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October 30, 1950

November 1, 1950

Mr. Abraham J. Hyman
War Claims Commission
Tariff Building
7th & E Sts. N.W.
Washington, D.C.

Dear Mr. Hyman:

Mr. Grossman passed on to me your letter of Oct. 26 written in reply to his enquiry concerning an introduction by you to our pamphlet. I was happy to learn that you are willing to comply with this suggestion. You will in the meantime have received Dr. Robinson's reply of October 29th to your kind letter.

I attach herewith a text of the pamphlet. Please consider it as too, free to contribute to it personally. The [illegible] suggestions [illegible] interesting [illegible] I hope feel free to make [illegible] from this stage. We do hope that this draft will give you the general idea what we want to say and that it will be sufficient [illegible] as the pamphlet [illegible] copy to you. With best regards,

Let me congratulate [illegible] your appointment as General Counsel of the War Claims Commission. I assume that you succeed to the post held by Mr. Roberts.

I hope to hear from [illegible] not only about the pamphlet.

With kindest regards,

Yours sincerely,

Nehemiah Robinson

NR:ls

317863

October 25, 1950

Mr. Kurt R. Grossman,
World Jewish Congress,
1834 Broadway,
New York 23, N. Y.

Dear Mr. Grossman,

I was in New York a short time ago but, just as I was preparing to make some calls on people in the city, including a visit at your office, I received word that I was needed in Washington in connection with a position with the government that I had beenseeking to get. The job is that of General Counsel of the War Claims Commission. This appointment finally came through a week ago and I am scheduled to assume my duties in Washington on November 1st. At the present time I am in the midst of winding up my personal affairs in the Chicago vicinity.

I am, indeed, flattered by your and Dr. Robinson's suggestion that I write an introduction to the Jewish Affairs pamphlet. I will be most happy to do it. If you will send me the manuscript to my Washington address I will attend to the matter at once. I can be reached at:

War Claims Commission
Tariff Building
7th & E, N. W.
Washington, D. C.

"ith kindest regards and best wishes to all my friends in the Congress, and especially to Dr. Robinson, I am

Sincerely,

Abraham S. Hyman

317864

October 23,1950

Mr. Abraham S. Hyman
4900 S. Woodlawn
Chicago, Illinois

Dear Mr. Hyman:

In your letter of August 3rd you wrote that you expect to be in New York in September, but you did not show up at all. The reason I am writing you today is the following. I have finished for the Institute of Jewish Affairs a pamphlet "The Liquidation of the Jewish DP Problem". Dr. N. Robinson raised now the very pertinent question whether you would be willing to write an introduction to this booklet. I trust you will do that. In case that you agree to follow our suggestion I would send you the manuscript and look forward to receive it from you with an introduction of 3 to 4 pages.

Hoping to hear from you real soon, I am

Sincerely yours,

Kurt R. Grossman

317865

Camps Hyman

CROSS-REFERENCE SHEET

DATE: 8/3/50

NAME OR SUBJECT letter

FROM: Grossman

TO: Hyman

REGARDING: his attached letter of 8/3/50, discontination of IRO

SEE: IRO

317866

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Jan. 7, 1970

[illegible]
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On June 6th a luncheon was tendered to Major Rachel Ryan, the lone living Polish Indian and a family Indian Mohawk since 1936. All the Native Indian Women, except Mary Greenfield, as well as representatives of the four organizing Polish organizations attended. The UPO was represented by Dr. Robert H. Hamed, Dr. Dorothy M. Portnoy, Dr. Ignac Silverstein, and Dr. H. Sherman. Dr. Peter Gibson chaired the meeting. Do Mercado officer of the Polish organizations was present and Major Ryan's only counsel and ability leader. Dr. Portnoy spoke for the UPO.

March 31, 1950

Major Abraham S. Hyman
Orthopedic Ward
Fort Dix Hospital
New Jersey

April 28, 1950

3

MEMO

to: Dr. Robert S. Marous
from: Kurt R. Grossmann

My dear Major Hyman:

I was really taken aback to hear that the pains you described to me while you were in my office forced you to go to the hospital. I know that this is very unpleasant and I would like to inform you that Major Abraham Hyman is leaving the hospital and is going home today. He will be in Chicago next week.

If you are in Chicago, please drop me a line.

1000 South Woodlawn Avenue
Chicago, Illinois
Dupont 3-1040

I know that you wished to be home for Passach and the only reward you might have is that so many friends are wishing you a speedy recovery.

He will return to Fort Dix on May 7, 1950.

Cordially yours,

Kurt R. Grossmann

KRG:ES

317368

Excerpts - Hyman

MEMO

February 16, 1950

to: Dr. N. Robinson
from: Kurt R. Grossmann

At this time we have only one copy of the Major Hyman report.

I herewith attach excerpts from the report on restitution in Germany and restitution in Austria which might be of importance to you.

As soon as I secure more copies of the report I will immediately give you a complete copy since I need the one I have now for my DP paper.

Enc.

317869

From Final Report of Major Abraham's Hyman

"Restitution - Germany

(1) Request for repeal of zonal laws.

It was inevitable that sonner or later the dormant hostility to the zonal restitution laws would come to the surface. The first serious sign of this hostility appeared on November 4, 1949, when the Freie Demokratische Partei introduced a resolution in the Bundestag (Parliament) requesting permission of the occupation authorities to substitute a Federal restitution law for the zonal laws and to hold all restitution cases in abeyance, pending the adoption of such a law.

In presenting the resolution the party spokesman urged that it was imperative to have uniformity throughout Western Germany in the field of restitution. Actually, uniformity has, in a large measure, already been achieved. The restitution laws in effect in the US Zone, in the British Zone and in the Western sectors of Berlin are virtually identical and the French authorities are reputed to be working on revisions of their zonal law to bring it in line with the others.

The resolution proved to be only a trial balloon and was not presented on the floor for debate. However, we felt that we could not ignore this maneuver; first, because to do so would encourage other parties to consolidate their strength in a drive to dilute the restitution laws (which is the real motive for the requested change); and second, it was represented to us that the expectations on the part of potential restitutors that a watered-down law might pass was having a dampening offset on the amicable settlement of restitution claims.

I presented the matter to Mr. McCloy who readily agreed that the situation called for a declaration of policy on his part. On December 19 he announced through the press that no material changes in the restitution law were contemplated.

(2) Administrative changes in restitution.

To replace the Board of Review which had been established as the court of last recort under the restitution law, and which was recently abolished, a restitution panel has been set up in the US Zone. The panel consists of one member of the present United States Court of Appeals for Germany and one former member of the Board of Review. I am reliably informed that the general attitudes of these men towards the problem of restitution are very healthy.

In line with his determination to prevent the restitution law from bogging down because of delays in litigation, Mr. McCloy appointed in December a court expediter as a member of his legal staff, whose sole function it will be to follow the progress of restitution cases through the courts and to make recommendations to speed up their final disposition.

"Restitution - Austria

(1) Proposed amendment of the Third Restitution Law

In Austria the restitution picture has worsened. There had been mounting opposition to Austria's basic restitution law (the Third) and it was a foregone conclusion that a victory for the extreme right wing in the October elections would be followed by parliamentary action to weaken the law in favor of the present holders of Aryanized property. The victorious neo-Nazi Independent party apparently considered it politically inexpedient to take the initiative in this field. However, the right wing 'boys' of the Volkspartei lost no time to propose a number of amendments which strike at the very roots of the Austrian restitution law.

In essence, the law as it stands today provides for the return of property transferred by a persecutee during the period of the Anschluss, except in those cases where the Aryanizer can affirmatively show that the transaction would have taken place in the absence of National Socialism. The proposed amendments would replace the legal presumption of confiscation by the rule that restitution is mandatory only in cases where the price was inadequate or where the seller was not free to select his purchaser; would require the return of the purchase price irrespective of the seller's power of disposition over the proceeds of the sale; would dispense with the provision that one of the assessors in the Restitution Chambers must be a member of a persecutee class; and would permit the review of all adjudicated cases in the light of the law as amended. Experts who work in the field of restitution in Austria maintain that the adoption of these amendments would be tantamount to a repeal of the Third Restitution Law.

In the meantime the Austrian press has thrown its full weight behind the proposed amendments. The effect of the mere introduction of the measure has already been felt by those who have reacquired their property. They complain that they find it difficult to resell it because of the existing threat that title of the property may, if the amendments are adopted, revert to the former owners.

In connection with this subject it should be noted that if the Austrian parliament passes these amendments they will become law unless the occupying powers unanimously disapprove them. The implications of this are clear. Every effort must be made that US Element in Austria exert its influence to have these amendments withdrawn. There is every reason to believe that if they are put to a vote they will be adopted and ~~xxxxxxx~~ ultimately ratified.

(2) Disposition of heirless property.

No progress has been made in the creation of an heirless property fund. The most recent "wrinkle" of the Austrian authorities seems to be that since the proposed treaty with Austria deals with this subject they are compelled to wait until the treaty is adopted. Their so-called conscience would trouble them, they say, if they did anything inconsistent with the treaty provisions.

Equalization of War Burdens

Although there has been no recent developments on the issue presented by the Equalization of Burdens Law, I want to mention the subject in connection with my last conference with Mr. McCloy. On that occasion I submitted for his approval a draft copy of my proposed report to the Department of the Army. In it I took cognizance of the principal objection to exempting the property of persecutees from the provisions of the law; ~~xxxxxx~~ namely, that the term

317871

"persecutee" is too elastic to admit of exact definition. I suggested that this administrative obstacle could be surmounted by adopting the formula that only property which is restituted shall enjoy the exemption. I submitted that in such cases the persecutee status of the claimant is always in issue and is formally adjudicated.

While Mr. McCloy made no affirmative comment on this phase of the report, he voiced no objection. I am ~~inxix~~ inclined to believe that Mr. McCloy's views on this matter are sympathetic and that given some encouragement from the States, he would settle the issue satisfactorily."

December 28, 1949

Major Abraham S. Hyman
Acting Advisor on Jewish Affairs
Hq European Command
APO 403, c/o P.M., N.Y., N.Y.

Dear Major Hyman,

On Dec. 23, Drew Middleton reported from Frandfort about the findings of a public opinion survey in the U.S. Zone of Germany by the Information Services Division of the U.S. High Commissioner's Office.

I assume that the release was made available to the public and that it would be possible for you to obtain a copy for me.

At this occasion I would ask you to place, if only possible, my name onthe list or recipients of releases by the High Commissioner's Office relating to such findings as well as any other information material. I assume that the Office is mailing all its releases to the U.S.A. Should this not be the case, I would ask you to put on the list Dr. R. Klein, Bockenheimer Landstr. 115, Frankfurt a/M. who would transmit the releases to me by airmail.

I understand that you are going to Israel soon and will whence return to the U.S.A. I hope to see you here upon arrival.

With kindest regards,

Yours very sincerely,

Nehemiah Robinson

NRPls

317873

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February 10, 1950

MEMORANDUM

To: Messrs. Maurice M. Boukstein
Eugene Hevesi
Kurt Grossman

From: Eli Rock

I am sending you attached copy of the Final Report of Abe Hyman to the four organizations, dated January 30, 1950.

Eli Rock
E.R.

ER:AU
Enc.

317874

The Joint Distribution Committee receives its funds in the United States through the United Jewish Appeal. Outside of the United States, the Joint Distribution Committee has the active cooperation of the *South African Jewish Appeal; United Jewish Relief Agencies, Canada; Central British Fund, Organizacion Central de Ayuda, Argentina; Comites Auxiliar do Joint, Brazil; United Jewish Overseas Relief Funds, Australia; Joint Relief Committee, Mexico; and others.*

A. S. Hyman

27 January 1950

Honorable Gordon Gray, Secretary
Department of the Army
Washington, D.C.

Dear Mr. Secretary,

I am herewith enclosing my final report as Acting Adviser on Jewish Affairs. In keeping with the practice of my predecessors I should like to have delivered the report to you personally. However, I will be on terminal leave in Europe and in Israel until the end of February and will not return to the Zone of Interior until the middle of March. I thought that you would prefer to have my impressions prior to the latter date.

The report has been cleared with Mr. McCloy and with General Keyes. Mr. McCloy made no comments. General Keyes indicated that my figure of 170,000 on the post-war influx of the Jewish refugees (page 8) was somewhat low. He felt that since approximately 150,000 had passed through Austria alone, the total figure for Germany and Austria should be higher. My calculations are approximate only and are based on estimates made by the American Joint Distribution Committee directors in Germany and Austria. Moreover, it should be pointed out that most of the Jewish DPs who eventually reached Germany came through Austria. I discussed this estimate with General Keyes' chief of the DP Division who appeared to be satisfied with my explanation.

General Keyes made one additional comment. In the original draft that I submitted to him I made no reference to his concern about the restitution situation in Austria and to his determination to prevent the injustice that I pointed out (pages 4-5). In the draft I am submitting I corrected the next to the last paragraph on page 5 to bring it in line with the General's comments, which I believe to be justified.

Obviously, I will be at your disposal should you wish to have me call at your office when I return to the States.

Respectfully yours,

ABRAHAM S. HYMAN
MAJOR FA
Acting Adviser on Jewish
Affairs

317875

27 January 1950

SUBJECT: Report of Major Abraham S. Hyman, Acting Adviser on Jewish Affairs to the US Commands, Germany and Austria

TO: Honorable Gordon Gray, Secretary
Department of the Army
Washington, D.C.

Pursuant to plan, the Office of Adviser on Jewish Affairs was discontinued on 31 December 1949. This, therefore, will be the last report of the Office and will cover the period from 15 October to 31 December 1949.

A. Solution of DP Problem

Progress in the solution of the DP problem can be measured only in terms of resettlement. Although the emigration pace set during the first nine and a half months of 1949 was not maintained during the balance of the year, there continued to be substantial resettlement of Jewish DPs from the US Zones of occupation between 15 October and 31 December 1949.

During this period 6,743 Jewish DPs were resettled from Germany and 2,095 from Austria. Of these 1,801 migrated to Israel, 6,297 to the United States and 740 to all other countries. It is estimated that as of 31 December 1949 there were 27,500 Jewish DPs in the U.S. Zone, Germany, and 9,200 in the U.S. Zone, Austria and in the U.S. Sector of Vienna. These estimates on the residual Jewish DP population include approximately 12,000 out-of-camp Jewish DPs in the U.S. Zone, Germany and 3,000 in the U.S. Zone, Austria and in the U.S. sector of Vienna. The total number of Jewish DPs resettled from the DP countries (Germany, Austria and Italy) from the end of hostilities to 31 December 1949 was 200,000, of whom 145,000 migrated to Israel, 46,000 to the United States and 9,000 to other countries.

The chief obstacle which has stood in the way of the final solution of the Jewish DP problem has been the delay in Congressional action on the proposed amendment to the United States DP Act. Migration to Israel continues. However, there are many Jewish DPs who had planned to settle in Israel who have been discouraged from going there by reports of the grim conditions facing the new arrival in that country. When it is considered that approximately 90,000 newcomers, including women and infants are bivouaced in tents in Israel and that the prospects for adequate housing to absorb the new immigrants are for the time being rather bleak, it is not difficult to understand why people who themselves have been homeless for the past decade have ruled out Israel as a present resettlement possibility. These people and those who had originally resolved to go to the United States and who are ineligible because they arrived in the areas to which the Act is applicable after the cut-off date of 22 December 1945, have been waiting for definitive action on the pending amendment. Now that it is morally certain that the amendment will pass the early solution of the Jewish DP problem is assured.

B. Handling of Specific Issues

1. Ruling on the removal of pre-fabricated houses:

In his report of 1 November 1949 Mr. Greenstein urged a liberal

interpretation of the EUCOM directive of 27 July 1949, dealing with the removal of personal belongings by DPs leaving in group movements. The High Commissioner's disposition to implement this directive in that spirit was reflected in a recent ruling that DPs may take with them pre-fabricated houses, provided they meet the requirements of the directive; namely, are able to prove that the houses were legally acquired with funds legitimately acquired. This ruling is of particular value to the Jewish DPs leaving for Israel. It is anticipated that most of the DPs who will avail themselves of this decision will employ funds they acquire under the General Claims Law to purchase their houses.

2. Abolition of Search and Seizure Operations as Method of Law Enforcement:

On 9 November 1949 a forward step was taken when EUCOM outlawed the use of search and seizure operations in DP camps as a law enforcement device, and substituted for it the normal procedure on search and arrest as sanctioned by the Anglo-American legal tradition. The mass raids were used chiefly as a weapon against the black market offenders. Actually, no group of people in Germany were ever exempt from the temptations of the black market. Aside from this fact and the fact that the law infractions uncovered in a DP camp in the course of a mass search would have been revealed by a similar operation in any German community of comparable size, events have proven that not the employment of law enforcing agents nor the threat of their use, but the availability of consumers goods on the legitimate market is the only effective antidote against the black market.

3. Publication in German of Records of Major Nurnberg War Crimes Trials:

A project which has been abandoned and which, in my opinion, should be revived is the publication in German of the records of the major War Crimes Trials conducted at Nurnberg. I refer to the Doctors, Justices, Generals, Industrialists, Diplomats and SS cases. Our attempt to bring Germany within the democratic orbit will remain nothing more than a noble experiment unless the German people are first convinced that the losses which they lament, and for which they presently hold the Allies responsible, are the harvest of the seeds sown and cultivated by the Nazi regime. The Germans may be more readily disposed to repudiate that regime, if it were engraved on their minds that even before a single shot was fired the architects and patron saints of National Socialism had engaged in a conspiracy against civilization and that the crowning achievement of the Third Reich was the systematic and ruthless extermination of millions of innocent people, German and non-German, alike. While there may be general apathy towards this story today, the material in the Nurnberg records of trial must be readily available to such leaders in Germany who are resolved to discredit the Nazi tradition and are determined to prepare the soil in which the democratic way of life can grow in Germany.

As compared with the amount expended on the project before it was abandoned, relatively little is necessary to complete it. I have shared my views on this matter with Mr. McCloy who acknowledged the merit of the project and directed that the matter be studied.

4. Restitution - Germany:

It is with satisfaction that I report the determination of the US

High Commissioner to prevent the restitution law in effect in the US Zone, Germany, from being defeated through interminable delays in the restitution courts. In December Mr. McCloy appointed a court expediter whose sole function it will be to follow the progress of the restitution cases through the legal aparatus provided for their trial and review and to recommend procedural changes for speeding up their ultimate disposition.

Another development in the field of restitution in Germany is worth noting. On 4 November 1949 the Frei Demokratische Partei introduced a resolution in the Bundestag requesting permission of the occupation authorities to substitute a Federal restitution law for the zonal laws and to hold all restitution cases in abeyance, pending the adoption of such a law. In presenting the resolution the party spokesman urged that it was imperative to have uniformity throughout Western Germany in the field of restitution. Granted that the argument has merit, the obvious answer is that uniformity in internal restitution has, in a large measure, been achieved. The restitution laws in effect in the US Zone, in the British Zone and in the Western Sectors of Berlin are virtually identical and the French authorities are at the present time working on revisions of their zonal law to bring it in line with the others. In view of the history of our Military Government Law 59, it is reasonably certain that the Frei Demokratische Partei advanced the resolution in response to popular demand for a diluted restitution law. To disabuse those who had been relying on the prospects of a watered-down Federal law, Mr. McCloy announced on 19 December that no material change in the US restitution law was contemplated.

C. Observations on and Recommendations with Reference to Specific Issues

1. Restitution - Austria:

The basic legislation on internal restitution in Austria is the Third Restitution Law. It provides for the return of property transferred by a persecutee during the period of the Anschluss, except in those cases where the Aryanizer can affirmatively show that the transaction would have taken place in the absence of National Socialism. Following the October elections the extreme rightists of the Volkspartei introduced a measure in parliament which strikes at the very roots of the Third Restitution Law. The proposed amendments would replace the legal presumption of confiscation by the rule that restitution is mandatory only in cases where the price was inadequate or where the seller was not free to select his purchaser; would require the return of the purchase price irrespective of the seller's power of disposition over the proceeds of sale; would dispense with the provision that one of the assessors in the Restitution Chambers must be a member of a persecutee class; and would permit the review of all adjudicated cases in the light of the law as amended. The Austrian press is reputed to have thrown its full weight behind the proposed amendments.

It is, I believe, fair to state that these proposed amendments are a clear-cut attempt at the emasculation of the Third Restitution Law and that if adopted, internal restitution in Austria will become a farce. Granted there are hardships created by the law now in force. It is, however, relevant to mention that the hardships on the part of the original owners of the property escape the notice of those who advocate the changes for the reason that most of the original transferers have either emigrated or are dead; in either case, the victims of the evil which the Third Restitution Law was designed, in part, to undo. The fundamental issue is not the hardships of the person who is asked to part with property he acquired but, rather, how do the equities of that person

compare with those of the person who was victimized, or with those of his survivors. It is elementary justice that no transfer of property effected under duress should be permitted to stand. And it is crystal clear that at the time the transfers falling within the purview of the Third Restitution Law were made, there was duress, panic and terror in the very air the persecutee breathed. Transfers made under such pressure, though superficially free, cannot be deemed to be voluntary regardless of the adequacy of the consideration. This thinking is instinct in the restitution laws in force in Western Germany and in the law now in force in Austria. The adoption of the proposed amendments would be tantamount to Austria's ratification of part of the mischief the Nazis introduced into Austria. It would be most difficult to reconcile this ratification with Austria's contention that she herself was the victim of Nazi aggression.

General Keyes and his staff are keenly aware of the restitution situation in Austria and will, I am confident, in line with our basic mission in Austria, do what they can to awaken the conscience of the Austrian leaders to the implications inherent in the adoption of the proposed amendments.

It is, of course, not possible to refer to internal restitution in Austria without inviting attention to Austria's failure to this date to provide for the disposition of heirless and unclaimed property subject to restitution. This property must be made available for the use of the victims of National Socialism, under the same formula as it is disposed of in the zonal laws in Germany.

2. Equalization of War Burdens:

I share Mr. Greenstein's views that the property of those who were victimized by the Nazis should be relieved of the burdens of the Equalization of Burdens law, present and future. This is particularly applicable to the property of those who left Germany and who have not returned. These people, understandably, are unable to reconcile what happened to them, with their present liability for part of the losses sustained by those who, directly or indirectly, participated in their expropriation and expulsion.

To meet the objection that the administration of a law providing for that exemption would present insurmountable difficulties on the ground that the term "persecutees" is incapable of exact definition, the rule might be adopted that property which is subject to restitution under Military Government Law 59 (and similar laws in the other zones) should enjoy that exemption. In such cases proof of persecutee status of the owner is a necessary prerequisite to recovery and is an issue which must be formally adjudicated.

3. Anti-Semitism:

The latter part of November President Heuss and Chancellor Adenauer made elaborate statements on the question of anti-Semitism. On the eve of the Jewish New Years in September 1949 they had extended greetings to the Jews of Germany. However, for all practical purposes, their November statements represented the first uttered on the subject since the end of the war by men prominent in German political life. The statements were forthright and represent an excellent beginning. The President and Chancellor deplored the brutalities of the Nazi regime, promised to make restitution to the victims to the extent that restitution is possible, admitted that the Germans had reason to feel collectively "ashamed" for belonging to a people who had subjected the Jews to unprecedented slaughter (though rejecting the concept of "collective guilt")

and invited the German Jews to return to Germany to help in its reconstruction and to reintegrate into its economic and cultural life.

I am reasonably certain that the appeal for the return of the Jews who had migrated from Germany was genuine. Yet, assuming that this sentiment was shared by Jews everywhere, it is safe to conjecture that the appeal will fall on deaf ears. The reason is obvious. Virtually the only Jews who have been returning to Germany, and they in trickles, are the aged. They are the people who were unable to make an adjustment in the country of asylum and were drawn back to the land with which their memories are associated and where they feel at home. The Jews who were forced to flee have, in the main, nursed a deep resentment and profound disappointment that their friends and neighbors were indifferent to their plight, during the period when Hitler succeeded in mobilizing the country's sentiments against them. It would be impossible to plumb the depths of their feelings towards those who actively participated in their expulsion and in the extermination of their loved ones. Moreover, the men of ability have taken root elsewhere and it is hardly thinkable that they would return to resume their lives in an environment which is still hostile to the people of their faith. The permanent Jewish community in Germany is presently in an amorphous stage, yet to be crystallized. At best, for the Jews who left Germany this country today represents a social vacuum in which life would have little meaning.

Probably the most significant aspect of the Heuss and Adenauer statements is the press reaction to them. In the main, the press reported the statements without comment or with comments which were lukewarm. This would justify the conclusion that the issue the German leaders raised is still taboo or, what is more likely, that what they said represents their personal philosophy and not the convictions of the German people. This bears out my personal experience. In the course of my four and a half years tour of duty in Germany I met Germans who had the courage to reject anti-Semitism during the Nazi regime and Germans who, today, are outspoken protagonists for a world in which all groups, including Jews, can live in security. At this stage, however, I feel that these people are a pitifully small minority and are hardly a factor in the national psychology of the German people.

I am in complete agreement with Mr. Greenstein's observations on anti-Semitism, expressed in his report of 1 November 1949, and would merely underscore the need for our own understanding that active anti-Semitism is not only a symptom of moral rot but is a sure sign that the other evils of the Nazi regime still persist in Germany. At a conference in Heidelberg, convened on 31 July 1949 to discuss the future of German Jewry, Mr. McCloy stated that Germany's treatment of its Jews will be a barometer of its regeneration as a democratic force. I believe that this view is unassailable. In our approach to the German people we should stress the fact that it is at least as much if not more, in their own interest as it is in the interest of the Jewish people that they forsake their anti-Semitism.

C. Summary

The welfare of the Jewish DPs in Germany and Austria was the primary concern of the Adviser's Office during the four years of its existence. Having been associated with that office for the past three and a half years, I was in the position to observe the Jewish DP problem develop in the various stages through which it passed.

317880

When the war ended it was found that only about 30,000 Jews had survived the concentration camps in Germany and Austria. The repatriation or resettlement of these would have been no major task. The real Jewish DP problem was created by the post-war influx of approximately 170,000 Jews from Poland, Rumania, Hungary, and Czechoslovakia, who fled either because of pogroms, because of fear of physical violence, because of their rejection of Communism as a way of life, and, to use their own words, because they could not live in the "graveyards" of their families and friends. It is an ironic twist of history that these people, running away from actual or potential persecution, should have come to the very country which unloosed the forces that led up to their plight. Inherent in this situation, however, was the greatest tribute to the American people. The refugees did not come to Germany; they came to receive the protection of the armed forces of the country in which they instinctively had a consumate faith. Their instincts served them well, for in the US Zones of occupation they received the care and treatment that enabled them not only to regain their health but restored in them a positive faith in themselves and in their own future.

To me it was constant source of amazement that men trained to fight could, when catapulted into positions requiring skills totally unrelated to their previous experiences, show the social vision they displayed in the handling of the many complex problems the Jewish DPs presented. Sometimes it appeared to the men on the operational level that the DPs were too great a burden and that they interfered with functions which they regarded more germane to the Army's mission in Germany and Austria. However, the men responsible for shaping and implementing American policy in Germany and Austria, Generals Eisenhower, McNarney, Clay, Huebner, Clark and Keyes and Mr. McCloy, and their immediate staffs, generated a spirit through their commands in the presence of which the impatience with the DPs was dissipated. It is to the everlasting credit of these men that they recognized that the Jewish segment of the general DP population had been Hitler's chief victims and gave these people preferential treatment when and so long as justice warranted it.

During the past three and a half years our office made many recommendations on behalf of the Jewish DPs. Almost with no exception, every request which could, within the framework of our occupation policy, be met, was readily met. Aided by UNRRA, the IRO and by the Jewish voluntary agencies, notably the American Joint Distribution Committee and the Jewish Agency for Palestine, the Army pursued a course which led to the rehabilitation of several hundred thousand lives who had all but lost faith in humanity. In so doing the US Army in Germany and Austria, in my opinion, raised its own stature as an instrument of a living democracy.

Equally deserving of praise are the Jewish DPs themselves. What happened to these people collectively has, to my knowledge, no parallel in the history of civilized men. All of them were uprooted from their homes, many were the sole survivors of their immediate families, and nearly all will, as long as they live, be tortured by the gnawing memories of children, wives, husbands, parents and other kin breathing their last before a Nazi firing squad or expiring in a sealed freight car, in a gas chamber, in a crematorium, or in a living grave. In the light of these shattering losses, which were sufficient to unbalance the most sturdy, their record in Germany and Austria, especially for the resilience they displayed, for the self-restraint they exercised, and for the will to live they demonstrated, deserves a special place of honor in the story of mankind.

HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on Jewish Affairs
APO 403, U. S. Army

2 December 1949

Dear Mr. Grossmann:

Thank you kindly for your letter of 9 November and the inclosures, dealing with the emigration of Jews to Australia.

Apparently the Jews on the spot feel that the Australian immigration policy has no anti-Semitic implications. Perhaps they are the best judge of this matter. I may be inclined to a defeatist view, but with Israel presenting a real alternative for the Jews who want to quit the European continent, I am very much tempted to follow a simple formula about emigration to other countries; namely, any country which does not want Jews does not deserve them.

The next time I have occasion to speak with the local "experts" on the subject of emigration to Australia I will show them your letter and will share with you their reactions.

With best wishes, I am

Sincerely yours,

ABRAHAM S. HYMAN
Major FA
Acting Adviser
on Jewish Affairs

Mr. Kurt Grossmann
World Jewish Congress
1834 Broadway
New York 23, N.Y.

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HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on Jewish Affairs
APO 403, U.S. Army

2 December 1949

Dear Mr. Grossmann:

Thank you kindly for your letter of 9 November and the inclosures, dealing with the emigration of Jews to Australia.

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With best wishes, I am

Sincerely yours,

Abraham S. Hyman
Major FA
Acting Adviser
on Jewish Affairs

Mr. Kurt Grossmann
World Jewish Congress
1834 Broadway
New York 23, N.Y.

See: australia - Immigration

317383

HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on Jewish Affairs
APO 403, U.S. Army

3 copies

2 December 1949

Dear Mr. Grossmann:

Since receiving your letter of 4 November I have had a number of talks with the people here working in Germany on emigration and am now convinced that no real problem is presented with respect to the disqualification of people belonging to certain Zionist organizations. On close questioning I find that perhaps in one or two instances have men been declared ineligible where the suspicion has existed that the disqualifying factor is membership in a so-called left wing Zionist organization. Actually, this membership may have been only a clue to other affiliations. In any event, there is now a fairly unanimous feeling that no issue should be made of this matter. Thank you kindly for keeping me informed on this problem. Also my ~~fond~~ thanks for your good wishes on my recent appointment. profound

Sincerely yours,

ABRAHAM S. HYMAN
Major FA
Acting Adviser
on Jewish Affairs

Mr. Kurt Grossmann
World Jewish Congress
1834 Broadway
New York 23, N.Y.

317884

C
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P
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HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on Jewish Affairs
APO 403, U.S. Army

2 December 1949

Dear Mr. Grossmann:

Since receiving your letter of 4 November I have had a number of talks with the people here working in Germany on emigration and am now convinced that no real problem is presented with respect to the disqualification of people belonging to certain Zionist organizations. On close questioning I find that perhaps in one or two instances have men been declared ineligible where the suspicion has existed that the disqualifying factor is membership in a so-called left wing Zionist organization. Actually, this membership may have been only a clue to other affiliations. In any event, there is now a fairly unanimous feeling that no issue should be made of this matter. Thank you kindly for keeping me informed on this problem. Also my profound thanks for your good wishes on my recent appointment.

Sincerely yours,

Abraham S. Hyman
Major FA
Acting Adviser
on Jewish Affairs

Mr. Kurt Grossmann
World Jewish Congress
1834 Broadway
New York 23, N.Y.

317885

M E M O November 25, 1949

to: Dr. Robert S. Marcus (cc Dr. N. Robinson)
from: Kurt R. Grossmann

At the meeting of the 4 cooperating organizations which took place on Wednesday, November 23, 1949 at the offices of the Joint, the following organizations were represented:

American Jewish Committee: Prof. Gray, Dr. Simson, Dr. Vogel and Eugene Meyer.

The Jewish Agency: Dr. N. Goldmann

The Joint: Moe Leavitt, Messrs Beckerman and Eli Rock

WJC: Philip Bernstein and Kurt R. Grossmann

Harry Greenstein was present who did not give any report but informed the meeting that there would be no Office of the Jewish Advisor after December 31, 1949. He then tried to induce the 4 cooperation organizations to have a coordinating office for all remaining problems in Germany and Austria. He himself reported that after his preliminary talks with various organizations, he feels that the outlook for his suggestion is not very bright.

After the Jewish Agency as well as the Joint made it clear that they could not become a partner in this Office, and therefore his suggestion could not be followed, Greenstein made a new approach by suggesting that Major Hyman be asked to become a coordinator of an Office in Germany which would serve the American Jewish Committee, the World Jewish Congress and Joint, if necessary.

Dr. Goldmann declared that this suggestion had no practical value although the highest regard is held for Major Hyman.

The Joint concurred with that opinion.

317386

CROSS-REFERENCE SHEET

DATE: 11/1/1949

NAME OR SUBJECT FINAL REPORT

FROM: HARRY GREENSTEIN, Adviser on Jew. Affairs

TO:

REGARDING: Camps in Germany

SEE: Camps, folder Reports Jew. Advisers

233- 11/5/46-500-EM:fh
ADM-2046

317387

HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on Jewish Affairs
APO 403, U.S. Army

10 November 1949

Dear Mr. Grossmann:

Subsequent to my last communication with you relative to the discrimination against members of left wing Zionist organizations, I discussed the problem with any number of people engaged in various aspects of the US Displaced Persons immigration. I find that the situation was blown up to the proportions that do not square with the actual facts.

Apparently, Mr. Ortner of the HIAS felt that in a few cases people sponsored by the HIAS were being rejected because of their affiliation with certain Zionist parties. My subsequent investigation leads me to believe that there is no such policy being pursued by the DP Commission. The individuals involved looking for an explanation for their rejection may have hit upon the disclosure of their membership in these organizations as the reason and Mr. Ortner, in his zeal, may have generalized from these few specific instances.

My present estimated situation is that the entire problem does not merit any further investigation or future intervention on your behalf. I think that the Congress representations to the State Department, which you describe in your letter of October 28th, will serve as a preventative in the event that such discrimination is contemplated.

With best wishes, I am

Sincerely yours,

Abraham S. Hyman

ABRAHAM S. HYMAN
Major FA
Acting Adviser
on Jewish Affairs

ASH/rs

Mr. Kurt R. Grossmann
c/o World Jewish Congress
1834 Broadway, New York City

317888

HEADQUARTERS
European Command
Office of the Adviser on Jewish Affairs
APO 403, U. S. Army

10 November 1949

Dear Mr. Grossmann:

Subsequent to my last communication with you relative to the discrimination against members of left wing Zionist organizations, I discussed the problem with any number of people engaged in various aspects of the US Displaced Persons immigration. I find that the situation was blown up to the proportions that do not square with the actual facts.

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With best wishes, I am

Sincerely yours,

ABRAHAM S. HUMAN
Major FA
Acting Adviser
on Jewish Affairs

ASH/rs

MR. KURT R. GROSSMANN
C/O World Jewish Congress
1834 Broadway, New York City

317389

November 9, 1949

Major Abraham Hyman
Adviser on Jewish Affairs
H. Q. European Command
Office of Chief Staff
APO 403 c/o PM, New York

Dear Major Hyman:

re: Discrimination against Jews for immigration to Australia

You were good enough to send me at the end of August material concerning the above-mentioned matter. I transmitted that data to the Executive Council of Australian Jewry and you will be interested to read their comments.

You are best suited to judge whether or not these comments are justified.

Please keep in touch with me in this matter.

Very sincerely yours,

Kurt R. Grossmann

KRG:BS
Enc.

See: Australia - Immigration

317390

Camps - Jed. Adv. Abe Hyman

c o p y

TEMPLE B'NITH-KODESH
117 Gibbs Street
Rochester 5, New York

November 4, 1949

Mr. Eli Rock
American Jewish Joint Distribution Committee, Inc.
270 Madison Avenue
New York 16, N. Y.

Dear Eli:

As you know, Abe Hyman has been appointed Acting Adviser to succeed Harry Greenstein. In my opinion, Abe has made a greater sacrifice for the cause than any of us. The other advisers remained for a relatively short time and all returned to their former positions. Abe is staying on to the bitter end with obvious cost to himself, which you as a lawyer will certainly understand.

Therefore, I feel that we ought to give Abe whatever recognition we can. That is one reason why I so strongly urged his appointment. We ought to give him due public acknowledgment. With this in mind, I wrote to Abe and asked him to send me a picture and biographical information. They have just arrived, and I am herewith enclosing them.

I send them to you with the thought that you, as coordinator of the four groups would initiate the necessary steps to have his appointment, his picture and the basic information about him distributed to the general and Jewish press. I know that the other groups would approve of this and therefore suggest that, after whatever preliminary inquiries you wish to make, that you turn over to your public relations people for widespread publication.

I will be grateful if you will let me know what you will do about this. Also, if you will have your people send me some of the clippings which I could transmit to Abe?

Thanks and cordial regards,

As ever,

Philip S. Bernstein

317391

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vs DP's

October 28, 1949

Mr. Abraham S. Hyman
Headquarters European Command
Office of the Adviser on
Jewish Affairs
APO 403, U.S. Army, New York

Dear Mr. Hyman:

May I refer to your letter dated September 30, 1949 addressed to Dr. N. Robinson concerning certain discrimination against members of left-wing Zionist parties or organizations in their endeavor to reach the United States under the present DP Bill.

I had an exploratory discussion at the Department of State and as far as we could find out, no instruction was given to the United States Consuls by the Department. They do not know of any lists which might possibly be compiled of organizations whose members should be excluded. Also, the DP Commission has no information whatsoever on this subject.

I was told at the State Department that in their opinion the decisions to exclude members who are identified with Mapam in Israel must have been taken on the basis of conferences of CIC officers and DP personnel in the field. Although they promised to investigate this matter a bit further and they were as much astonished as we that members of Poale Zion should be excluded, I feel it advisable to pass this information on to you in order that you might investigate this matter further.

I wish to stress that at this moment we are only investigating this situation and would like to know who is responsible for the excluding practices stated in the original HIAS communication.

You know that Section 13 of the DP Act can be very broadly interpreted and before we decide on launching any protest, we really want to get all the information available.

Thank you for your cooperation.

Very sincerely yours,

Kurt R. Grossmann

KRG:ES

317392

MEMO

October 7, 1949

To: Mr. Will Maslow
From: Robert S. Marcus

CC: Mr. Polier, Mr. P. Baum

I have a copy of a communication of September 30th addressed to you by your Washington representative concerning the exclusion of members of certain Zionist groups from the benefits of the Displaced Persons program. I was very much surprised to note the contents of the letter since we had arranged with Mr. Baum of your department to have the WJC undertake action in this matter.

This is certainly not a problem for the NCRAC since it would be folly to expect the AJCommittee or the Jewish War Veterans or the Jewish Labor Committee to be interested in doing anything about this matter. It is a situation which should be dealt with by the WJC with the proper authorities in the State Department. Be that as it may, let us finally decide who is to handle it so that we avoid working at cross purposes.

For your information, I enclose herewith copy of a pertinent communication dated September 30 addressed to Dr. Robinson by the Assistant to the Adviser on Jewish Affairs.

317393

copy

HEADQUARTERS
EUROPEAN COMMAND
Office of the Adviser on
Jewish Affairs
APO 403, U.S Army

September 30, 1949

Dear Dr. Robinson:

Within the past several weeks we learned that the DP Commission, undoubtedly on instructions from Washington, was turning down for emigration to the States applicants who are members of some of the so-called left wing Zionist parties. The local people who gave us this information were unable to ascertain specifically what parties were involved but is is our collective guess that they are the Shomer Ha Zair and Poale Zion. Since these parties are identified with the Mapam in Israel, it is assumed that they follow the "party line" and are regarded as undesirable for emigration to the US.

We have not been able at this stage to estimate what effect this ruling will have on US immigration. However, it is safe to assume that while it will hurt some people, the total affected, from the standpoint of numbers, will be insubstantial.

In the Central Committee elections, the parties in question polled a considerable vote. It is reasonable to assume that a substantial part of this electorate chose the US as their country of resettlement and yet is is not until recently that the issue to which you refer has been raised. In any event, I will try to get more specific information as to the number who have been disqualified on this ground and will pass on the facts to you.

Those of us in the local scene who considered this problem, concluded that this was a matter that could not be settled by any direct approach to the DP Commission. The question is one that we felt will have to be raised directly with the State Department by the political parties concerned.

Do you have any other thoughts on this issue?

With best wishes, I am

Sincerely,

(sgd) Abraham S. Hyman

Abraham S. Hyman
Major JAGC
Assistant to the
Adviser on Jewish Affairs

medical ... Dr.
R. Marcus

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317394

N.I

November 4, 1949

Major Abraham Hyman
Adviser on Jewish Affairs
Office of the Jewish Advisor
H.Q. European Command
Office of Chief Staff
APO 403 c/o P M, New York

Dear Major Hyman:

May I first express my heartfelt good wishes on the occasion of your deserved appointment to the position of the Jewish Advisor to the United States High Commissioner.

In addition to the letter which I sent you on October 28, 1949 on the question of discrimination against members of certain Zionist organizations and their exclusion from entering the United States, under the present DP Act, I want to inform you that no lists of such Zionist organizations have been compiled in Washington nor were instructions given to compile such lists. Therefore, I suggest that you take up this matter with the proper authorities in the field.

The World Jewish Congress is willing to followup this matter here in Washington if you deem that advisable.

With best wishes,

Very sincerely yours,

Kurt R. Grossmann

KRG:ES

317895

M E M O November 4, 1949

to: Dr. Robert S. Marcus
from: Kurt R. Grossmann

re: Discrimination against members of Zionist organizations

With reference to my Washington report on October 26, 1949, point Ib, I want to inform you that I spoke with Herbert Fierst yesterday over the telephone. He told me that he had investigated the matter and found out that no lists of Zionist organizations had been compiled in Washington, the members of which would be excluded from coming to the United States.

You know that I had already written to Abraham Hyman and have sent him a follow-up letter of which I attach a copy.

317896

September 21, 1949

Major Abraham S. Hyman
HQ European Command
Office of the Adviser on Jewish Affairs
APO 403, c/o P.M., N.Y., N.Y.

Dear Major Hyman,

After having received the latest (20th) edition of the U.S. Military Goverment Laws, Proclamations and Orders, I checked with my files to find a reference to another edition. I established that somehow I have not received all the editions; the following numbers are missing: 7, 9 and 18.

I would appreciate it very much if you could order these editions for me.

With kindest regards,

Sincerely yours,

Nehemiah Robinson

NR:ls

317897

September 8, 1949

Major Abraham S. Hyman
HQ European Command
Office of the Adviser on Jewish Affairs
APO 403, U.S. Army, c/o P.M., N.Y., N.Y.

Dear Major Hyman,

I wish to thank you heartily for your letter of Sept. 1 and the two enclosures:

(a) Report on Denazification by Mr. Raffaeli,

(b) The English translation of the General Claims Law.

They are really of great importance to us.

With kindest regards,

Very sincerely yours,

Nehemiah Robinson

NR:ls

317398

May 20, 1949

Major Abraham S. Hyman
HQ European Command
Office of the Adviser on Jewish Affairs
APO 403, c/o P.M., N.Y., N.Y.

Dear Major Hyman,

As you know, the Nazis had created in Frankfurt a/M the Institut zur Erforschung des Judentums, under Rosenberg.

Do you know what has happened to the books and documents which were collected in that institute? I would appreciate very much any information you may have or obtain on the fate of these collections.

What is the status of the general damage law?

I hope you will find a little time to follow up the requests made at earlier occasions.

With kindest regards,

Very sincerely yours,

Nehemiah Robinson

NR:ls

317999

April 7, 1949

Major Abraham S. Hyman
HQ European Command
Office of the Adviser on Jewish Affairs
APO 403, c/o PM, N.Y., N.Y.

Dear Major Hyman:

I received what seems to be a copy of General Clay's letter to the Secretary General of the Laenderrat. The doubt I have, is that the copy does not carry the day on which it was written but only the month (February).

Judging by this letter, General Clay asked the Laenderrat to reconsider 9 points, among them the question of DPs' heirless property.

Since over a month passed since this letter was written, the reaction of the Laenderrat must be known. I would appreciate very much any information you may have on this topic.

The local papers, especially the New York Times and New York Herald Tribune have carried during the last days reports from Frankfurt about the revival of militaristic and neo-Nazi movements in Western Germany. These dispatches are based on reports of the U.S. Military Government (I assume reference is made to the bi-weekly reports) or of Allied Intelligence. Unfortunately, I was unable to obtain copies of these reports here. Would you be kind enough to send me copies of these documents which I understand are not restricted?

Thank you very much for the prompt attention you have been giving to all my requests.

I am with kindest regards,

Sincerely yours,

N. Robinson

317900

March 23, 1949

Major Abraham H. Hyman
Office of the Adviser
on Jewish Affairs
APO 403, c/o P.M.
New York, N.Y.

Dear Major Hyman:

Many thanks for your letter of March 10 and the promise to secure in Frankfurt the German version of the draft of the Constitution for Western Germany.

I hope that you will be able to secure in Berlin the recent orders on Denazification issued by the three Western powers.

With kindest regards,

Sincerely yours,

Nehemiah Robinson

NR:ms

317901

March 23, 1949

Major Abraham S. Hyman
Office of the Adviser
on Jewish Affairs
APO 403 c/o P.M. N.Y.

Dear Major Hyman:

Many thanks for your letter of March 10 and copy of the study in the hands of General Clay.

The JTA of March 21 carried a report from Frankfurt according to which the Indemnification Bill was rejected by General Clay on the grounds that it would not benefit DP's. This dispatch, however, did not specify what steps if any General Clay recommended to alleviate the situation. Under the circumstances it is quite impossible to make any kind of intervention in Washington.

I would appreciate it very much if you inform me of the present situation and how the proposed intervention should be conducted.

According to your information the Laenderrat is still in existence. General Clay could propose any change he feels justified to make.

When I wrote you about the devise for paying the allotted amounts to absentees I did not have in mind the question of depositing it in frozen or free accounts. I was concerned about the provision of Section III of the Draft Concerning Priority Order of Restitution Payments and Reimbursement Funds.

Paragraph 39 mentioned explicity only persons falling under Art. 6. Section I. Paragraph I. and then goes over to the remaining payments, classes II and III.

Thus no provision is made for payments in Class I to people not falling under Article 6. Section I. Paragraph I. i.e. to absentees.

So far as I know two bills were introduced. One is the Fifth Restitution Law and the other is the Sixth Restitution Law. The first deals with legal persons and the second with former employees.

317902

The former Fifth Restitution Law Concerning Apartments supposedly under consideration. I was informed on good authority that the Parliament does not intend to let it go through. It is a matter of great importance from the practical point of view and from the point of view of principle as well.

It would certainly be of value if you would intervene in this affair.

Concerning the proposed loan, I was informed that the amount of 25 million schillings is being stalled on the basis that there is no legal possibility for granting it.

Kindest regards,

Sincerely yours,

Nehemiah Robinson

NRjms

317903

Camps - Reports

F I N A L R E P O R T

O F

M A J O R A B R A H A M S. H Y M A N

ACTING ADVISER ON JEWISH AFFAIRS
TO US COMMANDS GERMANY AND AUSTRIA

HEIDELBERG, GERMANY

JANUARY 30, 1950

317904

January 30, 1950

TO: American Jewish Committee
American Joint Distribution Committee
Jewish Agency for Palestine
World Jewish Congress

In his final report of November 1, 1949 Mr. Greenstein gave you a resume of the developments in the US Zones of occupation during the period he served as Adviser on Jewish Affairs. His tour of duty ended on October 15, 1949. In this report I will indicate the developments between October 15 and December 31, 1949 (the date our office formally closed) and give you my estimate of the present situation in Germany and Austria.

I shall take up the matter in the following order:

I. Developments in Germany and Austria between October 15 and December 31,1949.

a. Resettlement
b. Infiltration
c. Removal of Pre-fabricated Houses
d. Legislation Affecting DPs
e. Restitution - Germany
f. Restitution - Austria
g. Equalization of War Burdens
h. Adenauer and Heuss Interviews
i. Publication of Records of Trial of Major Nurnberg War Crimes Cases
j. Completion of Talmud
k. Oberammergau Passion Play
l. Developments on Coordinating Committee Proposed at Heidelberg Conference of July 31, 1949

II. Estimate of Present Situation in Germany and Austria

a. DP Population as of December 31, 1949
b. Comments on Permanent German Jewish communities
c. Comments on Permanent Austrian Jewish communities
d. Observations on the Ultimate Solution of the DP Problem

III. Creation of Coordinating Group for the US Zone, Germany

IV. Appreciations

317905

(over)

I. DEVELOPMENTS IN GERMANY AND AUSTRIA BETWEEN OCTOBER 15 AND DECEMBER 31, 1949.

a. Resettlement

The figures below indicate the resettlement of the Jewish DPs from Germany and Austria between October 15 and December 31, 1949:

Destination	Germany	Austria	Grand Total
Israel	763	1038	1801
USA	5730	567	6297
Other countries	250	490	740
Total	6743	2095	8838

b. Infiltration from East European Countries

During the last quarter of 1949 there was still substantial infiltration from the countries within the Russian orbit. A total of 1980 reached the US sector of Vienna during this period. The following are the figures on infiltration from the eastern countries for the entire year 1949, as reflected in the registrations at the AJDC sponsored Rothschild Hospital in Vienna:

January	724
February	747
March	1,229
April	2,813
May	2,112
June	1,011
July	548
August	1,747
September	496
October	564
November	773
December	644
TOTAL	13,008

Approximately one-half of those who entered during the last three months came from Hungary and the remainder from Czechoslovakia, Roumania and Poland, with the preponderant number from Czechoslovakia. The invalidation of all Czechoslovakian passports on November 30, 1949, will more than likely result in even increased infiltration from that country. This is anticipated notwithstanding the fact that legal migration from Czechoslovakia to Israel is still possible.

317906

The reasons the newcomers assign for breaking out of their countries are those which have previously been indicated in the reports of our office. To recapitulate, they are (1) the inability to adjust to Communism; (2) the desire to overcome the ban on legal migration to Israel, as in the case of Hungary; (3) the mistaken belief that regardless of their late date of arrival, they will be able to get to the United States under the DP Act, with relative ease; and (4) the feeling that inevitably the curtain will be rung down on them and they will find themselves permanently cut off from the rest of Jewry.

In Austria the infiltrees have to this date posed no special problem. The basic ration for the refugees in the Vienna installations (Rothschild, Artzberger and the AJDC Resettlement Home) is supplied by the Austrian Government. Those who, for sundry reasons, must go into the camps in the Zone, are maintained by the AJDC. As of December 31, 1949, the AJDC was providing full maintenance for only 100 of the newcomers.

It is estimated that approximately 500 of the infiltrees have entered the US Zone, Germany, and are dispersed among the camps in the Zone. Being ineligible for IRO care, they are dependent upon the camp generosity for their maintenance. Within the past few months their situation has deteriorated because the camp administrations no longer have the excess rations they had when the camps were larger and when the population was more fluid. As a result of this development these newcomers have been pressing for greater assistance from the AJDC.

c. Removal of Pre-fabricated Houses

On the eve of Mr. Greenstein's departure from Germany our office was informed of the decision reached by the High Commissioner's Legal Adviser, authorizing DPs leaving Germany in group movements to take with them pre-fabricated houses as their personal baggage. This interpretation of the regulations was urged by our office. Until the opinion was rendered it was generally

317907

believed that DPs could remove such property only pursuant to special license. Although no one to date has taken advantage of this ruling, we are informed that plans are taking shape for the removal of about 500 housing units to Israel, with funds secured from restitution.

d. Developments in Legislation Affecting DPs.

(1) Abolition of mass raids.

In view of the reduced number of Jewish DP camps in the US Zone, Germany, and the cessation of "business" ventures against which raids were generally directed, the problem of mass raids has become an academic issue, However, it is of interest to mention that on November 8, 1949, a EUCOM directive went into effect which abolished mass raids in DP camps and substituted normal procedure on search and arrest, as sanctioned by the Anglo-American legal tradition. This directive culminates 3½ years of intermittent discussions with the military authorities in which our office consistently maintained that mass raids are ineffective as a law enforcement technique and, to the extent that they are predicated on mass responsibility for unlawful conduct of one or several persons, are inconsistent with our concept of justice. The raids were used chiefly as a weapon against black market offenders who, presumably, used the DP camps as bases of operation. Experience has proven what our office repeatedly urged; namely, that not police measures but the availability of consumers goods on the legitimate market is the only antidote against the black market.

(2) Proposed grant of limited criminal jurisdiction over DPs to German courts

In will be recalled that in the Occupation Statute the occupation authorities reserved control over the military forces and over displaced persons. On November 18, 1949, the three High Commissioners adopted Allied High Commission Law 13, entitled "Judicial Powers in the Reserved Fields." The law provides, among other things, that except as expressly authorized by each

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High Commissioner in his Zone, German courts will not exercise criminal jurisdiction over the occupation forces and over High Commissioner personnel.

On the strength of this law the US High Commissioner has proposed a law entitled "Judicial Powers in the Reserved Fields and Relief from Unlawful Restraint." If adopted, this law would extend the criminal jurisdiction of German courts in the US Zone to include allied nationals (exclusive of occupation forces and High Commissioner personnel) and over displaced persons, for offenses punishable by a maximum of 150 Deutschemarks or six weeks' confinement. The proposed measure carries the proviso that even in this limited jurisdictional sphere, the allied national or displaced person may, by filing a timely petition, remove his case to one of the US Districts Courts for Germany. There is every reason to believe that this regulation will, with minor modifications, ultimately be adopted.

Our office abstained from expressing our views on this issue for a number of reasons. One, we felt that we could not ask for more favorable treatment for displaced persons than the High Commissioner was prepared to extend to non-occupation allied nationals (US, French, and English nationals doing business or visiting the Zone); two, there has always been respectable opinion to the effect that Jewish DPs could fare as well in German courts as in the American tribunals; three, we did not regard the question as crucial since we thought the right of election was adequate to protect the DP who preferred to be judged by an American court; and four, we believed that it was important for the DPs who are still here to realize that if they remain in Germany they must inevitably lose their extraterritorial rights and be amenable to the local laws on parity with the general German population. Their present insularity tends to perpetuate among the Jewish DPs the belief that they will always be regarded as a special privileged class and, in this respect, has a bearing on their ultimate decision with respect to resettlement.

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e. Restitution - Germany

(1) Request for repeal of zonal laws.

It was inevitable that sooner or later the dormant hostility to the zonal restitution laws would come to the surface. The first serious sign of this hostility appeared on November 4, 1949, when the Freie Demokratische Partei introduced a resolution in the Bundestag (Parliament) requesting permission of the occupation authorities to substitute a Federal restitution law for the zonal laws and to hold all restitution cases in abeyance, pending the adoption of such a law.

In presenting the resolution the party spokesman urged that it was imperative to have uniformity throughout Western Germany in the field of restitution. Actually, uniformity has, in a large measure, already been achieved. The restitution laws in effect in the US Zone, in the British Zone and in the Western sectors of Berlin are virtually identical and the French authorities are reputed to be working on revisions of their zonal law to bring it in line with the others.

The resolution proved to be only a trial balloon and was not presented on the floor for debate. However, we felt that we could not ignore this maneuver; first, because to do so would encourage other parties to consolidate their strength in a drive to dilute the restitution laws (which is the real motive for the requested change); and, second, it was represented to us that the expectations on the part of potential restitutors that a watered-down law might pass was having a dampening effect on the amicable settlement of restitution claims.

I presented the matter to Mr. McCloy who readily agreed that the situation called for a declaration of policy on his part. On December 19 he announced through the press that no material changes in the restitution law were contemplated.

(2) Administrative changes in restitution.

To replace the Board of Review which had been established as the court of last resort under the restitution law, and which was recently abolished, a restitution panel has been set up in the US Zone. The panel consists of one member of the present United States Court of Appeals for Germany and one former member of the Board of Review. I am reliably informed that the general attitudes of these men towards the problem of restitution are very healthy.

In line with his determination to prevent the restitution law from bogging down because of delays in litigation, Mr. McCloy appointed in December a court expediter as a member of his legal staff, whose sole function it will be to follow the progress of restitution cases through the courts and to make recommendations to speed up their final disposition.

f. Restitution - Austria

(1) Proposed amendment of the Third Restitution Law

In Austria the restitution picture has worsened. There had been mounting opposition to Austria's basic restitution law (the Third) and it was a foregone conclusion that a victory for the extreme right wing in the October elections would be followed by parliamentary action to weaken the law in favor of the present holders of Aryanized property. The victorious neo-Nazi Independent party apparently considered it politically inexpedient to take the initiative in this field. However, the right wing "boys" of the Volkspartei lost no time to propose a number of amendments which strike at the very roots of the Austrian restitution law.

In essence, the law as it stands today provides for the return of property transferred by a persecutee during the period of the Anschluss, except in those cases where the Aryanizer can affirmatively show that the transaction would have taken place in the absence of National Socialism. The proposed amendments would replace the legal presumption of confiscation by the

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rule that restitution is mandatory only in cases where the price was inadequate or where the seller was not free to select his purchaser; would require the return of the purchase price irrespective of the seller's power of disposition over the proceeds of the sale; would dispense with the provision that one of the assessors in the Restitution Chambers must be a member of a persecutee class; and would permit the review of all adjudicated cases in the light of the law as amended. Experts who work in the field of restitution in Austria maintain that the adoption of these amendments would be tantamount to a repeal of the Third Restitution Law.

In the meantime the Austrian press has thrown its full weight behind the proposed amendments. The effect of the mere introduction of the measure has already been felt by those who have reacquired their property. They complain that they find it difficult to resell it because of the existing threat that title of the property may, if the amendments are adopted, revert to the former owners.

In connection with this subject it should be noted that if the Austrian parliament passes these amendments they will become law unless the occupying powers unanimously disapprove them. The implications of this are clear. Every effort must be made that US Element in Austria exert its influence to have these amendments withdrawn. There is every reason to believe that if they are put to a vote they will be adopted and ultimately ratified.

(2) Disposition of heirless property.

No progress has been made in the creation of an heirless property fund. The most recent "wrinkle" of the Austrian authorities seems to be that since the proposed treaty with Austria deals with this subject they are compelled to wait until the treaty is adopted. Their so-called conscience would trouble them, they say, if they did anything inconsistent with the treaty provisions.

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g. Equalization of War Burdens

Although there has been no recent developments on the issue presented by the Equalization of Burdens Law, I want to mention the subject in connection with my last conference with Mr. McCloy. On that occasion I submitted for his approval a draft copy of my proposed report to the Department of the Army. In it I took cognizance of the principal objection to exempting the property of persecutees from the provisions of the law; namely, that the term "persecutee" is too elastic to admit of exact definition. I suggested that this administrative obstacle could be surmounted by adopting the formula that only property which is restituted shall enjoy the exemption. I submitted that in such cases the persecutee status of the claimant is always in issue and is formally adjudicated.

While Mr. McCloy made no affirmative comment on this phase of the report, he voiced no objection. I am inclined to believe that Mr. McCloy's views on this matter are sympathetic and that given some encouragement from the States, he would settle the issue satisfactorily.

h. Adenauer and Heuss Interviews

In one of his early conferences with Mr. McCloy, Mr. Greenstein underscored a basic reality, about post-war German leadership, when he directed Mr. McCloy's attention to the fact that no German leader had apparently considered it politically profitable to openly disavow Nazism. Mr. Greenstein suggested that disappointment on this score might be communicated to the leaders of the West German Republic. This suggestion resulted in the statements (reported in Mr. Greenstein's final report) issued by Chancellor Adenauer and President Heuss on the eve of last Rosh Hashana.

The latter part of November, Karl Marx, the editor of Juedisches Gemeindeblatt Allgemeine, interviewed Chancellor Adenauer on his attitude towards the Jews. I presume that the press in the States gave the full inter-

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view the prominence which it deserved. I will, therefore, not comment on it, except to indicate that one phase of the interview gave us some concern.

It will be recalled that in answer to a question on what the Federal Government intended to do about restitution, Adenauer answered, in part, the following:

> The Federal Government will direct its special attention towards the equalization of the economic damages done to the Jewish people. The present legislation needs many corrections and amendments. The State of Israel is the visible collection of the Jews of all nationalities. The Federal Government intends to give to the State of Israel goods of the value of 10 million Deutschemarks as a first direct token that the injustice done to the Jews all over the world has to made good.

When I learned that the publication of the interview would indicate that Adenauer's offer had Mr. McCloy's backing, I called Mr. McCloy and advised against having his name associated with the interview or any part of it. I made two points in this connection: one, the statement would be more effective if it appeared as the credo of the Chancellor and not as a statement inspired by the US High Commissioner; and two, the offer of any specific sum and, especially, of the token sum of 10 million Deutschmarks was, the least to say, impolitic and should not have been made in advance of definite assurance that Israel would accept it. I pointed out that Israel would be bound to reject the proposal, if only in response to its public opinion, and that if Mr. McCloy's name is identified with the proposition, the reaction from Israel would be a repudiation of an American sponsored offer. Mr. McCloy indicated that although he had on occasions spoken to the German authorities on the need for coming out in the open on the Jewish question, he at no time was consulted on Adenauer's overtures to Israel. Moreover, he agreed that his name should not be drawn into the matter. Although it was too late to delete his name from the published stories, fortunately, it was not mentioned in such a way as to embarrass him.

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On November 28, 1949, immediately following the Adenauer interview, Marion Zid of the Jewish Daily Forward interviewed President Heuss. While admitting that the German people should feel collectively "ashamed" for belonging to a people who had subjected the Jews to the unprecedented slaughter, he rejected the idea of "collective guilt" of the German people. He announced that a special section on Jewish affairs would be set up within the Federal Government and welcomed "the return of every German Jew who had not severed his cultural, economic and personal ties with Germany."

On December 27th I wrote you on the situation with respect to the designation of a person to represent the Jews of Germany at Bonn. It is still my belief that the primary reason that Heuss' proposal stands little chance of immediate implementation is that there is no Jew, with intentions to remain in Germany, who has the requisite stature for the post.

In his final report Mr. Greenstein expressed his views on anti-Semitism in Germany. Nothing has developed since his departure which would warrant conclusions different from those he formulated during his tour of duty. By way of a footnote to his analysis I want merely to mention that the German press, by and large, either refrained from commenting on the Adenauer and Heuss statements or were lukewarm in their approval.

i. Publication of Records of Trial of Major Nurnberg War Crimes Cases

My attention was called to the fact that the publication in German of the records of the Nurnberg War Crimes trials (Justices, Doctors, Generals, Industrialists, Diplomats and SS cases) had been suspended and that the uncompleted portion had been turned over to the Nurnberg German archives. The publication of the original records in English also met with resistance in the States and the project was for a while abandoned on the ground that these records would serve no useful purpose. Recently, however, the State Department and the Department of the Army reconsidered this decision and determined to complete the project, at government expense.

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It was my opinion, fortified by the views of Mr. Ferencz of the Jewish Restitution Successor Organization, who personally prosecuted one of the cases and who has an intimate knowledge of the wealth of material in all the cases, that these records should be made available to the German reading public. I discussed the matter with Mr. McCloy who agreed with my views and indicated that he would try to find the means to implement the recommendation. I am informed that the matter has been referred to Washington for approval.

j. Completion of the Talmud

Upon Rabbi Bernstein's recommendation, General McNarney approved a project in 1946 for the printing of the Talmud by Army, with funds to be supplied by the German economy. Aside from meeting a need for the Talmud among the DP rabbis and DP seminaries, it was felt preeminently just that an edition of the Talmud be printed on the very soil where it had only recently been regarded as anathema. The project was begun in 1947 and was delayed because of paper shortages. The original estimates called for 50 sets of 16 volumes each. The AJDC joined in the project and undertook to pay the cost of printing 600 additional sets. After 12 volumes were completed it was discovered that the sets could not be printed in less than 19 volumes each. This entailed an expenditure of 33,750 Deutschemarks in addition to the original appropriation of 180,000. On our recommendation the US authorities approved the additional sum. With this obstacle removed, the historic edition of the Talmud, dedicated by the DP Rabbinate to the US Army of Occupation, should be completed by June of this year.

k. Conferences on Oberammergau Passion Play

Some time ago the American Jewish Committee and the Anti-Defamation League asked our office to investigate reports that Military Government had approved a German request to solicit funds in the United States for the support of the Oberammergau Passion Play. Mr. Greenstein discussed the play

with the authorities and was informed that Military Government considered it a commercial enterprise and would, therefore, not approve the request. Moreover, Military Government assured Mr. Greenstein that it would use its powers to prevent the play from being used as a vehicle to stimulate anti-Semitism in Germany.

Military Government proved its neutrality on this issue when it disapproved Oberammergau's first application for a loan, whose proceeds were to be used in improving housing in Oberammergau and in the purchase of material required in the production of the play. This ruling was in keeping with policy designed to discourage the German cities from overextending themselves financially. This policy was later changed in favor of allowing the German communities greater economic freedom, and when the city of Oberammergau filed a second request for a loan it met with immediate Military Government approval.

After Mr. Greenstein's departure we were further urged to discuss the play with the proper authorities with the view of eliminating objectionable features and of preventing the exploitation of the play for anti-Semitic purposes. At a meeting arranged for us by the Land Commissioner for Bavaria Chaplain Barish and I conferred with the mayor of Oberammergau and the director of the play, the Lang brothers. The meeting with the Germans was a friendly one. It was apparent that they were eager to avoid unfavorable publicity and would be receptive to any reasonable suggestions. We felt that there was no point in suggesting any change in the text proper and therefore dwelt on the need for an appropriate introduction to be recited at each performance, which might serve to create the proper mood for a wholesome audience reaction. At a subsequent conference, in which Rabbi Isaac Klein, the High Commissioner's liaison with German Jewish communities, also participated, such a prologue, prepared by Chaplain Barish on the basis of material furnished by the American Jewish Committee, was submitted to the sponsors of the play. The Langs

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enthusiastically accepted the theme of the suggested prologue and are cooperating, even more than we had anticipated, by undertaking to amplify and to strengthen it.

1. Developments on Establishment of Coordinating Committee Proposed at the Heidelberg Conference of July 31, 1949.

Despite the obvious merit in the proposal for coordinated effort in planning for the permanent Jewish communities in Germany, the idea of the over-all committee projected at the Heidelberg conference of July 31, 1949 did not take root. Aside from the technical and administrative difficulties inherent in any effort to establish a single planning body for a large geographical area, the local situation presented other problems, which, though foreseen, were not regarded so formidable that they could not be overcome. However, in the implementary stages the sponsors met with stiff resistance at every step and recognized the futility of pursuing the proposal.

The reasons the proposal did not meet with success suggest the present character of the Jewish community in Germany. In the first place, the community is impoverished from the standpoint of leadership. There is not one person in all of Western Germany who commands the respect and confidence of the Gemeinde people beyond the immediate group he represents. Under these circumstances the deadlock over the selection of a leader to head up the committee was inevitable. Moreover, the Jewish community in Germany has far from crystallized. It is still in its amorphous stage of development with many people not knowing exactly where they stand with regard to remaining in Germany and with the most articulate elements pulling in diametically opposite directions. The blueprint for the coordinating committee called for the representation of both the Central Committee and the Gemeinden of Western Germany. These have proven to be irreconcilable forces. The Central Committee is committeed to the policy that no Jewish community should establish itself

in Germany and that everything must be done to discourage its growth. On the other hand, the Gemeinden accept the existence of a permanent Jewish community either as an imperative or as a simple reality and consider it their mission to achieve for themselves what any Jewish settlement wants and needs to further its communal life. In any event, it has been impossible to effect the fusion of these two groups.

One unforeseen benefit which has resulted from the project is that so long as the possibility of the formation of the committee exists - and in the minds of many it still exists as a possibility - men, not of the most responsible variety, have refrained from posing as the spokesmen for the Jews of Germany.

II. ESTIMATE OF PRESENT SITUATION IN GERMANY AND AUSTRIA

a. DP Population as of December 31, 1949

(1) Geographical distribution.

The following chart reflects the in-camp and out-of-camp Jewish DP population and its distribution in Germany and Austria, as of December 31, 1949. The number of camps in these geographical areas is also indicated.

	In-camp	Number of camps	Out-of-camp
GERMANY			
US Zone	15,535	9	12,000
British Zone	1,000	1	1,000
French Zone	0	0	300
AUSTRIA			
US Zone	4,372	5	310
British Zone	0	0	40
French Zone	0	0	240
US Sector, Vienna	1,846	3	3,000*
TOTALS	24,753	18	16,890

*It is estimated that there are approximately 3,000 unregistered Jewish refugees throughout Austria, with the greatest concentration in Vienna. This figure is in addition to the estimated 3,500 former DPs who are members of the Viennese Gemeinde.

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(2) Distribution of in-camp population within camps and other installations.

	Name of camp	Population		Primary function
US ZONE, GERMANY	Landsberg	1,846		Static
	Lechfeld	1,992		"
	Foehrenwald	3,863		"
			7,701	
	Gabersee	1,292		Medical hard core
	Feldafing	2,594		" " "
			3,886	
	Geretsried	435		US resettlement
	Attel	249		" "
	Aschau	214		" "
	Wasseralfingen	750		" "
			1,648	
	In rehabilitation centers		247	
	In hospitals (including patients and workers)		1,029	
	In miscellaneous installations, being processed for immediate migration		1,024	
			15,535	
BRITISH ZONE, GERMANY	Bergen Belsen		1,000	Static
US ZONE, AUSTRIA	Ebelsberg	1,526		Static and medical hard core
	Beth Bialik	156		Israeli resettlement
	Hallein	980		Static
	Wells	690		"
	Steyer	1,020		"
			4,372	
VIENNA, AUSTRIA	Rothschild	1,051		Transient
	Artsberger	715		"
	JDC Transient Home	80		Immigration Center
			1,846	
	TOTAL		24,753	

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b. Comments on the Permanent Jewish Communities in Germany

I will not deal with the permanent Jewish communities in Germany, except to mention that the estimated population of these communities as of December 31, 1949, was 15,400, distributed as follows:

US Zone	3,500
British Zone	3,500
French Zone	500
Berlin	6,700
Russian Zone	1,200
Total	15,400

In his final report Mr. Greenstein dealt with the essential problems facing the Kultusgemeinden in Germany. Chaplain Barish, who started a detailed analysis of these communities for use in the Heidelberg Conference of July 31, 1949, is now completing this survey. His final study should be invaluable to an understanding of the composition, economic status, outlook and resettlement intentions and of the social, cultural and religious life of the Jews who comprise the communities.

c. Comments on the Permanent Jewish Communities in Austria

The population of the Viennese Jewish community, which is virtually the only Jewish community in Austria, remains fairly constant. As of December 31, 31, 1949, it had 12,418 members of whom approximately 3,500 were former DPs. In the face of the reports that neo-Nazism is on the rise in Austria, and despite the October election victory of the Independents the Jews of Vienna are not agitated. They are apprehensive about the future but not to a point where it affects their determination to remain in Austria.

On the credit side of the ledger it must be said that all former civil servants and public office holders who returned to Austria were restored to their posts and that no Jewish student has been denied the opportunity to study in the Austrian universities. There are approximately 360 such students attending the universities of Vienna, Graz and Innsbruck, of whom approximately one-third are pursuing courses in medicine.

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There is little evidence of overt anti-Semitism in Austria. In reality, the Jews are no longer a factor in Austrian life. Moreover, Austria's dependence upon the United States and upon Russia and its eagerness to present the most favorable picture during the final stages of the Treaty negotiations, reduce the probability of open anti-Semitic activity in Austria.

The absence of overt anti-Semitism is, however, at best, a negative virtue. More revealing is the attitude of the Austrians towards the question of heirless property and the Third Restitution Law. In this connection it is a sad commentary on international morality that despite Austria's dependence upon other countries for its very existence, it has ignored the problem of heirless property with impunity and how the strongest party in Austria can indulge itself in the effrontery to introduce legislation which would virtually nullify the Third Restitution Law.

d. Observations on the Ultimate Solution of the DP Problem

The solution of the Jewish DP problem has only come into view. It has not by any means, as yet, been solved. Practically all of the in-camp DPs are still waiting to be resettled and a substantial part of those who live in the communities are also determined to leave. During the peak of mass resettlement, from July 1948 to July 1949, most of the movement came from the camps. It was then assumed that the out-of-camp DPs were, in the main, taking root in the communities. However, an analysis of recent emigration figures shows that the out-of-camp resettlement is closely approximating the departures of the in-camp DPs. For example, in December 1949, 1,100 in-camp and 844 out-of-camp Jewish DPs departed from Germany. Small communities which in 1945 to 1946 had sprung up in towns neighbouring the camps began to disintegrate along with the dissolution of the camps. These communities are now disappearing as a result of the bulk of the people being syphoned off by resettlement and the remaining few, for obvious reasons, filtering into the larger communities

where they can have the association of fellow DPs. This is mentioned not to give the impression that all of the out-of-camp DPs are candidates for migration but rather to indicate that in estimating the extent of the resettlement problem, the out-of-camp DPs are still an important factor.

Since, with the exception of the medical hard core, all Jewish DPs have for some time had the opportunity to leave Germany and Austria, and yet, are still in these countries in substantial numbers, it is pertinent to ask several questions which bear on the eventual solution of the Jewish DP problem. (1) What are the resettlement intentions of the residual group? (2) What are the factors delaying resettlement? (3) What can be done to expedite resettlement?

(1) Resettlement intentions of the Jewish DPs.

People who are in daily contact with the Jewish DPs estimate that under present conditions the reservoir among them for further migration to Israel has been virtually exhausted. In both Germany and Austria the overwhelming majority of the DPs are holding out for migration to the United States. In mid-December Chaplain Barish and I took advantage of the imminent closing of our office to address mass meetings in the static camps at Landsberg, Lechfeld and Foehrenwald, which presently house the bulk of those who, from the standpoint of resettlement, have been catalogued as the "undecided." Our primary purpose was to stimulate migration in these camps. We succeeded in reaching at least one representative of every family in these centers, and were convinced that 90% or more of these people are determined to go to the United States. As long as there is any reasonable hope in that direction, they will remain in Germany and Austria until they reach their objective, provided that other countervailing conditions (the threat of war, the inability to satisfy their elementary needs) do not intervene. At this juncture I must add that this element is not unenthusiastic about Israel. I am of the opinion that given more favorable conditions in that country, many of them would elect to go there

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without any delay. However, today they have before them the double spectre of unemployment and of an indefinite stay in tents, and they are little impressed by the arguments that Israel's difficulties are only temporary and that Jews who are already uprooted would be wise to help in the construction of a land of their own. Many people told us that in making their decision they were guided by advice of relatives and friends who had already resettled in Israel.

The full impact of reports emanating from Israel on the residual group can only be appreciated when one hears that the non-institutional medical hard core cases show no greater inclination than do the healthy to treat Israel as an immediate resettlement choice and that even among the institutional cases there are DPs who are holding back despite assurances that in Israel they will receive care at least equal to what is available to them in Germany and Austria. In brief, they are reluctant to trade the known for the unknown.

(2) Factors delaying resettlement.

No single factor has contributed more to the delay in resettlement of the Jewish DPs than the indecision on the amendment of the US DP Act. This, of course, has no application to the medical hard core who, for reasons of health, are permanently barred from entering the States. Neither does it apply to those DPs who, knowing that the amendment would establish January 1, 1949, as the new cut-off date line, elected to remain in Germany and Austria despite their entry after that date.

The resettlement of those who do claim eligibility under the current Act, has been retarded largely by the DP Commission's recent preoccupation with the processing of agricultural workers, in order to satisfy the percentage requirements of the DP Act, and by the more exacting review of applications in which the individual relies upon residence in Silesia before December 22, 1945, to qualify under the Act.

The adoption of the amendment approved by the Senate Judiciary Committee on January 25, has a double-edged aspect. While, on the one hand

it will satisfy the DPs who have been waiting for years for this action to materialize, it will, on the other hand, delay their resettlement and thus protract the Jewish DP problem. It was anticipated that if the amendment were turned down, mass migration to Israel would resume this spring, despite conditions prevailing there. It is now morally certain that only a relatively small fraction of the DPs whom the proposed amendment renders eligible will resettle in Israel. In the main, they will make no such election until after the opportunity to go to the United States has definitely been denied them. If substantial immigration of DPs to Israel takes place in the immediate future, it will come mostly from the medical hard core and from those who entered the occupation zones after January 1, 1949.

(3) Action which may expedite resettlement.

There are some, who, impatient to see the Jewish DP problem solved and who feel that the DPs exaggerate the present hardships in Israel, argue that Jewry should withdraw its material support from the DPs who are in the DP countries today. Even if this could be justified from the moral standpoint, such a decision would, in my opinion, have little effect on the ultimate solution on the Jewish DP problem. The supplementary relief which the DP receives adds to his comfort but is not, I believe, of such magnitude as to constitute the inducement to stay on in Germany or Austria. Most people who are immersed in the problem feel that the complete withdrawal of AJDC relief would not tip the scales in favor of immediate resettlement to Israel. The DPs would somehow manage, even at a reduced standard of life, and would wait until their personal plans for resettlement materialize.

The foregoing does not, however, rule out the value of a firm approach to those who will not be rendered eligible for migration to the United States by the amended Act. Assuming, as we must, that the DP existence has nothing to commend it as a way of life, and assuming further that Israel in its present

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struggle for survival has the first priority on Jewry's financial support, I believe that Jewry will want to re-examine its relief program in the DP countries with the view of curtailing it generally and with the view of withdrawing all support from those who present no realizable plan for early resettlement.

It would, in my opinion, certainly be neither unreasonable nor inhumane to say to the medical hard core group that if, after Israel has indicated its readiness to receive them, they elect to remain in Germany or Austria, they must do so exclusively as wards of the German or Austrian government. Nor would it be unreasonable to give the same words of caution to the newcomers from Eastern Europe who refuse to accept a resettlement opportunity, including Israel.

In addition, I believe that the point has been reached, where serious thought should be given to the withdrawal of all support from such organizations as the Central Committees and the DP political parties which, so to speak, "keep the pot boiling." The very presence of these groups perpetuates the DP status quo and gives the DPs a sense of psychological security which, in turn, relegates thinking on their ultimate resettlement to the background. I do not personally begrudge the DP the strength which he derives from these organizations. However, when that comfort gives him an illusion of well being, appears to give substance to a pattern of living which is essentially a life in limbo, and encourages general inertia toward making a decision which would end his demoralization, I believe that his sense of security is a drug which he cannot afford and that any organization which supplies that "drug" hurts rather than helps the DP. I am aware of the fact that the committees are engaged in important welfare work. To the extent that this work is indispensable it may be absorbed by the Jewish voluntary agencies in Germany and Austria.

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Finally, in the same vein, I believe that when the IRO phases out it might be prudent to abandon the position that DPs are entitled to any special privileges because of their DP status. There is strength and comfort in being regarded as a group apart, the special wards of the occupation forces. I feel that the effect of making the DPs amenable to the laws of the land where they live would hasten their decision either to integrate into the economies of these countries or to leave for some other land where they can resume life as normal beings.

What I am suggesting, basically, is that beginnings must be made to end the entire DP complex. The special attention lavished on the DPs was once merited and served a very useful purpose. Today it is, in my opinion, interfering with the final rehabilitation and resettlement of the DPs still living in Germany and Austria.

III. CREATION OF COORDINATING GROUP

In view of the decision reached by the major Jewish organizations not to establish a representative agency in Germany I felt that some other machinery had to be set up locally to prevent a vacuum in the area in which the Adviser's Office had functioned. After considering a number of alternatives I thought of what amounts to an offshoot of the idea born at the Heidelberg Conference. What I finally proposed was that the local directors of the AJDC and the JAFP and representatives of the Gemeinden in the US Zone and of the Central Committee constitute themselves as a coordinating group for the purpose of dealing with those problems in which there is a common interest among these groups. This coordinating committee was to be distinguished from the agency which was projected at the Heidelberg Conference of July 31, 1949 in two respects. It was contemplated that its activities would be confined to the US Zone and, instead of <u>planning</u> for the Jews in Germany, it would merely serve as the <u>spokesman</u> for the Jews in the Zone on issues in which there is a community

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of interest. I took the liberty to discuss with Mr. McCloy the formation of that group and he indicated that he would welcome some such agency to whom he could turn for counsel from time to time.

I am pleased to advise you that on January 25th the committee, called the Coordinating Council of the Jewish organizations in the US Zone, Germany, came into being. It consists of three representatives of the Gemeinden, three from the Central Committee, one from the AJDC and one from the JAFP. There is reason to believe that once the group has shown its effectiveness its pattern will be adopted in the other western zones and that on issues relating to all of western Germany coordination among the several groups may be achieved.

IV. APPRECIATIONS

During the 3½ years that I worked with the Jewish DP problem I not only had a chance to see it in its different stages but was able to observe at close range the extent to which the Jewish voluntary agencies and others dedicated themselves to the welfare of the Jewish DPs. In partnership with the IRO, the Jewish organizations made a contribution which forms one of the most stirring chapters in welfare history. Through its comprehensive and varied relief, welfare and rehabilitation program the AJDC translated the generous impulses of American Jewry into a concrete program of action; the JAFP brought to the DPs a zeal for Israel which was contagious, and furnished the personnel who taught the children, inspired the parents and handled all of the complex problems relating to emigration to Israel; the ORT made a conspicuous contribution by giving vocational training to the young and old who would learn; the HIAS and the AJDC achieved unparalleled success in the handling of US immigration; the Central Committee in Germany and Austria furnished leadership to the DPs and gave them a goal towards which to strive; and the Jewish Chaplains who volunteered for duty with the DPs identified themselves with their plight and in countless ways served them faithfully.

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It was a great experience to work with Rabbi Philip S. Bernstein, Judge Louis E. Levinthal, Dr. William Haber and with Mr. Harry Greenstein, the four Advisers with whom I served, and a distinct pleasure to have been associated in the work of the Adviser's Office with Rabbi Emanuel Rackman, Rabbi Herbert S. Friedman, Chaplain William Dalin and Chaplain Louis Barish.

I want to acknowledge my profound appreciation of what the US Army did to help the Jewish DPs. This Army, aided by UNRRA, by the IRO, by the Jewish Voluntary Agencies and by the US DP Commission, bore the brunt of the Jewish DP problem and, within the framework of the occupation policy, bore it exceptionally well. The Army's achievement in this field is the direct result of the inspiring leadership furnished by the men who headed up our forces in Germany and Austria, Generals Eisenhower, McNarney, Clay, Huebner, Clark and Keyes and by the present US High Commissioner for Germany. In my conferences with Mr. McCloy I discovered a man who brought warmth and understanding to every problem I presented to him and, above all, a desire to help.

Finally, I am grateful to you for proposing me to the Army for the honor of filling the post of Adviser on Jewish Affairs.

Sincerely,

ABRAHAM S. HYMAN
Major FA
Acting Adviser on Jewish
Affairs

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