwaltung und Wiedergutmachung provides a better control of such a program as Military Government Law No. 59.

4. If such change were effected it would place control of the Restitution Law in the hands of prejudiced persons and possibly prevent a just and equitable settlement of claims. Under provisions of the present ordinance, referred to in Dr. Auerbach's letter, this danger is minimized and yet it has ample representation of the claimants' interests.

It would appear to us that the restitution program should be conducted by the agency that would merely resolve questions on its merits.

5. Based on the foregoing this office must reject the proposals made by Dr. Auerbach.

6. The attached letter, together with the comments of this office are forwarded for your information. Any comments you care to make would be appreciated.

15 MAR 1948
3149
FOR THE LAND DIRECTOR:

State Commissioner
dtd 1 Mar 48

J. H. Lennon
J. H. LENNON
Land Property Control Chief

8696

317694

Entry DMCUS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority AND 775057
By SR NARA Date 9-2-99

197

REPRODUCED AT THE NATIONAL ARCHIVES

C O P Y
T R A N S L A T I O N

COMMITTEE REPRESENTING THE INTERESTS OF THE JEWISH
COMMUNITIES.

Stuttgart W, Reinsburgstrasse 26
Tel. 6 94 92

23 Dec. 1947

R e s o l u t i o n

To:
Ministerpresidents of the US Zone
Chief Commander of American Forces
General Lucius D. CLAY
for information.

The Jewish communities of the American zone had a session in Stuttgart on 21 December 1947 and are thanking Military Government for the promulgation of Law No. 59, which will rend possible reparation of harm done to all confessions, trade-unions and political parties.

Conscious of our responsibility towards the survivors and liabilities towards those who never came back, we think it our duty to demand limitation of the right of succession in connection with Law No. 59.

As Jews we refuse to come by inheritances which we had never got in another time and under other circumstances. We refuse to inherit from those of our brothers and sisters from whom we had never inherited but for Hitler's government.

We therefore demand limitation of the right of succession for Jewish property to third degree in all cases falling under Law Nr. 59. Property becoming ownerless shall be used for reparation of harm done to Jewish people by Hitler's government. We want to declare publicly that we do not intend to become indirect profiteers of Nazi State. It is our intention to legally realize restoration of lost rights, using law in a just and legal way. We think it our duty to avoid unnecessary harshness in reparation of harm done.

s/ Signature and stamp.

encl #1

317695

Entry *DMGUS Prop Div*
File *Prop Control*
Box *390/41/10/3-4*

DECLASSIFIED
Authority *UND 75057*
By *SR* NARA Date *9-2-99*

128

JTW/rn 11-12/1381
AG record

1744

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

17 December 1947

Headquarters
Allied Military Government
British-United States Zone
Free Territory of Trieste

Dear Lt. Col. Shinkle:

In acknowledging receipt of your inquiry dated 28 November 1947 with respect to property in Germany; we wish to advise you that Military Government Law No. 59 "Restitution of Identifiable Property" was promulgated on 10 November 1947. This Law provides for the restitution of identifiable property, located in the U.S. Zone, which was lost to its rightful owners through discriminatory acts during the National Socialist regime.

It is suggested that a review of this Law and Regulation No. 1, thereto, which outlines the proper method of filing such claims, should enable the persons to whom you refer to determine whether they are applicable to their claims. All claims covered by Military Government Law No. 59 must be filed with the Central Filing Agency, the address of which is:

Zentralanmeldeamt (Central Filing Agency)
Bad Nauheim, Germany.

This Law and Regulation No. 1 were printed in the 29 November 1947 issue of "The Federal Register", available from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The Finance Division of the Office of Military Government for Germany (U.S.), in collaboration with other interested occupation authorities, is also formulating a program for the processing and ultimate disposition of claims for damage or loss, sustained by reason of discriminatory acts of Nazi Germany, which are not covered by Military Government Law No. 59. When this Law is adopted, it will be given wide publicity in order that persons may proceed, at that time, to submit their claims in the approved manner and to the designated agency. Correspondence with respect to such claims should be withheld pending promulgation of the Legislation referred to above.

E. N. REINSEL, Chief
Property Control Branch

Tel. 43 960
Room 412 A

317696

Property Control Branch

Entry OMGUS Prop Div
File Prop Control
Box 5-390/41/10/3-4

DECLASSIFIED
Authority NUM 75057
By SR NARA Date 9-2-99

30

REPRODUCED AT THE NATIONAL ARCHIVES

MEMORANDUM

TO Col. Leslie W. Jefferson, Chief
Property Control Branch, Finance Division, OMGUS

FROM Hans Lamm, Representative
American Jewish Conference

April 10, 1946

- (1) Reference is made to the conference the undersigned had with Col. Jefferson and Dr. Maurice K. Wise on April 5, 1946. In accordance with the suggestion then made the following memorandum is submitted.
- (2) The American Jewish Conference, comprising the elected delegates of sixty-five national Jewish organizations and of all Jewish communities of the United States, is deeply appreciative of the sympathetic understanding the Property Control Branch, Finance Division, OMGUS, has shown in regard to the complex problems concerning the restoration of Jewish property in Germany. We would be grateful indeed if our services in any way could contribute to an early solution of some aspects of the question.
- (3) The problem of the restoration of Jewish property in Germany divides itself in at least four different aspects:
 - I) Property of Jews who have continued to reside or are again residing in Germany;
 - II) Property of Jews who emigrated from Germany;
 - III) Property of Jewish communities and institutions in Germany;
 - IV) Property of Jews who were exterminated by the Nazis.
- (4) This Memorandum will deal with only the first of the above mentioned categories since its solution appears most urgent and

317697

Entry 21605 Prop Div
File Prop Control
Box 3 390/41/10/3-4

DECLASSIFIED
Authority NND 775057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

- 2 -

also because, referring to a very small group of survivors, it should offer no insurmountable difficulties. It is not desired, however, that the impression be created that the other three categories are of lesser importance or should be postponed indefinitely.

(5) The undersigned met on March 31, 1946, at Stuttgart, with the representatives of the Jewish communities in the U. S. Zone of Germany. There was also present the chairman of the Association of Jewish Communities in the Northern Rhine Province and Westphalia, British Zone. That conference agreed upon a list of laws, decrees and measures taken by the Nazi regime to despoil the Jews in Germany of their property. This list that might serve as basis for the restoration of Jewish property is contained in the Appendix.

(6) The delegates were aware that the preparation of a comprehensive law taking into consideration all property losses suffered by Jews may require considerable time. They also realize that for the relief of the most appalling distress emergency measures should be initiated without undue delay. The representatives, therefore, decided to respectfully submit the suggestion that Military Government consider the issuance of an order or directive aiming at the immediate restitution as to the claimants coming within the following categories of spoliation:

- I) The twenty-five per cent. property levy of 1938-39;
- II) Property of all kinds confiscated from Jews upon their removal to concentration, labor and other camps;

317698

Entry DMGDS Prop Div
File Prop Control
Box 390/41/10/3-4

DECLASSIFIED
Authority NND 725057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

III) Inheritances of Jews confiscated by the Reich, in the case of heirs now residing in Germany.

Without implying that the claims related to the listing in the Appendix might be regarded as less valid, it was felt that the three categories of claims for restitution, mentioned above, would offer a minimum of difficulty for the authorities to satisfy.

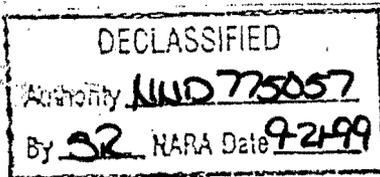
(7) The representatives of the Jewish communities in the U. S. Zone, upon whose request this Memorandum is submitted, as well as the Berlin Jewish Community whose finance expert, Dr. Hans E. Fabian, has approved of the general tendency of this presentation, fully appreciate that the complete realization of the property restitution program may require a considerable amount of time. However, gratefully realizing that Military Government desires to restore with all possible speed those properties that have been taken away from the victims of Nazism, it is hoped that these observations might serve as a basis for further conversations and possibly for subsequent action.

Respectfully submitted:

s/ Hans Lamm
Hans Lamm

Appendix

Entry DMGDS Prop DIV
File Prop Control
Box 13-390/41/10/3-4



APPENDIX to Memorandum submitted by Hans Lamm, April 10, 1946

- (1) Twenty-five per cent. property levy 1938-39 ("Judenvermogens-Abgabe")
- (2) Emigration taxes ("Reichsfluchtsteuer")
- (3) Forced contribution paid by emigrants to the Deutsche Gold-Diskontbank
- (4) Forced contributions paid in by deportees to Theresienstadt
- (5) Forced contributions paid in by emigrees to the Reichsvereinigung der Juden
- (6) Property confiscated from Jews deported to concentration, labor and other camps
- (7) Inheritances of Jews confiscated by Germany
- (8) Pensions illegally cancelled or curtailed
- (9) Securities and bonds involuntarily sold to the Preussische Staatsbank below market price.
- (10) Property of emigrated Jews confiscated by Germany
- (11) "Sozialausgleichsabgabe" and other discriminatory taxes
- (12) Property and goods confiscated on racial grounds only
- (13) Illegal exchange deductions imposed upon emigrees' fortunes
- (14) War damages

Entry *DMGUS Prop Div*
File *Prop Central*
Box *13 390/41/10/3-4*

DECLASSIFIED
Authority *IND 775057*
By *SR* NARA Date *9-2-99*

31

REPRODUCED AT THE NATIONAL ARCHIVES

Draft

*ALL h
Approved on
8 June 49.*

Proposed Restitution Reporting System

1. General: This system is designed to:

- a. Allow the Central Filing Agency to closely follow the progress made in the processing of each petition.
- b. Permit the Land Central Offices to follow the progress on the petitions being processed in their respective Länder and render statistical reports.
- c. Relieve the agencies and courts of all reporting duties other than the submission of "Action Report" forms. This form will be distributed as follows:
 - 1 copy to the Central Filing Agency
 - 1 copy to the Land Central Office.

The agencies and courts will report in these forms the information required to prepare the prescribed reports notwithstanding any instructions to the contrary.

2. Procedures:

a. Central Filing Agency - Upon receipt of the "Action Report" form the appropriate entry will be made to the "Action Record" card and a tickler tab system set up.

b. Land Central Offices - The Land Central Offices will record the petitions and report the status thereof as follows:

- (1) Register and file in a central place a copy of each petition upon receipt from the Central Filing Agency.
- (2) Record the action taken on each petition. Such records will serve as a basis for statistics based on petitions.
- (3) Maintain a filing system for the purpose of accumulating "Action Report" forms. These files will serve as a basis for statistics based on cases.

3. Par 2b (1), above, is self-explanatory. Pars 2b (2) and (3) may be illustrated by tracing the processing given an "Action Report" form. Upon receipt of information that a petition has been received by a Restitution Agency an entry is to be made in a control sheet to be referred to hereafter as the Work Load Control sheet. One section of this sheet will contain the identifying numbers and the quantity of petitions. Another section of this form will contain the identifying

Entry DMGUS Prop Div
File Prop Control
Box 13 390/41/10/34

DECLASSIFIED
Authority AWD 75057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

Draft (cont'd)

Proposed Restitution Reporting System

X
Similar control sheets will also be maintained for the courts to record any additional cases found by the courts to be embodied in the cases referred to them.

4. As the cases and petitions are finally disposed of, the date of disposition and the quantity thereof are to be recorded in books of account maintained for this purpose. Such books of account, to be referred to hereafter as the Final Action Registers, are to be maintained for each agency and court on both a monthly and cumulative basis. They will be divided so as to show petitions and cases separately in a manner similar to that outlined above for the Work Load Control sheet. In determining whether a petition has been finally disposed of it will be necessary to consult the petition register to ascertain whether more than one case is embodied in the petition and, if so, whether each such case has been finally disposed of. The agency or court reporting the final disposition of the last case embodied in a petition will be credited with having disposed of the entire petition.

5. After the "Action Report" forms are posted to:

- a. Petition Receipt Register (all Action Report forms will be posted here),
- b. Work Load Control sheet (post as required),
- c. Final Action Register (post as required),

the forms will be filed in the files mentioned in par 2b (3), above. These files will be referred to hereafter as "Action Report" files. Separate files will be maintained for each agency and court and will be sub-divided according to the various actions, i.e., "Amicable settlements effected of entire cases", etc. Action Report forms reporting earlier actions will be withdrawn from the file retaining the Action Report forms reporting the preceding actions and will be attached to the latest Action Report form so as to consolidate in the current file the Action Report forms pertaining to each case. For example, the Action Report form reporting the forwarding to a Restitution Chamber of an entire case which could not be settled amicably would be attached the Action Report form reporting its being available for settlement and would be placed in the file maintained for the Restitution Agency labelled as "Forwarded to Restitution Chamber - An entire

317702

Entry DMGDS Prop Div
File Prop Central
Box 13 390/41/10/3-4

DECLASSIFIED
Authority NUD 75057
By SR NARA Date 9-2-99

REPRODUCED AT THE NATIONAL ARCHIVES

Draft (cont'd)

Proposed Restitution Reporting System

case which could not be settled amicably". Continuing, when notice is received from the Restitution Chamber that it has received this case, the Action Report form reporting its receipt, together with the preceding Action Report forms, will be filed in the file maintained for the Restitution Chamber which is labelled "Received from Restitution Agency". Separate Action Report files are to be maintained for each month's Action Report forms. This will enable the Land Central Office to observe the timeliness of the actions inasmuch as such files will eventually contain only those cases for which no subsequent action has been reported by reason that when actions occur the related forms are withdrawn and placed in the file next in line. ~~When a case is finally disposed of the related Action Report forms will be attached to the Land Central Office's copy of the related petition.~~ To be maintained for each Action Report file will be a control sheet to contain the following minimum information:

- a. Date of receipt of Action Report form.
- b. Case/petition number.
- c. The total quantity of cases represented by the Action Report forms filed each day. This figure will be added to that carried forward from the preceding day of entry.

The total number of cases shown on the consolidated Action Report form control sheets at the end of the month represents the information to be reported in the monthly report. The cumulative report's figures may be arrived at by adding the current month's figures to the preceding cumulative report. The total number of cases on hand arrived at by consolidating the Action Report form control sheets must correspond with the number of cases contained in the balance between the consolidated Work Load Control sheets and the consolidated Final Action Registers.

K.L.P.

317703