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THEASURY DEPARTMENT

Annual Report

OFFICE OF
ALIEN PROPERTY
DEPARTMENT OF JUSTICE

FISCAL YEAR ENDED JUNE 30, 1969

324972

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TREASURY DEPARTMENT

- 1 -

LETTER OF TRANSMITTAL TO THE PRESIDENT

Office of the Attorney General
Washington, D. C.

The President
The White House, Washington, D. C.

My dear Mr. President:

I have the honor to transmit to you the Annual Report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1969. This report is made pursuant to Section 6 of the Trading with the Enemy Act, as amended.

Respectfully,

John N. Mitchell
Attorney General

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LETTER OF TRANSMITTAL TO THE ATTORNEY GENERAL

Office of Alien Property
Department of Justice
Washington, D. C.

The Honorable
The Attorney General

Dear Mr. Attorney General:

I herewith present the Annual Report of the Office of Alien Property for the fiscal year ended June 30, 1969. This is the twenty-seventh annual report of proceedings under the Trading with the Enemy Act, as amended, submitted by the Office of Alien Property and its predecessor agency, the Office of Alien Property Custodian, in accordance with Section 6 of the Act.

Respectfully,

WILLIAM D. RUCKELSHAUS
Director, Office of Alien Property

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ANNUAL REPORT
OF
OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
FOR
FISCAL YEAR ENDING JUNE 30, 1969

POLICIES AND PROGRAMS

The Office of Alien Property is charged with the responsibility of completing the administration, liquidation and disposition of the remaining vested property of the United States.

To the extent possible, vested property is reduced to cash by sale or liquidation at the earliest practicable date. Pending its sale or disposition, the property is administered in the national interest in a manner designed to conserve and increase its value.

The disposition of the proceeds of the sale or liquidation of vested property has been determined by the Congress through the enactment of various amendments to the Trading with the Enemy Act. Section 32 permits return to certain non-hostile persons; Section 34 provides for the payment of debt claims to American creditors of enemy nationals; Section 39 directs the transfer of the net proceeds of all German and Japanese property to the War Claims Fund; Sections 41, 42 and 43 divest the Attorney General's interest (1) in all remainders that had not vested in possession by the end of 1961, (2) in unaccrued installments of income from estates, trusts, annuities and similar properties, and (3) in all copyrights and trademarks not previously returned or disposed of.

The processing and adjudication of title and debt claims and the prosecution and defense of lawsuits in the Federal courts were the major functions of the Office during the year. Other programs included the issuance of notices of divestment of vested interests in estates and trusts and the liquidation of vested assets.

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VALUE OF VESTED PROPERTY

As of June 30, 1969, the cumulative total of cash receipts from vested property amounted to approximately \$866,000,000. After deductions for administrative expenses, taxes, payment of title and debt claims and cumulative total advances of \$464,250,000 to the War Claims Fund, there remained in the United States Treasury at the end of the fiscal year a balance of approximately \$58,000,000, as shown in Table I, which follows:

TABLE I
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
AS AT JUNE 30, 1969

CASH RECEIPTS

Cash receipts from vested property:

Principal	\$781,264,906.27
Income	<u>82,167,007.49</u>

\$863,431,913.76

Cash receipts from non-vested property

2,162,316.77

Expenses recovered from Satellite Assets Fund

397,348.72

Transfer from Safekeeping Funds

48,313.94

Total Receipts

\$866,039,893.19

CASH DISBURSEMENTS

Transfers to War Claims Commission *

\$464,250,000.00

Payment of title and debt claims, Sec. 9(a)
suits and compromise settlements

203,010,644.03

Administrative expenses

61,596,927.67

Direct expenses, taxes, repairs, intercustodial
payments, war production royalties, etc.

77,933,579.48

Cash transferred to U. S. Treasury under Sec.

202(b) of International Claims Settlement Act

1,636,369.34

Total Disbursements

\$808,427,520.52

Balance June 30, 1969

\$ 57,612,372.67

* and its successor, Foreign Claims Settlement Commission.

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In addition to the cash in the U. S. Treasury, the Office was administering unliquidated property estimated to be worth about \$1,000,000. Also, through the years the Office has returned to title claimants and successful litigants unliquidated property valued at approximately \$33,000,000. Thus, the value of all property vested, including the increment thereon, reached a grand total of about \$900,000,000.

As of June 30, 1969, there still remained under the control of the Office property estimated to be worth \$59,000,000, as shown in Table 2, below:

TABLE 2

CASH AND ESTIMATED VALUE OF ASSETS ON HAND
AS OF JUNE 30, 1969

Cash	\$58,000,000
Miscellaneous properties and interests in properties	<u>1,000,000</u>
TOTAL	\$59,000,000

VESTED PROPERTY ACCOUNTS

Individual accounts are set up on the books of the Office in the name of the pre-vesting owner. These accounts reflect the property vested, together with the cash realized therefrom.

As cash is received, it is deposited in the U. S. Treasury in an account established for the Office and is credited on the books of the Office to the individual accounts of the pre-vesting owners.

Pursuant to the provisions of Section 39 of the Trading with the Enemy Act, as amended, the Office is required to cover into the War Claims Fund in the Treasury the cash balances in all vested German and Japanese accounts as they become free from claims and litigation.

At the time Section 39 was added to the Trading with the Enemy Act, as amended, the War Claims Commission, now the Foreign Claims Settlement Commission, was established by the War Claims Act of 1948 and authorized to make adjudications and awards on certain classes of World War II claims, including claims of American prisoners of war and civilian internees mistreated by the enemy during their imprisonment and claims of Nationals of the United States who suffered the loss or destruction of their property by military operations and other causes during World War II. The administrative expenses of the War Claims Commission and the awards which the Act authorized are paid out of the War Claims Fund.

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At the request of the War Claims Commission and the Foreign Claims Settlement Commission, the Office has advanced to the War Claims Fund sums aggregating \$464,250,000. These advances were made before the administration of the German and Japanese property had been completed and were based on estimates that this amount would be recoverable from the net proceeds of German and Japanese accounts as they became free from claims and litigation.

At the end of the fiscal year, 32,581 such accounts had been closed and balances totalling some \$459,000,000 had been applied against these advances.

The remaining German and Japanese vested property is recorded in 164 accounts, containing cash and unliquidated property estimated to be worth about \$62,000,000. When the entire \$464,250,000 in advances has been recovered, the net balances available in the remaining accounts will then be covered directly into the War Claims Fund in the Treasury.

In addition to the German and Japanese accounts, there are 2 accounts of other nationals with cash and unliquidated property valued at about \$110,000 which will be disposed of either through returns of property to eligible claimants, by transfer to the Treasury Department pursuant to Section 39, or otherwise.

ADMINISTRATION AND LIQUIDATION OF VESTED PROPERTY

Vested property is liquidated or sold as soon as practicable after vesting. The general policy of the Office, however, has been not to sell patents, copyrights, trademarks and property of nationals of countries other than Germany and Japan. Furthermore, under the injunctive provisions of Section 9(a) of the Trading with the Enemy Act, the Office may not sell or liquidate vested property against which a suit for return is pending.

In fiscal 1969 the Office collected a total of \$72,499.91. Of this amount \$53,333.34 was derived from the redemption of securities; \$10,000.00 from the partial liquidation of a vested business enterprise; \$5,295.60 from copyright royalties and \$3,870.97 from miscellaneous sources.

At the end of the fiscal year some \$1,000,000 worth of miscellaneous property had not been reduced to cash. The remaining copyrights which have not been divested pursuant to Public Law 87-846, approved October 22, 1962, carried at a nominal value of \$1.00 each, are not included in the miscellaneous property valuations.

324979

Estates, Trusts and Insurance Contracts

When interests in estates and trusts are vested, the Attorney General succeeds to the rights of the former owners. It is the responsibility of the Office, therefore, to make certain that distribution of the assets by the administrator, executor, trustee or other fiduciary is correct and in conformity with the terms of the will, agreement, trust instrument or court decree.

Section 205, Title II, of Public Law 87-846, approved October 22, 1962, divested interests in estates, trusts, insurance contracts and similar interests which were not payable or deliverable to the Attorney General, or vested-in-possession in him, prior to December 31, 1961. The statute requires the Attorney General to give notice of divestment to former owners or custodians of the divested interests. The notice cannot be given until the files containing the facts relating to divestment are brought up to date. Each affected estate or trust must be reviewed to determine whether the interest has been retained or divested, and information respecting the named beneficiaries' criminal records must be obtained, since the statute prohibits divestment in favor of war criminals.

At the close of the fiscal year, the Office had completed the liquidation and administration of the vested interests in all but 11 estates. There remained approximately fifty trusts which were subject to further divestment proceedings under Section 205.

The total receipts of the Office from distributions and income from estates, trusts and insurance contracts as at June 30, 1969 exceeded \$61,000,000.

Patents

More than 50,000 patents were vested during World War II. Patents granted by the United States Patent Office expire seventeen years from date of issue. All patents have either been returned to the former owners, have expired, or have been written off as worthless.

Copyrights

As a result of an amendment to the Trading with the Enemy Act (Public Law 87-846, 76 Stat. 1115), which became effective on January 21, 1963, the rights and interests of the Attorney General in foreign-owned copyrights and pre-vesting copyright contracts were divested as a matter of grace, and rights in licenses granted by the Alien Property Custodian or the Attorney General were transferred to the persons entitled thereto.

Copyright interests in certain literary works by high-ranking Nazi officials were excepted, including Mein Kampf, by Adolf Hitler; the Diaries of Paul Joseph Goebbels; Memoirs of Alfred Rosenberg; Otto Skorzeny's Secret Missions; and the extensive Photographic Collection of Heinrich Hoffmann, official photographer of the Nazi Party. Also excepted was the scientific German motion picture, Meiosis-In the Sperm Cells of the Grasshopper, psophus stridulus L, which is exclusively licensed for educational purposes until August 9, 1978. The Hoffmann collection was transferred to the General Services Administration for the interest and benefit of the United States on March 1, 1966.

All unpaid royalties or other income which accrued prior to the day of divestment on vested copyrights and pre-vesting copyright contracts are payable to the Attorney General. As a result, the Office has collected some \$5,607,400.74 as of June 30, 1969 of which \$5,295.60 was received during the fiscal year.

DISPOSITION OF VESTED PROPERTIES

A very substantial part of the remaining German and Japanese property is involved in suits and proceedings in various Federal and state courts in the United States, or in administrative claims under procedures for processing and disposition which comply generally with the Administrative Procedure Act. To the extent that the Government is successful in this litigation and that administrative claims are denied, these funds will become available for transfer to the War Claims Fund.

Suits and Other Judicial Proceedings

The Office of Alien Property represented the Attorney General in judicial proceedings in various Federal courts during the fiscal year. These proceedings included 3 cases carried over from fiscal 1968. Of the 3 cases, 1 was closed during fiscal 1969, leaving 2 cases pending at the end of the fiscal year.

The Office also represented the Attorney General in 4 estates and trusts cases in various state courts which were carried over from the previous fiscal year. These 4 cases were still pending as of June 30, 1969.

The most important cases in litigation during the year were: Honda, et al. v. Katzenbach; Okamoto, et al. v. Katzenbach; and Kondo, et al. v. Katzenbach, Civil Actions Nos. 1179-64, 1591-64 and 1630-64, respectively (386 U.S. 484). These class actions were commenced by several thousand holders of yen certificates of deposit for the purpose of obtaining payments totalling approximately \$20,000,000 on their certificates from available funds of the Yokohama Specie Bank which total about \$11,000,000 and which were vested under the Trading with the Enemy Act. The claims of

nearly all of these plaintiffs were dismissed on the ground of abandonment when they failed to submit the original certificates of deposit upon which their claims were based, as they had been requested to do by the Office of Alien Property. None of the plaintiffs had timely filed complaints for review in accordance with the requirements of Section 34(f) of the Act and, therefore, they were not included in the compromise settlement of Abe, et al. v. Kennedy (U.S.D.C.D.C.) involving similar claims.

This litigation was opposed by the Office of Alien Property on jurisdictional grounds under Section 34(f) of the Act, which imposes an absolute bar on the litigation of these claims at this late date. Plaintiffs contended, however, that the Government was estopped from asserting Section 34(f) as a bar since the dismissal of their claims because of their failure to submit their certificates of deposit was unreasonable. The position of the Government was sustained by the District Court by entry of an order on March 31, 1965 dismissing the complaint on jurisdictional grounds. The Court of Appeals for the District of Columbia affirmed on January 13, 1966.

The Supreme Court, however, held that the limitations provision of Section 34(f) was "tolled" pending disposition of the prior and timely Abe-Aratani action brought by persons with similar debt claims, and that plaintiffs were entitled to have their debt claims satisfied out of any vested assets remaining after disposition of the timely suit. See Honda v. Clark (386 U.S. 484).

On April 30, 1968, the United States District Court for the District of Columbia issued a Consent Judgment and Decree for the purpose of implementing the Supreme Court's decision in Honda. The Consent Judgment defined the various categories of claims to be paid and fixed October 1, 1968 as the final date for the submission of proof of claim. As of the October 1, 1968 cut-off date, 4029 yen certificates of deposit claimants had submitted proof of their claims. During the fiscal year, 2,187 claims were closed by payment or disallowance, leaving 1,842 claims pending for consideration during fiscal 1970.

J. Robert Bonnar, et al. v. United States (In the U. S. Court of Claims, No. 293-63). Plaintiffs, all American citizens, are former shareholders or successors in interest of former shareholders of General Dyestuff Corporation, whose shares were vested in 1942 by the Alien Property Custodian pursuant to the Trading with the Enemy Act. Plaintiffs contend that they were the beneficial owners of the stock and seek damages of \$22 million. It is the Government's position in this litigation that the plaintiffs were not the beneficial owners of the stock at the time of vesting, and that the stock was actually being held for the beneficial interest of the German concern, I. G. Farben. Proof had been closed and extensive findings of fact and briefs had been prepared by both parties and submitted to the Court of Claims Commissioner during the fiscal 1969.

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Administrative Claims

The administrative return of vested property is authorized by Section 32 of the Trading with the Enemy Act, as amended. Generally speaking, vested property can be returned to non-enemy governments, citizens of allied and neutral countries not voluntarily resident in enemy countries during the war period, corporations of non-hostile countries that are not enemy controlled, certain American citizens regardless of their residence during the war, enemy citizens who continuously resided outside enemy or enemy-occupied territory since December 7, 1941 and who were not engaged in business in such territory, victims of enemy persecution who would otherwise be ineligible because of enemy citizenship or residence in enemy territory and the government, nationals and residents of Italy who were previously ineligible because of their earlier enemy status.

Section 34 permits the payment of certain debt claims to creditors of the former enemy owners of vested property. Such creditors must be citizens of the United States or the Philippine Islands or residents of this country since December 7, 1941. Debt claims against property subject to a title claim or Section 9 suit are not generally paid until the title claim or suit has been terminated. Upon the allowance of a title claim under Section 32 to a non-resident or to a foreign corporation, notice of intention to return must be published in the Federal Register at least 30 days prior to making the return. During this period, creditors of title claimants may attach the property.

As of June 30, 1968, there had been filed with the Office of Alien Property a total of 67,589 claims of which 19,905 were title claims and 47,684 were debt claims. At the start of the 1969 fiscal year there remained to be processed 40 title claims and 9 debt claims. Fifteen title claims were reopened during the fiscal year. In addition the Office commenced the processing of 4,029 Yokohama Specie Bank yen certificate of deposit claims which had been perfected for consideration under the Consent Decree in Honda v. Clark (supra). The total amount of cash and appraisable property returned or paid under the title claims program and under Section 9(a) of the Trading with the Enemy Act has now reached the sum of \$219,554,000 as shown on Table 3, below. This total includes cash payments of about \$186,554,000 and appraisable property valued at about \$33,000,000.

The Office processed 5 title claims during the 1969 fiscal year, which resulted in a return to former owners of \$162,000 in cash. The Office also paid out \$149,000 on a debt claim pursuant to court order and a total of \$3,142,047.94 on 2,085 Yokohama Specie Bank yen certificate of deposit debt claims.

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Table 3, which follows, shows the value of all property vested on which a valuation has been placed and the disposition of property no longer under the control of the Office.

TABLE 3
DISPOSITION OF VESTED PROPERTY

Total vested property including value at date of vesting plus appreciation		\$900,000,000
LESS:		
Property returned to non-hostile persons ...	\$219,405,000	
Debt claims paid	16,751,000	
Funds transferred to War Claims Fund	464,250,000	
Funds transferred to the Treasury		
Department pursuant to Lombardo and Reverse Lend-Lease Agreements	2,080,000	
Refunds of overpayments	244,000	
Funds transferred into Treasury under Section 202(b) of Public Law 285	736,000	
Funds divested and covered into Treasury or paid direct to individuals under Section 202(b) of Public Law 285	1,045,000	
Cash and other property transferred to foreign governments per intercustodial agreements ..	15,388,000	
Direct expenses not allocated to specific types of property	59,504,000	
Conservatory and administration expenses ...	61,597,000	
Total Deductions		<u>\$841,000,000</u>
Property remaining June 30, 1969		\$ 59,000,000

324984

SATELLITE ASSETS PROGRAM UNDER PUBLIC LAW 285

Section 202(b) of Title II of the International Claims Settlement Act of 1949, as amended, provided for the divesting of property which was vested after December 17, 1941, pursuant to the Trading with the Enemy Act, as amended, and which at the date of vesting was owned directly by natural persons who were nationals of Bulgaria, Hungary or Rumania. Since the beginning of the program, the Office has issued 838 divesting orders whereby a total of more than \$1,000,000 has been divested into blocked accounts in the Treasury or paid directly to former owners.

Pursuant to Section 202(a) of Title II of the International Claims Settlement Act, the Office has issued, as of June 30, 1969, 292 vesting orders with a value of \$26,672,316, as follows:

	<u>Number of Vesting Orders</u>	<u>Value of Assets Vested</u>
Bulgaria	39	\$ 2,645,960
Hungary	140	2,786,501
Rumania	104	21,189,144
Unknown nationals of Bulgaria, Hungary and Rumania	<u>9</u>	<u>50,711</u>
Total	292	\$ 26,672,316

The proceeds derived from those vesting orders and the disposition of the funds obtained are shown in Table 4, which follows:

TABLE 4

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
UNDER PUBLIC LAW 285

AS AT JUNE 30, 1969

CASH RECEIPTS

Cash receipts from vested property:	
Principal	\$26,580,019.64
Income	27,906.78
	<hr/>
Total Receipts	\$26,607,926.42

CASH DISBURSEMENTS

Transfers to Rumanian Claims Fund in U. S. Treasury	\$20,946,797.13
Transfers to Bulgarian Claims Fund in U. S. Treasury	2,589,456.57
Transfers to Hungarian Claims Fund in U. S. Treasury	2,033,609.28
Payment of title and debt claims	508,924.07
Administrative expenses - Office of Alien Property	397,348.72
Litigation settlement	85,000.00
Divestments into blocked accounts in the U. S. Treasury or direct to vestees	19,984.39
Payment to Government of Canada under Intercustodial Agreement	14,070.90
Federal income taxes	8,496.64
Miscellaneous payments for custody fees, legal fees and refunds of overpayments	4,238.72
	<hr/>
Total Disbursements	\$26,607,926.42
Balance June 30, 1969	\$ - 0 -

As shown in the table above there were no Satellite Assets funds remaining at June 30, 1969. The program was brought to a completion during the fiscal year 1967 with the transfer of part of its balance to the United States Treasury for credit to the Hungarian and Rumanian Claims Funds and the payment of the remainder to the Attorney General as reimbursement for expenses incurred by him out of alien property funds in connection with the administration of the program.

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ORGANIZATION

The Office of Alien Property which was formerly located at 101 Indiana Avenue, N. W., Washington, D. C. ceased to exist as an organizational entity on June 30, 1966. Since the close of fiscal 1966, all remaining Office of Alien Property functions have been performed by Civil Division personnel under the supervision of the Assistant Attorney General in charge of the Civil Division, who continues to be the Director of the Office of Alien Property. During fiscal year 1969, Office of Alien Property functions were performed by 7 Civil Division attorneys and 8 clerical and other personnel. Only 2 of the attorneys and 4 of the clerical and other personnel devoted their full time to Office of Alien Property functions.

FINANCES AND ACCOUNTING

The administrative expenses incurred in carrying out the functions of the Office of Alien Property are paid out of vested assets and not from appropriated funds. The amount that may be expended each year, however, is fixed by Congress by annual authorization. Direct expenses arising from the administration of specific vested properties are not included in this general limitation.

The Comptroller maintains all accounting records and performs all auditing functions pertaining to properties vested and properties turned over to this Office for custody and safekeeping, handles all tax matters relating to vested property, deposits for collection with the Treasurer of the United States currency, checks or drafts paid to or received by the Office, transfers the proceeds to the Treasury of the United States, and arranges for the payment by check of all expenses of and claims against the Office.

The regular authorization by the Congress for general administrative expenses for the fiscal year 1969 was in the amount of \$136,000 (Public Law 90-470), approved August 9, 1968.

Administrative expenses for the 1969 fiscal year totalled \$136,000.00.

The report of Peat, Marwick, Mitchell & Co., certified public accountants, on the audit of the books of the Office for the fiscal year ended June 30, 1969, follows:

ACCOUNTANTS' REPORT

Peat, Marwick, Mitchell & Co.
1025 Connecticut Avenue, N. W.
Washington, D. C. 20036

Mr. William D. Ruckelshaus
Assistant Attorney General, Civil Division
Director of Office of Alien Property
Department of Justice, Washington, D. C. 20530

We have examined the accounts maintained by the Office of Alien Property for the purpose of controlling vested assets and recording accountability therefor for the year ended June 30, 1969, but we did not review the financial and statistical information and statements which will be contained in the detailed annual report of the Office of Alien Property for such year. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Such examination included count of securities on hand in the Washington, D. C. office of the Office of Alien Property; test-confirmation of vested assets in the custody of others at June 30, 1969; test-check and confirmation of recorded cash receipts; test-examination of vouchers covering administrative expenses and other disbursements; confirmation of balances with the United States Treasury Department; and a review of procedures followed in the sale, return, or other disposition of vested assets during the fiscal year as to compliance with the policies set forth in regulations governing such disposals.

The accounting records of all of the vested enterprises in process of liquidation were maintained by the Office of Alien Property. We reviewed the available accounting records of enterprises so maintained. Our review included check of the reconciliations and confirmations of bank balances in the United States, count or confirmation of securities held in the United States, and review of disposals of assets (other than sales made in the regular course of business) during the fiscal year, but we did not audit the accounts of such enterprises.

In our opinion, the individual exceptions disclosed as a result of our examination for the year ended June 30, 1969 are not regarded as relatively significant.

/s/ Peat, Marwick, Mitchell & Co.

March 10, 1970

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EXHIBIT "A"

STATEMENT OF ADMINISTRATIVE EXPENSES AND MEANS OF FINANCING
FOR THE PERIOD APRIL 21, 1942 TO JUNE 30, 1969

Based on administrative expenses and revenues as
recorded on the books at June 30, 1969

	April 21, 1942 to June 30, 1965	July 1, 1965 to June 30, 1966	July 1, 1966 to June 30, 1967	July 1, 1967 to June 30, 1968	July 1, 1968 to June 30, 1969	TOTAL
ADMINISTRATIVE EXPENSES						
Personal Services	\$53,067,361.09	\$ 284,889.28	\$ 45,000.00	\$ 118,900.00	\$ 127,200.00	\$53,643,350.37
Travel	1,224,998.27	5,314.66	23,000.00	3,970.00	3,400.00	1,260,682.93
Transportation of Things	137,687.45	88.86	-0-	-0-	-0-	137,776.31
Communication Services	735,091.27	3,000.52	-0-	-0-	-0-	738,091.79
Rents and Utilities	3,824,652.46	12,882.75	-0-	-0-	-0-	3,837,535.21
Printing and Binding	676,827.28	3,770.48	3,000.00	2,510.00	1,900.00	688,007.76
Other Contractual Services	3,571,537.62	12,440.06	9,000.00	7,809.88	3,500.00	3,604,287.56
Supplies and Materials	614,930.84	45.60	-0-	-0-	-0-	614,976.44
Equipment	573,672.19	-0-	-0-	-0-	-0-	573,672.19
Refunds, awards and indemnities	4,640.00	-0-	-0-	-0-	-0-	4,640.00
F.I.C.A. contributions	17,528.12	-0-	-0-	-0-	-0-	17,528.12
Grants, subsidies and contributions	521,049.95	18,417.75	-0-	-0-	-0-	539,467.70
Total Expenses	\$64,969,976.54	\$ 340,849.96	\$ 80,000.00	\$ 133,189.88	\$ 136,000.00	\$65,660,016.38
MEANS OF FINANCING						
Administrative Revenues and Recoveries						
Recoveries of expenses from vested enterprises and other properties	\$ 538,024.25	\$ 13,987.67	\$ 1,408.95	\$ 818.10	\$ 755.20	\$ 554,994.17
Received under periodical republication program	239,229.81	-0-	-0-	-0-	-0-	239,229.81
Reimbursement of expenses incurred for representing persons residing behind enemy lines in court or administrative proceedings, vested under Section 5 of Executive Order 9193	343,022.49	(191.00)	(309.00)	-0-	-0-	342,522.49
World War I administrative deductions and expenses recovered	216,800.79	-0-	-0-	-0-	-0-	216,800.79
License fees and sales of patent catalogs and abstracts	379,348.14	175.00	-0-	-0-	-0-	379,523.14
Philippine vested property expenses to October 13, 1946, recovered from Philippine Alien Property Administration	124,214.14	-0-	-0-	-0-	-0-	124,214.14
Administrative expense subsequent to June 29, 1951, recovered from Philippine Vested Property fund	61,601.98	-0-	-0-	-0-	-0-	61,601.98
Conservatory and administrative expenses recovered from vested accounts upon payment of claims and transfers of free account balances to War Claims Fund and to the Bulgarian, Hungarian and Rumanian Claims Fund	59,979,265.90	431,683.79	96,215.51	400,445.69	(35,099.48)	60,872,511.41
Expenses charged to Vested Satellite Assets Fund	236,969.69	130,248.69	30,130.34	-0-	-0-	397,348.72
Miscellaneous receipts	244,037.55	1,361.55	127.15	-0-	-0-	245,526.25
Total Revenues and Recoveries	\$62,362,514.74	\$ 577,265.70	\$ 127,572.95	\$ 401,263.79	\$ (34,344.28)	\$63,434,272.90
World War I Administrative Expense Fund made available by Executive Order 9142	4,063,088.71	-0-	-0-	-0-	-0-	4,063,088.71
World War II Vested Property Fund	(1,455,626.91)	(236,415.74)	(47,572.95)	(268,073.91)	170,344.28	(1,837,345.23)
Total	\$64,969,976.54	\$ 340,849.96	\$ 80,000.00	\$ 133,189.88	\$ 136,000.00	\$65,660,016.38

() Denotes Red Figure

324089

EXHIBIT B

INFORMATION REQUIRED BY PUBLIC LAW 859^{1/}

Claims Filed as of June 30, 1969

Claim No.	Date of Filing	Claimant's Name	Enemy Nationality	Book Valuation
58024	7-7-50	Mrs. Else Schlipp	German	\$ 9,920.00
58848	2-12-51	Mrs. Louise Sofie Schwabedissen	German	14,500.00
61547	2-20-53	Mrs. Caroline E. Behrens	German	99,134.11
			Subtotal	\$ 123,554.11
			Total as of June 30, 1968	<u>\$8,661,039.32</u>
			Total as of June 30, 1969	\$8,784,593.43

^{1/} 81st Cong., 2d Sess., approved September 29, 1950; 64 Stat. 1080, 50 U.S.C. App. Sec. 32, Public Law 378, 82d Cong., 2d Sess., approved June 6, 1952 (66 Stat. 129, 50 U.S.C. App. Sec. 32), amended Public Law 859 by raising the value of returnable property in total under Public Law 859 from \$5,000,000 to \$9,000,000 and by defining the term "value" as the value, at the time of vesting, of the property entered on the books of the Office of Alien Property.

EXHIBIT B - CONCLUDED

Claims Allowed as of June 30, 1969

Claim No.	Return Order	Date Executed	Claimant's Name	Enemy Nationality	Book Valuation
58024	4521	9-9-68	Mrs. Else Schlipp	German	\$ 9,920.00
58848	4524	6-17-69	Mrs. Louise Sofie Schwabedissen	German	14,500.00
61547	4522	10-11-68	Mrs. Caroline E. Behrens	German	99,134.11
			Subtotal		\$ 123,554.11
			Total as of June 30, 1968		<u>\$5,218,844.91</u>
			Total as of June 30, 1969		\$5,342,399.02

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TREASURY DEPARTMENT



ANNUAL REPORT

Office of Alien Property

**Fiscal Year Ended
June 30, 1970**

**United States
Department of Justice**

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TREASURY DEPARTMENT

LETTER OF TRANSMITTAL TO THE PRESIDENT

Office of the Attorney General
Washington, D. C.

The President
The White House, Washington, D. C.

My dear Mr. President:

I have the honor to transmit to you the Annual Report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1970. This report is made pursuant to Section 6 of the Trading with the Enemy Act, as amended.

Respectfully,

John N. Mitchell
Attorney General

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LETTER OF TRANSMITTAL TO THE ATTORNEY GENERAL

Office of Alien Property
Department of Justice
Washington, D. C.

The Honorable
The Attorney General

Dear Mr. Attorney General:

I herewith present the Annual Report of the Office of Alien Property for the fiscal year ended June 30, 1970. This is the twenty-eighth annual report of proceedings under the Trading the Enemy Act, as amended, submitted by the Office of Alien Property and its predecessor agency, the Office of Alien Property Custodian, in accordance with Section 6 of the Act.

Respectfully,

L. PATRICK GRAY, III
Director, Office of Alien Property

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ANNUAL REPORT
OF
OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
FOR
FISCAL YEAR ENDING JUNE 30, 1970

POLICIES AND PROGRAMS

The Office of Alien Property is charged with the responsibility of completing the administration, liquidation and disposition of the remaining vested property of the United States.

To the extent possible, vested property is reduced to cash by sale or liquidation at the earliest practicable date. Pending its sale or disposition, the property is administered in the national interest in a manner designed to conserve and increase its value.

The disposition of the proceeds of the sale or liquidation of vested property has been determined by the Congress through the enactment of various amendments to the Trading with the Enemy Act. Section 32 permits return to certain non-hostile persons; Section 34 provides for the payment of debt claims to American creditors of enemy nationals; Section 39 directs the transfer of the net proceeds of all German and Japanese property to the War Claims Fund; Sections 41, 42 and 43 divest the Attorney General's interest (1) in all remainders that had not vested in possession by the end of 1961, (2) in unaccrued installments of income from estates, trusts, annuities and similar properties, and (3) in all copyrights and trademarks not previously returned or disposed of.

The processing and adjudication of title and debt claims and the prosecution and defense of lawsuits in the Federal courts were the major functions of the Office during the year. Other programs included the issuance of notices of divestment of vested interests in estates and trusts and the liquidation of vested assets.

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VALUE OF VESTED PROPERTY

As of June 30, 1970, the cumulative total of cash receipts from vested property amounted to approximately \$866,000,000. After deductions for administrative expenses, taxes, payment of title and debt claims and cumulative total advances of \$464,250,000 to the War Claims Fund, there remained in the United States Treasury at the end of the fiscal year a balance of approximately \$55,000,000, as shown in Table I, which follows:

TABLE I
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
AS AT JUNE 30, 1970

<u>CASH RECEIPTS</u>	
Cash receipts from vested property:	
Principal	\$781,338,847.08
Income	<u>82,207,205.20</u>
	\$863,546,052.28
Cash receipts from non-vested property	
Expenses recovered from Satellite Assets Fund	2,163,092.77
Transfer from Safekeeping Funds	397,348.72
	<u>48,313.94</u>
Total Receipts	<u>\$866,154,807.71</u>
<u>CASH DISBURSEMENTS</u>	
Transfers to War Claims Commission *	\$464,250,000.00
Payment of title and debt claims, Sec. 9(a) suits and compromise settlements	205,087,064.72
Administrative expenses	61,732,927.67
Direct expenses, taxes, repairs, intercustodial payments, war production royalties, etc.	78,016,363.37
Cash transferred to U. S. Treasury under Sec. 202(b) of International Claims Settlement Act	<u>1,636,369.34</u>
Total Disbursements	<u>\$810,722,725.10</u>
Balance June 30, 1970	<u>\$ 55,432,082.61</u>

* and its successor, Foreign Claims Settlement Commission.

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In addition to the cash in the U. S. Treasury, the Office was administering unliquidated property estimated to be worth about \$1,000,000. Also, through the years the Office has returned to title claimants and successful litigants unliquidated property valued at approximately \$33,000,000. Thus, the value of all property vested, including the increment thereon, reached a grand total of about \$900,000,000.

As of June 30, 1970, there still remained under the control of the Office property estimated to be worth \$56,000,000, as shown in Table 2, below:

TABLE 2

CASH AND ESTIMATED VALUE OF ASSETS ON HAND
AS OF JUNE 30, 1970

Cash	\$55,000,000
Miscellaneous properties and interests in properties	<u>1,000,000</u>
TOTAL	\$56,000,000

VESTED PROPERTY ACCOUNTS

Individual accounts are set up on the books of the Office in the name of the pre-vesting owner. These accounts reflect the property vested, together with the cash realized therefrom.

As cash is received, it is deposited in the U. S. Treasury in an account established for the Office and is credited on the books of the Office to the individual accounts of the pre-vesting owners.

Pursuant to the provisions of Section 39 of the Trading with the Enemy Act, as amended, the Office is required to cover into the War Claims Fund in the Treasury the cash balances in all vested German and Japanese accounts as they become free from claims and litigation.

At the time Section 39 was added to the Trading with the Enemy Act, as amended, the War Claims Commission, now the Foreign Claims Settlement Commission, was established by the War Claims Act of 1948 and authorized to make adjudications and awards on certain classes of World War II claims, including claims of American prisoners of war and civilian internees mistreated by the enemy during their imprisonment and claims of Nationals of the United States who suffered the loss or destruction of their property by military operations and other causes during World War II. The administrative expenses of the War Claims Commission and the awards which the Act authorized are paid out of the War Claims Fund.

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At the request of the War Claims Commission and the Foreign Claims Settlement Commission, the Office has advanced to the War Claims Fund sums aggregating \$464,250,000. These advances were made before the administration of the German and Japanese property had been completed and were based on estimates that this amount would be recoverable from the net proceeds of German and Japanese accounts as they became free from claims and litigation.

At the end of the fiscal year, 32,597 such accounts had been closed and balances totalling some \$459,000,000 had been applied against these advances.

The remaining German and Japanese vested property is recorded in 148 accounts, containing cash and unliquidated property estimated to be worth about \$60,000,000. When the entire \$464,250,000 in advances has been recovered, the net balances available in the remaining accounts will then be covered directly into the War Claims Fund in the Treasury.

In addition to the German and Japanese accounts, there is 1 account of another national with cash and unliquidated property valued at about \$108,000 which will be disposed of either through returns of the property to eligible claimants, by transfer to the Treasury Department pursuant to Section 39, or otherwise.

ADMINISTRATION AND LIQUIDATION OF VESTED PROPERTY

Vested property is liquidated or sold as soon as practicable after vesting. The general policy of the Office, however, has been not to sell patents, copyrights, trademarks and property of nationals of countries other than Germany and Japan. Furthermore, under the injunctive provisions of Section 9(a) of the Trading with the Enemy Act, the Office may not sell or liquidate vested property against which a suit for return is pending.

In fiscal 1970 the Office collected a total of \$88,810.76. Of this amount, \$45,321.60 was derived from the redemption of securities; \$25,000.00 from patent royalties; \$5,754.28 from copyright royalties; \$12,700.68 from estates and trusts and \$34.20 from miscellaneous sources.

At the end of the fiscal year some \$1,000,000 worth of miscellaneous property had not been reduced to cash. The remaining copyrights which have not been divested pursuant to Public Law 87-846, approved October 22, 1962, carried at a nominal value of \$1.00 each, are not included in the miscellaneous property valuations.

Estates, Trusts and Insurance Contracts

When interests in estates and trusts are vested, the Attorney General succeeds to the rights of the former owners. It is the responsibility of the Office, therefore, to make certain that distribution of the assets by the administrator, executor, trustee or other fiduciary is correct and in conformity with the terms of the will, agreement, trust instrument or court decree.

Section 205, Title II, of Public Law 87-846, approved October 22, 1962, divested interests in estates, trusts, insurance contracts and similar interests which were not payable or deliverable to the Attorney General, or vested-in-possession in him, prior to December 31, 1961. The statute requires the Attorney General to give notice of divestment to former owners or custodians of the divested interests. The notice cannot be given until the files containing the facts relating to divestment are brought up to date. Each affected estate or trust must be reviewed to determine whether the interest has been retained or divested, and information respecting the named beneficiaries' criminal records must be obtained, since the statute prohibits divestment in favor of war criminals.

At the close of the fiscal year, the Office had completed the liquidation and administration of the vested interests in all but 11 estates. There remained approximately forty trusts which were subject to further divestment proceedings under Section 205.

The total receipts of the Office from distributions and income from estates, trusts and insurance contracts as at June 30, 1970 exceeded \$61,000,000.

Patents

More than 50,000 patents were vested during World War II. Patents granted by the United States Patent Office expire seventeen years from date of issue. All patents have either been returned to the former owners, have expired, or have been written off as worthless.

Copyrights

As a result of an amendment to the Trading with the Enemy Act (Public Law 87-846, 76 Stat. 1115), which became effective on January 21, 1963, the rights and interests of the Attorney General in foreign-owned copyrights and pre-vesting copyright contracts were divested as a matter of grace, and rights in licenses granted by the Alien Property Custodian or the Attorney General were transferred to the persons entitled thereto.)

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Copyright interests in certain literary works by high-ranking Nazi officials were excepted, including Mein Kampf, by Adolf Hitler; the Diaries of Paul Joseph Goebbels; Memoirs of Alfred Rosenberg; Otto Skorzeny's Secret Missions; and the extensive Photographic Collection of Heinrich Hoffmann, official photographer of the Nazi Party. Also excepted was the scientific German motion picture, Meiosis-In the Sperm Cells of the Grasshopper, psophus stridulus L, which is exclusively licensed for educational purposes until August 9, 1978. The Hoffmann collection was transferred to the General Services Administration for the interest and benefit of the United States on March 1, 1966.

All unpaid royalties or other income which accrued prior to the day of divestment on vested copyrights and pre-vesting copyright contracts are payable to the Attorney General. As a result, the Office has collected some \$5,613,155.02 as of June 30, 1970 of which \$5,754.28 was received during the fiscal year.

DISPOSITION OF VESTED PROPERTIES

A very substantial part of the remaining German and Japanese property is involved in suits and proceedings in various Federal and state courts in the United States, or in administrative claims under procedures for processing and disposition which comply generally with the Administrative Procedure Act. To the extent that the Government is successful in this litigation and that administrative claims are denied, these funds will become available for transfer to the War Claims Fund.

Suits and Other Judicial Proceedings

The Office of Alien Property represented the Attorney General in three judicial proceedings in various Federal Courts during the fiscal year. The three cases were still pending at the end of the fiscal year.

The Office also represented the Attorney General in 6 estate and trust cases in various state courts. Four of the cases were carried over from the previous year. All six cases were still pending as of June 30, 1970.

The most important cases in litigation during the year were:

Honda, et al v. Clark (386 U.S. 484). This class action was commenced by several thousand holders of yen certificates of deposit for the purpose of obtaining payments totalling approximately \$20,000,000 on their certificates from available funds of the Yokohama Specie Bank which total about \$11,000,000 and which were vested under the Trading with the Enemy Act.

The claims of nearly all of these plaintiffs were dismissed on the ground of abandonment when they failed to submit the original certificates of deposit upon which their claims were based, as they had been requested to do by the Office of Alien Property. None of the plaintiffs had timely filed complaints for review in accordance with the requirements of Section 34(f) of the Act and, therefore, they were not included in the compromise settlement of Abe, et al. v. Kennedy (U.S.D.C.D.C.) involving similar claims.

This litigation was opposed by the Office of Alien Property on jurisdictional grounds under Section 34(f) of the Act, which imposes an absolute bar on the litigation of these claims at this late date. Plaintiffs contended, however, that the Government was estopped from asserting Section 34(f) as a bar since the dismissal of their claims because of their failure to submit their certificates of deposit was unreasonable. The position of the Government was sustained by the District Court by entry of an order on March 31, 1965 dismissing the complaint on jurisdictional grounds. The Court of Appeals for the District of Columbia affirmed on January 13, 1966.

The Supreme Court, however, held that the limitations provision of Section 34(f) was "tolled" pending disposition of the prior and timely Abe-Aratani action brought by persons with similar debt claims and that plaintiffs were entitled to have their debt claims satisfied out of any vested assets remaining after disposition of the timely suit.

On April 30, 1968, the United States District Court for the District of Columbia issued a Consent Judgment and Decree for the purpose of implementing the Supreme Court's decision in Honda. The Consent Judgment defined the various categories of claims to be paid and fixed October 1, 1968 as the final date for the submission of proof of claim. As of the October 1, 1968 cut-off date 4029 yen certificate of deposit claimants had submitted proof of their claims. There remained 1,842 claims for processing at the start of fiscal 1970. A total of 1,246 claims were closed by payment or disallowance during the fiscal year leaving 596 claims pending for consideration during fiscal 1971.

J. Robert Bonnar, et al. v. United States (In the U. S. Court of Claims No. 293-63). Plaintiffs, all American citizens, are former shareholders or successors in interest of former shareholders of General Dyestuff Corporation (GDC), whose shares were vested in 1942 by the Alien Property Custodian pursuant to the Trading with the Enemy Act and thereafter exchanged for General Aniline & Film stock (GAF) in 1954. Plaintiffs contend that they were the beneficial owners of both the GDC and GAF stock and seek to recover \$22,000,000, the value thereof, together with interest. It is the Government's position that the plaintiffs were not the beneficial owners of the stock at the time of vesting, but that the stock actually was being held for the beneficial interest of the German concern, I. G. Farben.

A Commissioner of the Court of Claims on January 26, 1970, has made his report to the court, consisting of Findings of Fact and Recommended Conclusion of Law, together with a written opinion rejecting the Government's defense of a "cloaking" arrangement and upholding the plaintiffs' position that they were the beneficial owners of the GDC stock on the vesting date. The Commissioner recommends that the plaintiffs are entitled to recover the proceeds received by the Government from the sale of the GAF stock attributable to their GDC stock. As a result the Commissioner finds the plaintiffs entitled to recover the aggregate sum of \$22,227,483.15. The Commissioner rejected the plaintiffs' claim to entitlement to interest.

The plaintiffs' exceptions and brief have been filed and following the filing of the Government's exceptions and brief the case will be submitted to the judges of the Court of Claims for their final decision.

Administrative Claims

The administrative return of vested property is authorized by Section 32 of the Trading with the Enemy Act, as amended. Generally speaking, vested property can be returned to non-enemy governments, citizens of allied and neutral countries not voluntarily resident in enemy countries during the war period, corporations of non-hostile countries that are not enemy controlled, certain American citizens regardless of their residence during the war, enemy citizens who continuously resided outside enemy or enemy-occupied territory since December 7, 1941 and who were not engaged in business in such territory, victims of enemy persecution who would otherwise be ineligible because of enemy citizenship or residence in enemy territory and the government, nationals and residents of Italy who were previously ineligible because of their earlier enemy status.

Section 34 permits the payment of certain debt claims to creditors of the former enemy owners of vested property. Such creditors must be citizens of the United States or the Philippine Islands or residents of this country since December 7, 1941. Debt claims against property subject to a title claim or Section 9 suit are not generally paid until the title claim or suit has been terminated. Upon the allowance of a title claim under Section 32 to a non-resident or to a foreign corporation, notice of intention to return must be published in the Federal Register at least 30 days prior to making the return. During this period, creditors of title claimants may attach the property.

As of June 30, 1969, there had been filed with the Office of Alien Property a total of 67,589 claims of which 19,905 were title claims and 47,684 were debt claims. At the start of the 1970 fiscal year there remained to be processed 41 title claims, 9 debt claims and 1842 Yokohama Specie Bank yen certificate of deposit claims. The total amount of cash and appraisable property returned or paid under the title claims program and under Section 9(a) of the Trading with the Enemy Act has now reached

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the sum of \$219,478,000 as shown on Table 3, below. This total includes cash payments of about \$186,478,000 and appraisable property valued at about \$33,000,000.

The Office processed 5 title claims during the 1970 fiscal year, which resulted in a return to former owners of \$73,000 in cash. The Office also paid out a total of \$2,003,733.28 on 985 Yokohama Specie Bank yen certificate of deposit debt claims.

Table 3, which follows, shows the value of all property vested on which a valuation has been placed and the disposition of property no longer under the control of the Office.

TABLE 3
DISPOSITION OF VESTED PROPERTY

Total vested property including value at date of vesting plus appreciation		\$900,000,000
LESS:		
Property returned to non-hostile persons ...	\$219,478,000	
Debt claims paid	18,755,000	
Funds transferred to War Claims Fund	464,250,000	
Funds transferred to the Treasury		
Department pursuant to Lombardo and Reverse Lend-Lease Agreements	2,080,000	
Refunds of overpayments	244,000	
Funds transferred into Treasury under		
Section 202(b) of Public Law 285	736,000	
Funds divested and covered into Treasury or paid direct to individuals under		
Section 202(b) of Public Law 285	1,045,000	
Cash and other property transferred to foreign governments per intercustodial agreements .	15,388,000	
Direct expenses not allocated to specific types of property	60,291,000	
Conservatory and administration expenses ...	61,733,000	
Total Deductions		\$844,000,000
Property remaining June 30, 1970		\$ 56,000,000

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SATELLITE ASSETS PROGRAM UNDER PUBLIC LAW 285

Section 202(b) of Title II of the International Claims Settlement Act of 1949, as amended, provided for the divesting of property which was vested after December 17, 1941, pursuant to the Trading with the Enemy Act, as amended, and which at the date of vesting was owned directly by natural persons who were nationals of Bulgaria, Hungary or Rumania. Since the beginning of the program, the Office has issued 838 divesting orders whereby a total of more than \$1,000,000 has been divested into blocked accounts in the Treasury or paid directly to former owners.

Pursuant to Section 202(a) of Title II of the International Claims Settlement Act, the Office has issued, as of June 30, 1970, 292 vesting orders with a value of \$26,672,316, as follows:

	<u>Number of Vesting Orders</u>	<u>Value of Assets Vested</u>
Bulgaria	39	\$ 2,645,960
Hungary	140	2,786,501
Rumania	104	21,189,144
Unknown nationals of Bulgaria, Hungary and Rumania	<u>9</u>	<u>50,711</u>
Total	292	\$ 26,672,316

The proceeds derived from those vesting orders and the disposition of the funds obtained are shown in Table 4, which follows:

TABLE 4

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
UNDER PUBLIC LAW 285

AS AT JUNE 30, 1970

CASH RECEIPTS

Cash receipts from vested property:

Principal	\$26,580,019.64
Income	<u>27,906.78</u>

Total Receipts	<u>\$26,607,926.42</u>
----------------	------------------------

CASH DISBURSEMENTS

Transfers to Rumanian Claims Fund in U. S. Treasury	\$20,946,797.13
Transfers to Bulgarian Claims Fund in U. S. Treasury	2,589,456.57
Transfers to Hungarian Claims Fund in U. S. Treasury	2,033,609.28
Payment of title and debt claims	508,924.07
Administrative expenses - Office of Alien Property	397,348.72
Litigation settlement	85,000.00
Divestments into blocked accounts in the U. S. Treasury or direct to vestees	19,984.39
Payment to Government of Canada under Intercustodial Agreement	14,070.90
Federal income taxes	8,496.64
Miscellaneous payments for custody fees, legal fees and refunds of overpayments	<u>4,238.72</u>

Total Disbursements	<u>\$26,607,926.42</u>
---------------------	------------------------

Balance June 30, 1970	<u>\$ - 0 -</u>
-----------------------	-----------------

As shown in the table above there were no Satellite Assets funds remaining at June 30, 1970. The program was brought to a completion during the fiscal year 1967 with the transfer of part of its balance to the United States Treasury for credit to the Hungarian and Rumanian Claims Funds and the payment of the remainder to the Attorney General as reimbursement for expenses incurred by him out of alien property funds in connection with the administration of the program.

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ORGANIZATION

The Office of Alien Property which was formerly located at 101 Indiana Avenue, N. W., Washington, D. C. ceased to exist as an organizational entity on June 30, 1966. Since the close of fiscal 1966, all remaining Office of Alien Property functions have been performed by Civil Division personnel under the supervision of the Assistant Attorney General in charge of the Civil Division, who continues to be the Director of the Office of Alien Property. During fiscal year 1970, Office of Alien Property functions were performed by 6 Civil Division attorneys and 10 clerical and other personnel. Only 2 of the attorneys and 4 of the clerical and other personnel devoted their full time to Office of Alien Property functions.

FINANCES AND ACCOUNTING

The administrative expenses incurred in carrying out the functions of the Office of Alien Property are paid out of vested assets and not from appropriated funds. The amount that may be expended each year, however, is fixed by Congress by annual authorization. Direct expenses arising from the administration of specific vested properties are not included in this general limitation.

The Comptroller maintains all accounting records and performs all auditing functions pertaining to properties vested and properties turned over to this Office for custody and safekeeping, handles all tax matters relating to vested property, deposits for collection with the Treasurer of the United States currency, checks or drafts paid to or received by the Office, transfers the proceeds to the Treasury of the United States, and arranges for the payment by check of all expenses of and claims against the Office.

The regular authorization by the Congress for general administrative expenses for the fiscal year 1970 was in the amount of \$136,000 (Public Law 91-153), approved December 24, 1969.

Administrative expenses for the 1970 fiscal year totalled \$136,000.00.

The report of Peat, Marwick, Mitchell & Co., certified public accountants, on the audit of the books of the Office for the fiscal year ended June 30, 1970, follows:

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ACCOUNTANTS' REPORT

Peat, Marwick, Mitchell & Co.
1025 Connecticut Avenue, N. W.
Washington, D. C. 20036

Mr. L. Patrick Gray, III
Assistant Attorney General, Civil Division
Director of Office of Alien Property
Department of Justice, Washington, D. C. 20530

We have examined the accounts maintained by the Office of Alien Property for the purpose of controlling vested assets and recording accountability therefor for the year ended June 30, 1970, but we did not review the financial and statistical information and statements which will be contained in the detailed annual report of the Office of Alien Property for such year. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Such examination included count of securities on hand in the Washington, D. C. office of the Office of Alien Property; test-confirmation of vested assets in the custody of others at June 30, 1970; test-check and confirmation of recorded cash receipts; test-examination of vouchers covering administrative expenses and other disbursements; confirmation of balances with the United States Treasury Department; and a review of procedures followed in the sale, return, or other disposition of vested assets during the fiscal year as to compliance with the policies set forth in regulations governing such disposals.

The accounting records of all of the vested enterprises in process of liquidation were maintained by the Office of Alien Property. We reviewed the available accounting records of enterprises so maintained. Our review included check of the reconciliations and confirmations of bank balances in the United States, count or confirmation of securities held in the United States, and review of disposals of assets (other than sales made in the regular course of business) during the fiscal year, but we did not audit the accounts of such enterprises.

In our opinion, the individual exceptions disclosed as a result of our examination for the year ended June 30, 1970 are not regarded as relatively significant.

/s/ Peat, Marwick, Mitchell & Co.

February 22, 1971

325008

EXHIBIT "A"

STATEMENT OF ADMINISTRATIVE EXPENSES AND MEANS OF FINANCING
FOR THE PERIOD APRIL 21, 1942 TO JUNE 30, 1970

Based on administrative expenses and revenues as
recorded on the books at June 30, 1970

	April 21, 1942 to June 30, 1966	July 1, 1966 to June 30, 1967	July 1, 1967 to June 30, 1968	July 1, 1968 to June 30, 1969	July 1, 1969 to June 30, 1970	Total
<u>ADMINISTRATIVE EXPENSES</u>						
Personal Services	\$ 53,352,250.37	\$ 45,000.00	\$ 118,900.00	\$ 127,200.00	\$ 131,000.00	\$ 53,774,350.37
Travel	1,230,312.93	23,000.00	3,970.00	3,400.00	1,000.00	1,261,682.93
Transportation of Things	137,776.31	-0-	-0-	-0-	-0-	137,776.31
Communication Services	738,091.79	-0-	-0-	-0-	-0-	738,091.79
Rents and Utilities	3,837,535.21	-0-	-0-	-0-	-0-	3,837,535.21
Printing and Binding	680,597.76	3,000.00	2,510.00	1,900.00	1,000.00	689,007.76
Other Contractual Services	3,583,977.68	9,000.00	7,809.88	3,500.00	3,000.00	3,607,287.56
Supplies and Materials	614,976.44	-0-	-0-	-0-	-0-	614,976.44
Equipment	573,672.19	-0-	-0-	-0-	-0-	573,672.19
Refunds, awards and indemnities	4,640.00	-0-	-0-	-0-	-0-	4,640.00
F.I.C.A. contributions	17,528.12	-0-	-0-	-0-	-0-	17,528.12
Grants, subsidies and contributions	539,467.70	-0-	-0-	-0-	-0-	539,467.70
Total Expenses	\$ 65,310,826.50	\$ 80,000.00	\$ 133,189.88	\$ 136,000.00	\$ 136,000.00	\$ 65,796,016.38
<u>MEANS OF FINANCING</u>						
<u>Administrative Revenues and Recoveries</u>						
Recoveries of expenses from vested enterprises and other properties	\$ 552,011.92	\$ 1,408.95	\$ 818.10	\$ 755.20	\$ 776.00	\$ 555,770.17
Received under periodical republication program	239,229.81	-0-	-0-	-0-	-0-	239,229.81
Reimbursement of expenses incurred for representing persons residing behind enemy lines in court or administrative proceedings, vested under Section 5 of Executive Order 9193	342,831.49	(309.00)	-0-	-0-	-0-	342,522.49
World War I administrative deductions and expenses recovered	216,800.79	-0-	-0-	-0-	-0-	216,800.79
License fees and sales of patent catalogs and abstracts	379,523.14	-0-	-0-	-0-	-0-	379,523.14
Philippine vested property expenses to October 13, 1946, recovered from Philippine Alien Property Administration	124,214.14	-0-	-0-	-0-	-0-	124,214.14
Administrative expense subsequent to June 29, 1951, recovered from Philippine Vested Property fund	61,601.98	-0-	-0-	-0-	-0-	61,601.98
Conservatory and administrative expenses recovered from vested accounts upon payment of claims and transfers of free account balances to War Claims Fund and to the Bulgarian, Hungarian and Rumanian Claims Fund	60,410,949.69	96,215.51	400,445.69	(39,099.48)	12,587.85	60,885,099.26
Expenses charged to Vested Satellite Assets Fund	367,218.38	30,130.34	-0-	-0-	-0-	397,348.72
Miscellaneous receipts	245,399.10	127.15	-0-	-0-	-0-	245,526.25
Total Revenues and Recoveries	\$ 62,939,780.44	\$ 127,572.95	\$ 401,263.79	\$ (34,344.28)	\$ 13,363.85	\$ 63,447,636.75
World War I Administrative Expense Fund made available by Executive Order 9142	4,063,088.71	-0-	-0-	-0-	-0-	4,063,088.71
World War II Vested Property Fund	(1,692,042.65)	(47,572.95)	(268,073.91)	170,344.28	122,636.15	(1,714,709.08)
Total	\$ 65,310,826.50	\$ 80,000.00	\$ 133,189.88	\$ 136,000.00	\$ 136,000.00	\$ 65,796,016.38

() Denotes Red Figure

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EXHIBIT B

INFORMATION REQUIRED BY PUBLIC LAW 859^{1/}

Claims Filed as of June 30, 1970

Claim No.	Date of Filing	Claimant's Name	Enemy Nationality	Book Valuation
35515	4-1-48	Mrs. Catherine Kueckens	German	\$ 17,428.00
60976	8-15-52	Mrs. Else Sonntag	German	<u>3,001.00</u>
		Subtotal		20,429.00
		Total as of June 30, 1969		<u>\$8,784,593.43</u>
		Total as of June 30, 1970		\$8,805,022.43

Claims Allowed as of June 30, 1970

Claim No.	Return Order	Date Executed	Claimant's Name	Enemy Nationality	Book Valuation
35515	4526	9-2-69	Mrs. Catherine Kueckens	German	\$ 17,428.00
60976	4525	7-18-69	Mrs. Else Sonntag	German	<u>3,001.00</u>
		Subtotal		\$ 20,429.00	
		Total as of June 30, 1969		<u>\$5,342,399.02</u>	
		Total as of June 30, 1970		\$5,362,828.02	

^{1/} 81st Cong., 2d Sess., approved September 29, 1950; 64 Stat. 1080, 50 U.S.C. App. Sec. 32, Public Law 378, 82d Cong., 2d Sess., approved June 6, 1952 (66 Stat. 129, 50 U.S.C. App. Sec. 32), amended Public Law 859 by raising the value of returnable property in total under Public Law 859 from \$5,000,000 to \$9,000,000 and by defining the term "value" as the value, at the time of vesting, of the property entered on the books of the Office of Alien Property.

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