

RG 59
 Entry FED
 File 910.12 Cables
PRINTING USFET
 Box 396

DECLASSIFIED
 Authority NND 765072
 By 41B NARA Date 5-3-10

U.S. FORCES EUROPEAN THEATER
 AFF MESSAGE CONTROL
 INCOMING CLASSIFIED MESSAGE

S E C R E T

File Nr. 910.12

-3-

REF NO : WK-85965, 30 NOV 1945 (Continued) USFET MAIN 736/30

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

D. Other goods, valuables (excluding gold, securities, and foreign currencies other than those mentioned in Paragraph 2 A), materials, equipment, livestock and other property found in storage or otherwise in bulk form and identified as having been looted or acquired in any way by Germans from United Nations during German occupation;

E. In the case of property mentioned in C and D above which was produced during the period of occupation, restitution shall be made only if the claimant government submits adequate proof that the property in question was acquired by GERMANY through an act of force.

X PROCEDURES FOR RESTITUTION

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

4. After examination of these lists you will

SMC IN 174

COPY NO

S E C R E T
 THIS MESSAGE MAY BE HANDLED AS CORRESPONDENCE OF LIKE CLASSIFICATION WITHOUT
 PARAPHRASE PER EXCEPTIONS PARAS 44g AND 53a, AR 380-5

328350

S E C R E T

-4-

REF NO : WK-85965; 30 NOV 1945 (Continued) USFET MAIN 736/30

indicate to your Government which of these countries should be invited to send missions into your Zone for the purpose of (A) substantiating claims for the restitution of property mentioned in Paragraphs 2 A and D, (B) receiving information regarding the location of property which has been the subject of restitution claims by their government, (C) identifying and receiving any such property to be restored or distributed in accordance with the provisions of this Directive. You will recommend appropriate time and the size of the mission. After approval, details can be arranged by the respective governments direct with you as Commander in Chief of the United States Zone. You will furnish such missions facilities necessary to the proper discharge of their functions in your Zone.

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

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

SMO IN 174

S E C R E T

REPRODUCED AT THE NATIONAL ARCHIVES

BY	AB	MAILED 5-3-40
ROUTING	ATTACHMENT	US 744
NNN 765072		
DECLASSIFIED	FILE	Box 396
Entry	ED	59

328351

RG 59
 Entry FED
 File 910.12 CAFUS
USFET
 Box 396

DECLASSIFIED
 Authority NND 765072
 By AB NARA Date 5-3-00

HQ U S FORCES EUROPEAN THEATER
 U. AFF MESSAGE CONTROL
INCOMING CLASSIFIED MESSAGE

SECRET

File No. 910.12

-5-

REF NO : WX-85965, 30 NOV 1945 (Continued) USFET MAIN 736/30

GENERAL PROVISIONS

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

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

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

10. Any property subject to restitution uncovered in AUSTRIA and subsequently removed to GERMANY shall be regarded as uncovered in Germany.

11. After final determination of the amount and character of reparations removals, to be made by 2 February 1946, there should be no restitution on any items of equipment of key importance to plants retained in GERMANY as essential to minimum peacetime economy.

NOTE: Any action taken on this message must be submitted to the Commanding General through SGS for approval prior to dispatch.

ACTION : MG(U. S. ZONE)

INFORMATION : SGS MR MURPHY ** AG RECORDS

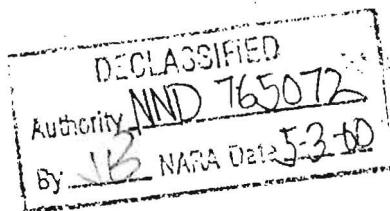
SMO IN 174 1 Dec 45 C421A GRH/mr REF NO: WX-85965

COPY NO

SECRET

THIS MESSAGE MAY BE HANDLED AS CORRESPONDENCE OF LIKE CLASSIFICATION WITHOUT
 PARAPHRASE PER EXCEPTIONS PARAS 44g AND 53a, AR 380-5

328352

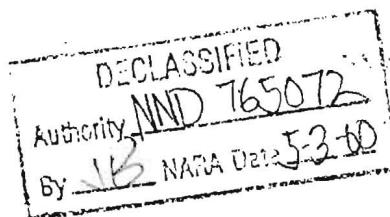


FOREIGN CURRENCIES

Summary of Cables

- 3 Sept 1945 WX-59041. Disposition of non German currencies uncovered in Germany to be determined at governmental level.
- 6 July 1946 WX-93567. Embodies initial State Dept proposals re disposition foreign currencies for comment (Later embodied in 90078)
- 21 Nov 1946 CC-7048. Calls attention to divergence of view from Soviet contention that foreign currencies are property subject to disposition by Zone Commander. Matter under discussion Directorate level.
- 6 Dec 1946 CC-7239. Coordinating Committee unable to reach agreement and matter withdrawn from agenda.
- 20 Dec 1946 W-88054. U.S. policy remains unchanged and no intention to compromise. Summarizes State Dept. paper about to be introduced into SWNCC. (Later embodied in 90078) (1)
- ✓* [] 21 Jan 1947 W-90078. Directive of SWNCC from JCS covering disposition of foreign currencies found in Germany. (2)
- 24 Jan 1947 CC-7792. OMCUS is prepared to proceed with directive.
- 1 Feb 1947 CC-7904. Is U.S. unilateral disposal action to be taken under W-90078?
- 23 Apr 1947 WX-96654. You are hereby authorized to dispose of currencies as per W-90078. (3)
- 24 Apr 1947 WX-96748. Defer action on W-90078 until question of special treatment of identifiable lots of currency is settled. (Identified as removed from a country other than country to which would be returned under W-90078) (4)
- 21 June 1947 WX-80647. In order to facilitate some progress re disposition currencies without farther delay you are now authorized to act as per direction re all currencies concerning which you have no satisfactory

328353



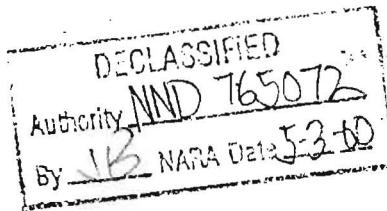
- 2 -

specific evidence as to countries from which removed. Also withhold currencies of Hungary, Bulgaria, Rumania and Finland from delivery to USSR (5)

4 Aug 1947 CC-1117. Summarizes status. We are planning implementation of W-90078 as amended. We expect to dispose first of currencies held by F.E.D. There are no identifiable lots of currencies referred in WX-96748 (6)

24 Sept 1947 WX-87155. Reply to CC-1117. Foreign currencies uncovered in Germany. Please advise when you have completed operations presently authorized. Certain exceptions re Law 53 currency in Reichsbanks but dont pertain F.E.D. (7)

328354

Rest. of
Currencies*B**policies*

2 March 1948

SUBJECT: Restitution of Currencies

TO : Mr. Jack Bennett, Finance Advisor
Office of the Finance Advisor, CMGUS, APO 742

1. There is attached a chronological summary of cables, supported by pertinent cables, which in our opinion supplies complete authority and orders, to proceed with disposition of certain currencies (held in F.E.D.) under directive W-90078.

2. a. Foreign Exchange Depository holds the following currencies (in approximate amounts):

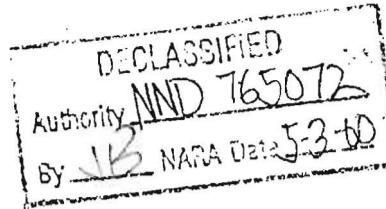
~ France	Franc	2,600,000,000
~ France (Algeria)	Franc	3,500,000
~ Netherlands	Guilder	2,500,000
~ Belgium	Franc	13,800,000
~ Luxembourg	Franc	2,600,000,000
~ Norway	Kroner	10,600,000
~ Denmark	Kroner	814,000
~ Czechoslovakia	Korun	11,088,000
~ Poland	Zloty & Marek	53,712,000
~ USSR	Rubles etc	1,900,000
~ Yugoslavia	Dinar & Kuna	86,351,000
~ Greece	Drachma	1,732,000,000
~ Albania	Franga	431,000
~ Italy	Lire	59,427,000

b. Para 2.a of W-90078 directs the restitution of the above currencies to the countries named.

3. a. Foreign Exchange Depository holds the following currencies (in approximate amounts):

~ UK	Pound	207,000
~ US	Dollar	3,400,000
~ Australia	Pound	1
~ India	Rupee	10
~ New Zealand	Pound	None
~ Canada	Dollar	8,800
~ Union of So.Af.	Pound	2,800
~ Egypt	Pound	46,300

328355



- 2 -

b. Para 2 b of W-90078 directs the return of the above currencies to the countries named.

4. Foreign Exchange Depository also holds currencies of Bulgaria, Finland, Hungary and Rumania which are to be withheld from delivery (see Para 2 c of W-90078 as amended by WX-80647). We also hold many additional currencies, which are to be retained, per Para 2 d of W-90078.

5. There is no present evidence that any lots of the above currencies (Para 2-3) were removed from a country other than that to which they are returnable, as above; however, if such evidence comes to light we will withhold such lots and advise you.

6. We would like to proceed with the restitution and return of these currencies, and request your approval to commence this operation, with reliance upon us to keep you informed of the progress and problems arising, and to successfully carry out the operational work.

WILLIAM C. BREY,
Colonel, GSC,
Chief, Foreign Exchange Depository

Tel.: Frankfurt 21191

Enclos.

Summary of cables
copies of 7 cables

328356

RG	59	DECLASSIFIED
Entry	<u>Recds relating to the IRO + DPCE</u>	Authority <u>AND917313</u>
File	<u>DP-Restitution Property 1947</u>	By <u>MR</u> NARA Date <u>5/2/00</u>
Box	<u>16</u>	

FILE COPY

INCOMING TELEGRAM

DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS

TELEGRAPH BRANCH

2

CONFIDENTIAL

Action: OPD

Info:

U-E

A-S

A-S/R

EUR

OCD

CIG

DC/L

PC

DC/R

Control 6083

Rec'd September 19, 1947
12:23 p.m.

FROM: Paris
 TO : Secretary of State
 NO : 4053, September 19, 11 a.m..

OE FROM TODD

One. Together with Patten and Unwin of British Embassy called upon Chargueraud and De Panafieu to discuss non-monetary gold (REDEPTEL 1294 to Brussels, London 4015). Chargueraud agreed institute investigation in French zone Germany to include valuables other than those containing gold and also to consider possibility using US definition in its entirety for this purpose. He emphasized that the investigation should not be construed as an indication that valuables other than those containing gold would be turned over to PCIRO. Continues insist relating monetary gold to non-monetary gold insofar as application non-monetary gold program in French zone Austria. Stated that portion of Hungarian gold train in French hands was being inventoried and agreed possibility deliver some valuables PCIRO not precluded.

Two. Throughout conversation Chargueraud showed concern over possibility that valuables have been delivered PCIRO which are in fact identifiable and restitutable.

Three. Chargueraud very emphatic that French will insist upon including Salzburg gold in gold pot for purposes calculating shares and making deliveries Austria. Stated that will resort arbitration if necessary but at same time said he would use personal influence secure French agreement US views re Salzburg gold if as much as 30 tons of gold is recovered from Portugal. This in addition is statement re French position on Austrian and Italian

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328357

RG	59	DECLASSIFIED
Entry	Recds relating to the IRO + DPC	Authority <u>AND 9173(3)</u>
File	DP-Bestitution & Property 1947	By <u>MR</u> NARA Date <u>5/2/00</u>
Box	16	

CONFIDENTIAL

-2- #4053, September 19, 11 a.m., from Paris

and Italian participation gold recovered from Switzerland reported EMBTEL 3727, September 12. Indicated to him that arbitration of this question would appear rather difficult inasmuch as all decisions would be in connection gold commission's work. He agreed that matter would come up initially in gold commission but assured sufficient gold could be reserved permit separate arbitration.

Four. De Panafieu who has just returned from Spain stated that accord with Spain could be reached quickly (?) Surrey together with McCombe returned for final negotiation. Recommended October 11 Madrid as most desirable date. Suggested that details Panafieu discussions be given Dept through French Embassy Washington to which Charguer said agreed. Will inform Rubin upon his arrival Brussels.

Sent Dept; repeated London 761 Brussels for Dorr 90.

CAFFERY

(?) Garble correction to follow

DUERA

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328358

DECLASSIFIED
Authority NND 765072
By J.B NARA D21 5-3-60

RG 260
 Entry Recd at FED
 File 940.401 Joint Interrogation
 Box 424 Schedule A

7:0

22 September 1947

Mr. Henry Berger
 Neuvecelle sur Eviens
 (Haute - Savoie)
 France

Referring to your inquiry dated 8 Sept 1947 regarding the wedding rings of your parents, alleged victims of Auschwitz Camp, we regret to advise there is no likelihood of recovering this property.

It was impractical to catalogue the identifying markings of thousands of items of small intrinsic value much of which had already been melted down in the Camps, and therefore we are unable to state whether or not the rings in question were held by this office.

WILLIAM G. BREY,
 Colonel, GSC
 Chief, Foreign Exchange Depository

328359

DECLASSIFIED	Authority NND 765072
By J.B.	NARA Date 5-3-00

RG: 260
 Entry record FED
 File 940.401 Joint Inventory
 Box 424 Schedule

Henri Berger
 Neuvecelle sur Erain
 (Haute - Savoie)
 France.

File 940.7001
 940.7001

To Colonel William S. Bray
 U.S. Army
 Frankfurt - Germany

Neuveal, September 8th 1947.

My Colonel,

By Mr. Edwin Karchick's contribution to the New-York Herald Tribune, European Edition, yesterday's issue, I learned of your statement concerning Gestapo lost in torture camps.

I should be very obliged to you, if you could tell me of any possibility to get back, eventually, the wedding rings of my parents, killed at Auschwitz camp in October 1944. They are engraved: Josef, 11.6.1920 and Suzanne or Lise 11.6.1924. If necessary, I can prove the death of my parents by a statement of the international association of internees.

Thanking you by advance, agree My Colonel,
 my respectful salutations.

Henri Berger.

DECLASSIFIED

Authority NND 765072
By 1B NARA Date 5-3-00RG 260
Entry FED
File 940.38, PC IRO
Box 424 General

S.O.

22 September 1947

FROM : ONGUS
 TO FOR ACTION : AGWAR for Civ Aff Div
 TO FOR INFO : EUCOM

Reurad WX-86581 dated 18 Sept 47.

1. Currencies eligible under WX-85682 will be transferred to IRO soonest as authorized urad.

2. Full explanation of Melmer operation with respect to its currencies deliverable to and not deliverable to IRO will be furnished IRO Field Reparations Chief in Frankfurt.

3. No objects susceptible to practical later identification have been turned over to IRO. The field staff of IRO now engaged in separating precious stones from settings, smelting precious metal objects into ingot form, both steps resulting in loss of possible identity. Believe claims procedure not necessary in view of improbability of proving claims and cautious basis of "impracticality of identification" upon which turnover was jointly inventoried and made. Further, to establish a claims procedure would stress or admit the possibility of identification of assets delivered to IRO which is contrary to our practical application of WX-85682. The value of any individual pieces which might remain intact after IRO's smelting process and which may be possible of identification, would not be sufficient to justify ~~the~~ cost of administering a claims procedure. Any claims received

COULD ~~be~~ be referred to Finance Division ONGUS for reply.

either ^{or} *IRO*

4. A few boxes of loot still in individual envelopes have been withheld from IRO pending further investigation. This loot is of small value. No other ~~other~~ items in doubtful categories are held pending delivery to IRO

OK. but if it contained inventory and investigation bring any such items to light will advise.

↓
 Proposed cable phonew to Binder on 22 Sept.
Jabell

328361

00122/4
560896 ONN AUGUST
DECLASSIFIED

RG 59
Entry Recs in IRO
File Subject File 46-153
Box 6 IRO Finances
Sept-Dec. 47

A

cols w/ S.D.
IRO - no claims
no false hopes

INCOMING TELEGRAM

DEPARTMENT OF STATE—DIVISION OF COMMUNICATIONS AND RECORDS

TELEGRAPH BRANCH

7

REPRODUCTION OF WAR DEPT MESSAGE TO STATE FOR INFO

Info:

UE
A-S
EUR
NEA
SPA
OCD
OFD
DS
FC

SECRET
Paraphrase not required

Control 693

Rec'd October 2, 1947
5:16 p.m.

EAC
YHW
JW
W
GHD

FROM: ONGUS Berlin Germany agd Hays

TO : AGWAR for CSCAD ECON

NO : CG 1796

30 September 1947

Reurads WX 86581 and WX 85682 and ourads July CG 9926,
September CG 1701 and April CG 8967. Deliveries to
PCIRO is subject.

1. Since sending our CG 9926, Melmer has been located
and interrogated. He confirms facts stated paras 3 and 5
ourad and adds that all deliveries were Jewish property
and originated extermination camps Auschwitz and Lublin,
both located in Poland.

2. All items contained in "Melmer deliveries" except
currencies in question and securities have already been
turned over to IRO. Are we correct in assuming that term
"National origin" in para 1A of urad WX 85682 not appli-
cable to location concentration camps and that accordingly
our newly acquired knowledge of origin "Melmer deliveries"
does not affect propriety turnover currencies in question
to IRO whose representative has now been fully advised re
"Melmer deliveries". To return property to government
of country where camp was located would almost certainly
not assist in return of property to those persons presently
entitled thereto. This especially true in present case
since wholly Jewish property involved and at present there
are remaining in Poland only a small number of Jews to
whom Poland, if it received property, could restore it.
Thus we believe no consideration ought to be given to
location of camps in considering disposition of items
originating therein. Would appreciate your concurrence
this point of view.

3. Matter

CM IN 165

(1 Oct 47)

SECRET

INFORMATION COPY

328362

44-27470
560896 ANN Augay
DECLASSIFIED

RG 59
Entry RECS IN THE IRO
File Subject File 46-153
Box IRO Finances
6 Sept-Dec. 47

SECRET

-2- Control 693, from Berlin

3. Matter discussed para 3 bears to some extent upon that discussed our CC 1701 concerning gold bars claimed by Czechs to have originated concentration camp Czechoslovakia.

4. Reurd para 4. Your assumption correct. Objects referred to as not having been turned over to IRO because susceptible possible later identification contained in envelopes originating Lechau. There are 2826 envelopes containing primarily watches, rings and pins and some currency. Total estimated value of all items less than \$10,000. Each envelope bears camp number, name and birthdate of owner and in 23% of cases, also owners nationality which in all but a few cases is non-German. Have been unable to identify nationality of other owners from available records and are making one final effort through IRO tracing service.

5. Propose turn over under ordinary external restitution procedure of envelopes containing both name and nationality. To avoid possible conflict with principles proposed internal restitution law will require receiving governments to certify that items were removed from their country. Recommend that remaining items be considered subject to claims under proposed internal restitution law and that items unclaimed within period prescribed by that law, that is, prior to end of 1948, be then turned over to IRO. For your information, 1 former Dachau inmate a German, has already filed an informal claim and items claimed have been identified.

6. Reur 5. Our understanding same as yours that IRO and beneficiary organizations do not wish to undertake to indemnify claimants. Believe no claims procedure necessary and recommend that none be adopted. No items believed susceptible of possible later identification have as yet been turned over to IRO. Further, that organization now engaged in separating precious stones from setting and melting precious metal objects into ingot form. Thus it appears certain that items already turned over will not be susceptible of later identification. As indicated para 5, above, the only items presently believed susceptible

CM IN 165

(1 Oct 47)

to possible

SECRET

INFORMATION COPY

328363

RG 59
 Entry Recs of the IRO
 File Subject File '46-'52
 Box 6 IRO Finances
 Sept-Dec 47

SECRET

-3- Control 693, from Berlin

to possible later identification are not proposed to be turned over to IRO until possibility exhausted. In addition they are of such little value that they and such few pieces as might remain intact after IRO processing would not appear to justify setting up and administration of claims procedure. Further, inviting claims for items which, in the vast majority of cases, could not be identified would only give rise to considerable dissatisfaction and possible criticism of whole IRO turnover procedure.

NOTE: CC 9925 is CM IN 3058 (18 Jul 47) CAD
 CC 1701 is CM IN 4397 (24 Sep 47) CAD
 CC 8967 is CM IN 115 (1 May 47) CAD

ACTING CAD

CM IN 165 (1 Oct 47)

LV

SECRET

INFORMATION COPY

328364

NWD 765023
By T.J. NARA Date 3/29/60

RG 84

Entry 2531-B

File 400B (Duress)

Box 130

20.

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



AG CABLES 1/2



OUTGOING MESSAGE

SECRET
SECRET

RECD 301539B Sep 47

ROUTINE

TO : AGWAR FOR CSCAD ECON
 FROM : OMGUS SIGNED HAYS
 REF NO : CC-1796

~~POLITICAL DIVISION~~

Reurads WX-86581 and WX-85682 and ourads July
 CC-9926, September CC-1701 and April CC-8967. Deliveries to PCIF
 is subject.

1. Since sending our CC-9926, Melmer has been located and interrogated. He confirms facts stated paras 3 and 5 ourad and adds that all deliveries were Jewish property and originated extermination camps Auschwitz and Lublin, both located in Poland.

2. All items contained in "Melmer deliveries" except currencies in question and securities have already been turned over to IRO. Are we correct in assuming that term "national origin" in para 1A of urad WX-85682 not applicable to location concentration camps and that accordingly our newly acquired knowledge of origin "Melmer deliveries" does not affect propriety turnover currencies in question to IRO whose representative has now been fully advised re "Melmer deliveries". To return property to government of country where camp was located would almost certainly not assist in return of property to those persons presently entitled thereto. This especially true in present case since wholly Jewish property involved and at present there are remaining in Poland only a small number of Jews to whom Poland, if it receives property, could restore it. Thus we believe no consideration ought to be given to location of camps in considering disposition of items originating therein. Would appreciate your concurrence this point of view.

3. Matter discussed para 3 bears to some extent upon that discussed our CC-1701 concerning gold bars claimed by Czechs to have originated concentration camp Czechoslovakia.

CC-1796

pd 4282

SECRET**SECRET**Copy No. *4/28/60*

DECLASSIFIED
Authority NND765072
By Jb NARA Date 4-29-00

Historical 1.
R6260
FED Recs
Box 464
960.60 operations
file 18

File

HEADQUARTERS
UNITED STATES FORCES, EUROPEAN THEATER
Office of Military Government (U. S. Zone)
Financial Branch

File Nr 960.60

GE-FIN 723-5-2 ✓

(Main) APO 757
9 November 1945

SUBJECT: Looted Valuables

TO : Lt. Col. H. D. Cragon, Chief, Currency Section

1. Reference is made to the matter of accepting from responsible U. S. military authorities financial assets, valuables, and looted materials which have come into the possession of such responsible military authorities as looted property, or property which there is reasonable cause to believe or suspect have been looted, and which are tendered to the Currency Section for safeguarding and custody in the Foreign Exchange Depository.

2. It seems desirable that such valuables be received and held in safe custody by the Currency Section for the following reasons:

(a) It is undesirable that custody of such materials be dispersed through numerous military agencies now holding or collecting such valuables which do not have appropriate facilities for safeguarding or custody.

(b) The restitution process would be complicated if custody of such materials were dispersed among many holders.

(c) A substantial amount of the looted material is already held by the Currency Section.

(d) Mr. McCloy, Assistant Secretary of War, has requested and this Headquarters has undertaken to provide at an appropriate time a plan for the disposition of looted materials now held or subsequently acquired, or the proceeds thereof, held by the Currency Section. The intelligent preparation of any such plan would be unnecessarily complicated if custody of such materials were dispersed among many collecting agencies.

3. Accordingly, you are authorized to receive for safeguarding and custody valuables such as gold and silver bullion and coin, foreign currencies, foreign securities, precious stones or jewels, jewelry, gold teeth, and other similar valuables. You should obtain from the agency presenting any such materials a statement in detail as to the nature and source of any such materials. You should not accept any materials of the type which are properly handled by some other agency or Military Government, such as, for instance, paintings which are handled by the Monuments, Fine Arts & Archives Section of the Reparations, Deliveries & Restitutions Branch.

A. U. Fox
A. U. FOX
Acting Deputy Chief

328366

RG 260
 Entry FED-Central Files
 File 900.10 - ^{organ. &} Hist of FED
 Box 394

(a)(1) Feb '47

FOREIGN EXCHANGE DEPOSITORYFINANCE DIVISIONOFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)1. Origin and Organization

a. The Foreign Exchange Depository, located in the Reichsbank Building, Frankfurt a.Main, is a successor organization to the Currency Branch, SHAFF, which Branch was created by Supreme Headquarters, Allied Expeditionary Force on 7 September 1944. The primary function of the Currency Branch was the receiving, holding and supplying of occupation currency for Allied Armed Forces and for Military Government operations, but it was also empowered "to act as required as depository for and/or to exercise control over assets seized or impounded by Allied Military authorities".

b. The Currency Branch/Depository has always been under the control, supervision and direction of the Finance Division of the following successive Headquarters:

SHAFF G-5	to 14 July 1945
USFET G-5	to 1 Oct 1945
CMD (US Zone)	to 1 April 1946
CMCUS	to date

c. With the termination of operations in other European countries and restriction of remaining operations to Germany, the Currency Branch became a Section of the Foreign Exchange Depository.

d. The Foreign Exchange Depository was completely organized in April 1946, with Executive, Administration, Depository, Claims, Currency and Accounts sub-sections.

2. Present Functions

a. In the course of its development the Depository has established its primary functions into five categories as follows:

- (1) Custody, inventory and accounting for assets uncovered in Germany by Allied Forces.
- (2) Custody of assets delivered in U.S. Zone under Mil. Govt. Law 53.
- (3) Investigation of ownership and claims pertaining to assets held.
- (4) Custody, issue, retirement and accounting for Allied Military marks of U.S. Forces.
- (5) Accounting for Military Government Court fines.

328367

RG	260
Entry	FED-Central Files
File	900.10 - ^{Organ} Hist of FEP
Box	394

3. Financial Assets Seized from Enemy Forces. Financial assets taken from enemy forces, other than Prisoners of War or agents or suspects taken into custody, will be treated as follows:

a. If taken in liberated territories, they will be handed over against receipt to nearest Civil Affairs Officer, who will deposit them, against receipt, in the nearest branch of the central bank and will furnish full particulars to the Controller of Property of the Supreme Headquarters, AEF Mission to the Government in whose territory the articles have been found.

b. If taken in enemy territory, they will be turned over, against receipt, with full particulars of the circumstances in which they were discovered to the nearest Military Government Officer to be treated as enemy property under Military Government Property Control instructions.

4. Currency and Financial Assets found on Prisoners of War. Currency and financial assets found on Prisoners of War will be treated in accordance with current instructions, provided the circumstances are such that the Prisoner of War appears to be the owner. Where there is adequate reason to believe that the Prisoner of War is not the owner, currency will be disposed of according to the provisions of paragraph 2, above, and other financial assets according to the provisions of paragraph 3, above.

5. Currency and Financial Assets found in possession of Agents and Suspects. Currency and financial assets found on agents or suspects, taken into custody, will be treated in accordance with current G-2 instructions whether or not the person appears to be a bona fide holder. Current instructions on this subject are contained in a Supreme Headquarters, AEF G-2 document entitled "Disposition of Personal Effects of Agents or Suspects Detained by the AEF", dated 24 August 1944.

6. Currency and Financial Assets found Abandoned or Unprotected.

a. Currency and financial assets abandoned by the enemy forces will be treated respectively according to the provisions of paragraphs 2 and 3, above.

b. In all other cases currency and financial assets found unprotected will be treated in the same way, and disposed of in accordance with the provisions of paragraph 3, above.

7. Currency and Financial Assets which are Adequately Protected. All funds and financial assets whether in public or private premises adequately safeguarded against misappropriation will be left alone. If currency and financial assets which are left in situ include foreign exchange assets such as gold and silver bullion or non-German currency, securities, cheques, drafts, etc., the existence of these assets should be reported to the nearest Military Government Officer.

By direction of the Supreme Commander;

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b. Under special authorization additional services have been rendered from time to time of which the following are examples:

- (1) Acting as custodian for special jewel collections.
- (2) Acted as custodian for Military Payment certificates prior to their issuance by Disbursing Officers.
- (3) Acting as custodian for valuables seized by G-2 Censorship Division.
- (4) Acting as central clearing agency in processing payments to released German Prisoners of War.

3. Personnel

a. The staff of the Depository consists of its Chief, William G. Brey, Colonel, CSC, RA, twenty-two U.S. military and civilian personnel, six Allied technical experts, and sixty-five German employees.

b. As required by the nature of operations the civilian personnel includes specialists in banking, accounting and vault safe-keeping procedures. The allied technical experts are essential for the detection, classification, description and appraisal of precious metals, jewelry and rare coins. Military Officers are utilized for internal security purposes. German employees perform clerical duties, routine counting operations, and act as assistants where required.

4. Security

Early in the operation of the Depository, a security system was instituted. Triple control was established for the main vault where the most valuable material is stored and dual control for all other strong rooms. Persons entering the vault and strong rooms are accompanied at all times by security officers. Barbed wire barriers and a flood lighting system are maintained around the premises which are under guard twenty-four hours daily by a detail from the 18th Infantry Regiment. U.S. Army Officers supervise the handling of all valuables and provide internal security.

5. Evolution and Achievements

a. In addition to its normal currency operations the Depository during the early part of 1945 began to receive foreign exchange assets from various sources in Germany. A suitable structure for the latter purpose was found in the Reichsbank Building in Frankfurt, which was taken over and altered in certain respects to provide greater vault space and security. Since that time other repairs and improvements have been effected with the result that at present the offices and vaults are adequate for the purpose and permit efficient operation.

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b. The first shipment of valuables, from the Merkers Mine cache, was received at the Depository on 15 April 1945. Depository personnel at Merkers Mine supervised the loading and transport of this enormous hoard consisting of gold bullion, gold and silver coin, platinum, jewelry, a large quantity of "SS Loot", and various currencies, including 2,700,000,000.-- RM. Almost 12000 containers of various types were transported by truck convoys, over a period of several days, guarded by military escort. Before the end of 1945 a total of 76 additional shipments of foreign exchange assets were received. They came principally from what is now the U.S. Zone of occupation in Germany, but also from Austria, Czechoslovakia and other areas into which the Army had penetrated. It has been said that the Depository contains one of the largest single collections of wealth in the world.

c. In June 1945, a team of gold experts from the U.S. Treasury Department arrived in Frankfurt to make a survey of the major precious metal stocks in the Depository. They continued their labors for some 60 days with the assistance of Depository personnel, and at conclusion submitted a comprehensive report with a total valuation close to \$ 300,000,000 for precious metals, consisting principally of gold bullion and gold coins.

d. The staff of the Depository, which about the middle of 1945 consisted of some 16 officers and 130 enlisted men, had barely started on the task of inventorying, sorting, cataloging and storing the heterogeneous material in its vaults, when the redeployment program caused ~~a halt in this work~~ a reduction in personnel that all but the most essential currency functions had come to a halt by October. This curtailment lasted well into 1946. Subsequent to April 1946 a plan of operation was adopted, qualified military and civilian personnel engaged, and suitable counting rooms prepared. The latter eight months of 1946 have witnessed substantial progress, with the resumption, of all operations on an increasing tempo. A list of major accomplishments follows:

(1) Depository Section

(a)

The task of inventorying and accounting for the great variety of valuables, concentrated in the vaults of the Depository and estimated to be worth in excess of \$ 500,000,000, is the first such assignment performed in the history of the U.S. Army. The currency on hand is representative of over sixty nations and operations began with the verification of that asset. The inventorying of jewelry and precious stones started late in August 1946 with the arrival of the first Jewelry Experts. Up to the present, priority has been given to the examination of S.S. Loot recovered from Merkers Mine, Buchenwald and Dachau, which consists largely of unidentifiable assets destined for delivery to the Inter-Governmental Committee on Refugees. Under special circumstances certain other shipments have also been cataloged and reflected in detail on the accounting records.

* The funds of captured and
confiscated adult contained
in the vaults of the Depository
will be accounted for and delivered
to the appropriate accounting
and financial authorities.
The currency will be
verified and accounting
resumed. Upon the arrival
of the Jewelry Experts
the examination began and
priorities were established
including the preparation of forms
and installation of accounting
and establishment of vault facilities.
The vaults were rearranged and materials
placed in an orderly manner.

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(b) In general terms quantities inventoried to date are as follows:

Currency - 3,500,000. U.S. Dollars
 200,000. English Pounds
 9,000,000. Norwegian Kroners
 2,500,000. Dutch Guilders
 2,700,000,000. French Francs
 2,000,000,000. Greek Drachmas

Currencies of many other countries in lesser amounts.

Coin - Segregated and counted many thousands of gold, silver and base metal coins of numerous countries. Many numismatic types of coin, medallions etc. noted and separately inventoried.

Jewelry - Sorted many containers of precious and semi-precious stones, beads, costume jewelry etc. resulting in the separation of thousands of carats of precious stones of all types. Inventoried thousands of watches, rings, brooches, jeweled ornaments, and tons of scrap silver of damaged table ware. Also inventoried were the jewel collections of Emmy Coering and Eva Braun.

Securities - Other than the relatively minor amounts of this asset recorded in the Markers cache, no large security holdings have yet been inventoried except about 500,000 shares of Concordia stock against which a claim has been filed.

(c) The Foreign Exchange Depository has effected the following releases of assets to date:

1.1 grams Padium	Released to Office of Theatre Chief Surgeon for shipment to T
813 bags of Russian rubles	Released to USSR without condition
33 million dollars gold bullion and coin ascertained to have been the property of the Hungarian National Bank	Released to the Hungarian Government
22 tons silver bullion	Released to Land Greater Hesse as a loan to the German economy
Crown jewels, religious vessels and monstrances, Russian Tabernacle, etc.	Released to the M & PA in Wiesbaden

(d) Included with the assets uncovered in Markers Mine were the books and records of the Precious Metals Department of the Berlin Reichsbank. This has proved a fruitful source of information as to gold movements in Germany during the war years. Depository personnel has been called upon many times by the U.S. State

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Department and representatives of certain European Governments to investigate these records and render detailed reports. On one occasion these records, consisting of five large cases were transported to the Finance Headquarters in Berlin for study, to facilitate negotiations pending with Switzerland, Spain and Portugal.

(2) Currency Section

- (a) Previous to the advent of scrip currency this Section supplied the currency requirements of various U.S. Disbursing Offices and therefore was obliged to maintain certain necessary functions despite personnel limitations. During the redeployment period however operations involving the verification and storage of currency were curtailed. The Section has now caught up with its work in all respects and a resume of operations for 1946 is as follows:

K
 ✓ Received, verified and stored 1,458 boxes containing 2,408,201.635 marks.

✓ Received deposits for account Central Disbursing Officer aggregating 1,666,268.545.75 marks.

✓ Received captured and confiscated funds amounting to 1,321,963.81 marks.

✓ Received and refunded U.S. Court Fines, resulting in a net increase, in fines received, of 17,103.829.55 marks.

✓ Received Prisoner of War funds totaling 1,881,144.75 mark

✓ Received unclaimed funds totaling 225,151.94 marks.

✓ Reimbursed Finance Officers for Civilian Payrolls in the amount of 12,748,303.61 marks.

✓ Advanced to Allied Government Missions 351,154.00 marks.

✓ Redeemed mutilated AMM, totaling 3,491,527.00 marks.

✓ Increased deposits in its accounts with Reichsbank by the sum of 104,294,629.50 marks.

✓ Redeemed counterfeit AMM in accounts of Finance Officers

✓ Prepared monthly Finance Division report for submission to the War Department.

- (b) At present, this Section is mainly engaged in continued Military Government Court Fines operations, the gradual

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retirement of Allied Military marks, the settlement of its accounts and operations which have covered the period from 7 September 1944, the settlement of Sub-Accountants' accounts, the payment of Military Payment Orders and Certificates of Credit held by German former PWs, an audit of vouchers redeemed from Disbursing Officers, issuance of AW marks as required by U.S. Disbursing Officers and Land Central Banks and additional routine operations.

b. Problems - Depository Section.

a. In the plan of procedure which was devised for the accomplishment of objectives of the Depository Section problems have been anticipated and provided for as far as possible. It is expected that many unforeseen contingencies will present themselves as unusual and unexpected items are encountered in the process of inventorying and disposing of all assets. A final comprehensive and clear record of the quantity, value and disposition of the material in custody will eventually be available.

b. A recent study was made of directives and proposals, and other documents having to do with restitutions and reparations. As a result thereof it appeared that there were various inconsistencies that required clarification or amplification. Accordingly a cable (Ref. No. CC-7904) was sent to Washington on 3 February 1947 in which the following questions were raised:

- (1) What disposition is to be made of monetary gold falling under WY-85682?

The reference cable directs that unidentifiable personal property removed from racial and political victims of the Nazis be turned over to the I.G.C.R. Included in such loot are found moderate amounts of gold bars and gold coin. Gold in these forms, however, had been defined as Monetary Gold which as stipulated in the Paris Reparation Agreement is to be accumulated as a "Gold Pot" for restitution on a ratio basis to governments who lost gold to Germany.

- (2) Whether the term "currencies" includes, in addition to paper money, coins of silver, gold and other metals.
- (3) Whether currencies of United Nations never under German occupation, will be restituted to another United Nation formerly under German occupation, if a claim by the latter United Nation is established.

Existing directives appear subject to two interpretations:

- (a) Restitution of identified owned currencies looted from occupied United Nations is a pre-requisite to delivery of residue currencies to issuing countries.

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- (b) Delivery of all currencies to issuing countries, the claims of occupied United Nations to be settled later between governments.
- (4) Determination of the order of precedence of cable WK-85682 (loot directive) as regards any other disposal directive, especially as to whether WK-85682 is to be considered a standing exception to all present and future restitution or disposal directives.
- (5) Whether United States unilateral action is contemplated under existing disposal directives prior to, or despite absence of, agreement within Control Council.
- (6) Whether securities may be exempted or suspended from delivery to IGCR due to:
- (a) Their insignificant value compared to bulk of loot.
 - (b) The obstacles which would be encountered in their liquidation.
 - (c) The United States position taken in Control Council which has been contrary to the fiscal principle now embodied in UN-53 (loot directive).
7. No directives or proposals have been received as to disposition of (a) monetary gold, and (b) other precious metals including silver, platinum and gold which is neither monetary, or non-monetary under WK-85682 such as gold nuggets and large quantity gold deposited under Law 53 without suggestion or presumption of having been looted.
- c. In addition to the problems raised by this study, an early settlement of the following matter would be desirable:
- (1) It is believed that financial assets and other valuables are held by and under control of various custodians in the U.S. Zone, with differing methods of security and accounting procedures. Concerted action in response to restitution directives such as WK-85682 (loot directive) is therefore difficult. It was originally contemplated that the Foreign Exchange Depository should act as the sole custodian for all financial assets in the U.S. Zone and accordingly Law 53 assets, as well as valuables uncovered by Allied Forces were received by the Depository during 1945. Due to lack of personnel resulting from re-employment program deliveries of Law 53 assets were temporarily discontinued and have never been resumed. It is recommended that staff studies be undertaken with the following objectives:
- (a) Delivery of all financial assets and other valuables to the Foreign Exchange Depository as the sole depository for such material.

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(b) Consideration as to whether delivery of Law 53 assets by German Land Central Banks to Foreign Exchange Depository shall be resumed.

d. In summary, the Governmental level is mainly interested in problems concerning the disposition of the assets (6b) while OMBUS/Finance Division is mainly interested in problems concerning preparing such assets for disposition (6c).

7. Problems - Currency Section

a. There are no particular operating problems confronting the Currency Section. The main problems will arise upon the final liquidation of the Currency Section and in preliminary action before such liquidation.

b. The monthly balance sheet of the Currency Section shows many accounts which must be settled or disposed of. Questions concerning such settlements will arise along the following lines:

- (1) Allied Military marks redeemed and on hand consist of U.S., British and Russian printed notes. What disposition is to be made of these notes ?
- (2) What settlement is to be made for unpaid mark advances made to Czechoslovakia, Netherlands, Poland and USSR ?
- (3) What disposition is to be made of payroll vouchers redeemed from U.S. Disbursing Officers ?
- (4) What disposition is to be made of Captured and Confiscated funds ?
- (5) What disposition is to be made of Military Government Court fines ?
- (6) What disposition is to be made of unidentified Prisoner of War funds ?
- (7) What disposition is to be made of the Encashment Differential resulting from payment of Military Payment Orders of former Prisoner of War ?

c. In addition to the balance sheet settlement problems, other types of questions will arise:

- (1) Will the Currency Section eventually retire all AM marks now outstanding in the U.S. Zone ? Large amounts of such notes are presently held by German banks, U.S. Army Disbursing Officers, and individuals ?
- (2) To what extent will the Currency Section participate in any change of German currency ?

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BT 271/407

UNDATED

I.A.R.A. Rules	United Kingdom	Denmark	Belgium	Holland	France	United States of America
(I) Was deprived of liberty pursuant to any law, decree, or regulation which discriminated against religious or racial groups or other organisations <u>and</u>	Strict interpretation including deprivation of liberty as meaning internment or imprisonment for forced labour	Refugees from the Nazi regime who have been resident in Denmark since before the war are automatically exempt from confiscation otherwise application must be made for exemption from confiscation, normally granted if it is proved that the applicant has been an antagonist of the Nazi regime or has been a victim of racial or political persecution.	Exemption is only granted if the claimant has either:- (i) served with honour in the Belgian or Allied armies (ii) been treated as an enemy by the Hitlerite regime, with the condition that their conduct towards Belgium has been above all reproach. (iii) rendered signal service to Belgium or one of the Allied nations.	No published regulations: each application is considered on its merits, deprivation of liberty being one of the factors but not an essential condition. Other factors taken into consideration include periods spent in hiding and assistance rendered to the Allied cause.	Those who have permission to reside in France or Allied countries can obtain restitution. ✓ No special measures has been taken in favour of German victims of Nazism ✓	Liberal interpretation of rule relating to deprivation of liberty - any unreasonable restriction of his movements pursuant to discriminatory legislation is enough.
(II) did not enjoy full rights of citizenship of the enemy country of his residence at any time between 1st September, 1939 and the abrogation of such law, decree or regulation <u>and</u>	Heirs of victims:- 1. That the deceased satisfied conditions i and ii <u>and</u> 2. His death occurred before the end of ¹⁹⁴⁷ hostilities <u>and</u> 3. heirs or legatees are resident or intend to reside outside an enemy country.			Heirs of victims:- No information. X		Heirs of victims: (i) Must fulfil conditions i and ii of I.A.R.A. rules with, of course, the different interpretation of deprivation of liberty.
(III) has left that country, or intends to leave there within a reasonable time, to establish his permanent residence outside enemy or ex-enemy territory <u>and</u>						(ii) Date of death and residence of heirs are not material.
(IV) was not disloyal to the Allied cause during the war <u>and</u>						
(V) has a case which merits favourable consideration.						

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G.R.

27.04.48
OF 201/154/01

MR. PLAYFAIR

Sir Henry Gregory's note of the 31st March to Sir E. Hodgson summarises his proposals on some outstanding questions concerning the release of money and property held by the Custodians and Administrators of Enemy Property.

Sir Henry Gregory sent these proposals to us in draft, and I wrote to him on the 10th March saying in general that I agreed with them.

In his letter of the 31st March, Sir Henry Gregory said that he would put his note to Board of Trade Ministers for approval and would be glad if I would do the same in the Treasury. In fact, the note has been approved by the Permanent Secretary to the Board of Trade.

I suggest that you might tell Sir Henry Gregory that the Treasury approve his proposals, and that you could do this without submitting the matter to the Chancellor.

DW.R

27th April, 1948.

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Bt 271/135
AGP 51P

Release of money and property held by
the Custodians of Enemy Property for
belligerent enemies.

1. We have received Ministerial authority from time to time to authorise the release from Custodian control of money and property held under the Custodian Order but these authorities have been given as occasion arose and not as the result of over-all consideration. The issue of the Orders in Council imposing charges on the property of Italian, Roumanian, Hungarian and Bulgarian nationals and the acceptance by the Assembly of the Inter Allied Reparation Agency (IARA) of certain accounting rules with regard to German property make this a suitable occasion to consider, as a whole, the question what should be retained and what released. This memorandum is not concerned with the release of money and property held for Allied Countries.

2. In its broadest divisions we have three groups of countries:

- (a) the countries subject to the Orders in Council - Italy, Roumania, Hungary and Bulgaria (Administrator Countries)
- (b) Germany, Austria and Japan - still under the Custodian Order and not subject to special arrangements
- (c) Finland and Siam which are subject to special arrangements between the respective Governments.

3. Non-enemy nationals. Administrator Countries. The charge imposed by the Orders in Council in the case of these countries falls on the property of their nationals (subject to certain exceptions) and accordingly differs from the obligations imposed by the Custodian Order where the test was of residence. Property which belonged to British subjects or Allied or neutral nationals resident in these countries and which had been vested in a Custodian remains subject to his control but, is not subject to the charge; unvested property is now free of all controls by virtue of Cessation Orders. At present we have authority to release from Custodian control:-

- (a) the property of British subjects and Allied nationals
- (b) the property of neutrals (up to £1000 in value) who have returned to their country or Allied territory subject in each case to checks that the conduct of the property owner during the war had been pro-Ally.

4. It is submitted that there is no justification for continuing any restriction on the release of the property genuinely owned by neutrals. We cannot use it under the Treaties, the ex-enemy Government is under no obligation to compensate the owner and there is no moral justification whatsoever for its retention.

5. Further I submit that the so called security check should be abolished. At the best the verification of a war record is a hit or miss business uncertain in result and becoming more so as time goes on. The Foreign Office have pointed out the burden which would be laid on consular officers on whom, in the absence of military security services, the burden of verification would fall. They also advise that it is extremely doubtful whether, by International law, we should be entitled to retain the property whatever the war record of the owners may have been.

6. Accordingly I recommend that in the case of property held by reason of residence in any of these countries we should release from Custodian control any property other than that held by or on behalf of belligerent (or former belligerent) enemy nationals and that the "security" check should now be dropped.

7. Non-enemy nationals. Germany, Austria and Japan. In the case of Germany, Austria and Japan we have as yet no Peace Treaties and the property of all persons resident in those countries remains subject to the Custodian Order. There is no reason to suppose that the Peace Treaties will affect the property of persons who are not German or Japanese nationals; in the case of Austria it is improbable that we shall retain the property even if

Austrian

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Austrian nationals. So far as Germany is concerned we have a definite lead in the Final Act of the Paris Conference on Reparation and the Accounting Rules approved by the I.A.R.A. Assembly on the property to be brought into our account. There is no similar Agreement for Japan. The I.A.R.A. Accounting Rules themselves are attached (Appendix A) and it may not be out of place to say at this stage that they are not mandatory as determining action (which is a matter for the domestic law of each country) but that it is only within the scope of these Rules that we are required to account for German property.

8. I.A.R.A. Accounting Rules. The principal points with which we are immediately concerned in these Rules are as follows:-

(a) we are required to account (Part II of Rules) for the property as at 24th January 1946 of

(1) the German State, Government, municipalities etc. and the Nazi Party;

(2) any individual with German nationality on 24th January 1946 and living or having his residence in Germany on that date;

(3) any body of persons organised under German law;

(4) the property of a German who died before 24th January 1946

(b) we are not required to account (Part III of Rules) for

(1) certain miscellaneous groups of property likely to be of small value or belonging to people in special positions (e.g. the Diplomatic corps, former nationals of another country to which they return)

(2) property of religious and charitable bodies

(3) German nationals who satisfy all the five following conditions:

(i) deprivation of liberty under discriminatory legislation,

(ii) non-enjoyment of full rights of German citizenship since 1st September 1939

(iii) emigration or proposed emigration from Germany

(iv) were not disloyal to the Allied cause

(v) merit favourable consideration.

If we release property within Part II of the Rules which is not authorised by the terms of Part III we are required to account for it i.e. such a release would be at the expense of our Reparation account and, ultimately of the British tax-payer.

9. It is submitted that, for Germany, Austria and Japan so far as the property of individuals are concerned, it should be our policy to release the property not only of British subjects (for which we have authority) but also of Allied and neutral nationals as in the case of the Administrator countries and for the same reasons. In the case of Germany this will be in accordance with the I.A.R.A. Rules and will impose no charge on the Exchequer. We should not release the property of nationals of former enemy states (e.g. Roumania) living in Germany or Japan.

10. Property of victims of Discriminatory Laws. Enemy Nationals. - all countries.

But the point on which we must expect the greatest pressure (particularly from Jewish interests) will relate to property in the United Kingdom belonging to enemy or ex-enemy nationals who have suffered under discriminatory laws or those who claim to inherit from persons who suffered

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in this way. This will affect not only German nationals but also nationals of Roumania, Hungary and Bulgaria. We have received representations from various Jewish Agencies on this question as well as individual enquiries from firms of Solicitors (obviously specialising in cases of this kind) and from private persons. The general case made is, of course, that the unfortunate victims have already suffered in their own countries, were opposed to the regimes, and that it is unjust they should now lose their property in the United Kingdom. A special case has been made for the release of money and property deposited hereby individuals who were hoping to emigrate and were looking to these funds to finance them. The World Jewish Congress appears to accept the argument that there is nothing in principle to differentiate property in the United Kingdom derived from the trading operations of a Jewish concern from that derived from similar operations of a non-Jewish concern. It must be recognised that this question is bound to have a strong sentimental appeal, to put it at its lowest level, and that the case for a wholesale release on a wide front may be hotly pressed.

11. The question has been discussed on an official level between the Treasury, Foreign Office and this Department in the light of the representations received, the I.A.R.A. Rules and the replies given by the late President of the Board of Trade to questions in the House of Commons. These replies will be found in Appendix B from which it will be seen that they relate to:-

- (a) the property of ex-enemy refugees in whose cases sympathetic consideration was promised to applications from persons in financial difficulties. This is only applied to the property of refugees who have found asylum in the United Kingdom. There appears to be no well defined United States practice at present.
- (b) the distribution of the United Kingdom estates of persons "who died as a result of Nazi persecution", under which we undertook to meet proper claims from heirs and legatees permanently resident in the United Kingdom.

12. There are in fact two main questions

- (a) what is the proper treatment of the property of individuals who had suffered under Nazi or similar discriminatory laws but are still alive
- (b) what is the proper treatment of the estates of such persons who have died.

In all cases it may be well to remember that any release is ex gratia and neither the individual owner (if still alive) nor a legatee (in the case of a deceased's estate) has any legal right to demand a release. Further it must be accepted that releases will be at the expense of the British taxpayer in the case of German property (and probably in the case of Japan) if we go beyond the IARA rules or will reduce the amount (already inadequate) available for the settlement of the claims of British creditors in the case of Roumanian, Hungarian and Bulgarian property.

13. Property of living "victims". Dealing first with the proper individuals who are still alive reference has already been made (see paragraph 7) of the IARA Rules and the five-fold qualification to them. We consider we should base our practice on those Rules which make fundamental distinction between the property of individuals still in the enemy country and those who have emigrated or who can prove proposing to emigrate. This appeared to all the Departments to be differentiation. It was not considered that there was good ground for release of the property of individuals who continue to reside in an enemy or ex-enemy country; in the case of each of these countries there is foreign exchange control which places all devisen at the disposal of the Authorities and in the case of the countries with which Peace Treaties have been concluded the Government is under an obligation to compensate in local currency. That is to say only the ex-enemy Government and not the residing national would benefit by a release policy. It is accordingly recommended that the Rules adopted by the IARA Assembly should govern our action. If we are pressed to go further we can point out that our action is based on

/internal

international agreement any extension to which in the case of Germany would mean a loss to the Exchequer while in the case of the satellites the whole concession is made at the expense of United Kingdom creditors. Incidentally we shall be going beyond the late President's undertaking to Mr. Jammer since we shall not apply any test as to financial need and we shall not restrict release to the property of refugees who come here. I do not believe it will be possible for reasons already given in paragraph 4 above to apply any critical test to declarations of loyalty to the Allied cause during the war. It is further suggested we should only recognise claims received before a fixed date - say 1st June 1949.

14. Deceaseds' estates. Here we are faced with both legal and practical difficulties. In principle we should have regard:-

- (a) to the deceased; was he a victim, when did he die; and
- (b) to the legatee; where is he resident.

There have not been many cases up to the present but already the reply given by the late President to Mr. Basil Nield (see Appendix B) has produced difficulties. The clear intention was to release an appropriate share of the property only to persons in the United Kingdom but if the estate is administered by process of law there is no power to restrain the executor or administrator from paying to all legatees resident anywhere outside enemy territory.

15. In our view the most logical and defensible approach is to satisfy ourselves

- (a) that the deceased himself satisfied the IARA conditions as to deprivation of liberty and loss of civil rights;
- (b) that his death occurred before the end of active hostilities;
- (c) that the heirs are resident, or intend to reside, outside an enemy (or former enemy) country;
- (d) that application should be made before a fixed date - say 1st June 1949.

This goes beyond the late President's reply to Mr. Basil Nield by admitting persons outside the United Kingdom to benefit but it is in line with the recommendation in paragraph 12 relating to the property of refugees resident outside an enemy (or former enemy) country.

16. In this connection attention is drawn to a letter received from the Central Office for Refugees a copy of which is attached as Appendix C. from which it will be seen that a claim is put forward on behalf of a number of organisations to receive and administer "heirless" property. It is submitted that no encouragement should be given to the proposals. In effect what acceptance would mean is that the British taxpayer would be making a further and indeterminate subvention to refugee organisations since none of this property would be allowed as a deduction from our share in German reparation. Already this share has been voluntarily reduced (in common with the shares of other reparation receiving countries) by virtue of the provisions of Article 8 Part I of the Paris Agreement which makes an allocation to the International Refugee Organisation. Further, it is probable that the applicants expect to be able to draw some money with very little delay which is far from the case; it will obviously take years before we can say, properly, that property is or heirless. So far as the application relates to property formerly belonging to persons who lived in Allied countries, or Italy, agreements with these countries under which we have already assumed which govern the procedure of release.

17. Miscellaneous. The foregoing recommendations refer only to the release of the property of individuals. It is not proposed to release any part of the property of companies, partnerships or other organisations because shareholders, partners or members were subjected to discriminatory legislation. The IARA Rules made no provision for the release of property of such organisations. Further, as a matter of either administration or finance it would be quite impossible, in the case of a company,

sufficient exception of debts and securities due to those belligerent nationals who while resident in, say France continued to carry on business in, say Roumania (see paragraph 2 above), we have not vested generally.

The difficulty of interpreting sub-paragraph (c) of the Treaty Articles may arise from the fact that in the generality, unlike the exception, there are references to two different "territories". In the one case the belligerent resides in and has property in the one territory only. In the other case he resides in the "territory" of one United Nation but has his property in another "territory" of one of the Allied&Associated Powers. In both cases the property would be exempt from seizure but for the exception. The exception states this exemption applies to

"property which at any time during the war was subjected to measures not generally applicable to the property of Italian (Roumanian etc) nationals in the same territory".

The question at issue is to which country the phrase "the same territory" applies. In short whether the property within the exception to the exemption (and consequently liable to seizure) is:-

(a) property in the United Kingdom which has been subjected to treatment differing from that accorded generally to the property of Italian (Roumanian) nationals resident in the United Kingdom (i.e. that, because the property of Italians or Roumanians living in France was caught under the Custodian Order and the property of Italians or Roumanians in the United Kingdom was not, we are entitled to seize, though we could not seize the property of one of these nationals living in the United States or Brazil); or

(b) property in the United Kingdom which has been subjected to treatment differing from that accorded to the property of other Italian (Roumanian) nationals resident in, say, France or Brazil (i.e. that unless we are in a position to show that particular property has been subject to special controls it is entitled to exemption under the generality of sub-paragraph (c) of the Treaty Articles).

6. The intention undoubtedly was to prevent the Allied and Associated Powers

The wording of this § was
a U.S. draft
accepted by
the Deputies
in Paris after
disagreement
in the Economic
Committee.

from seizing the property of belligerent enemies who had been allowed to live during the war in their countries under normal protection of the law or from seizing the property of such enemies who were living freely under the protection of the laws of another United Nation. The U.S.A. for example might have found it very embarrassing if France had begun to realize the property in France of Italians who had been living in New York throughout the war in unrestricted enjoyment of their property. The interpretation is by no means free from doubt but on the whole I am disposed to the view that the proper interpretation is that indicated in paragraph 5 above at (b). I should be glad of advice on this point.

7. Individuals who have not resided at all times in United Nations territory. In so far as these belligerents have never resided in United Nations territory it is clear that their property is not exempted from seizure. Some will never will have resided part of the time in United Nations territory and part of the time elsewhere, the property of some will have been subject to a specific vesting order, securities and debts of some (i.e. those who at the date of the respective Order were resident in belligerent enemy territory) will have been subject to a general Vesting Order. The first question under this heading on which an opinion is sought is whether in the case of all Italian (Roumanian) nationals

(a) whose property has been subject to a special vesting order; or

(b) whose securities and debts were caught at the date of the general Vesting Orders as being those of individuals resident in belligerent enemy territory. The property so vested remains seizable notwithstanding the fact that at some time during the war they were allowed to live in United Nations territory. There appears to be some ground to expect that the answers to these questions will be in the affirmative since the measures of control were not "generally applicable".

06.04.48
OF 201/154/01

UNITED KINGDOM TREASURY DELEGATION OFC

BOX 680
BENJAMIN FRANKLIN STATION
WASHINGTON, D. C.

OF 201/3/11
REFERENCE: 22/10/01

201/3/11

TELEPHONE EXECUTIVE 2020

J. Abbott
194

April 6th, 1948.

Dear Mr. Abbott,

Would you please refer to your letter to Mr. Christelow of March 23rd about the release of property to the victims of Nazi ~~persecution~~ aggression. I discussed this matter with the State Department yesterday and found that American practice approximates very closely to what you propose and, indeed, that where it differs it usually tends to be more generous.

As of course you know, the operative instruments in respect of title claims are U.S. Public Law 322, as amended by Public Law 671. Taking first the conditions in your paragraph 2, they compare as follows:-

(i) and (iii) are, in essence, the same.

(iii) U.S. law contains no such requirement and the U.S. authorities are prepared, where a sufficient case is made out, to return property even to a German 'victim' still resident in Germany. They are aware that this goes outside I.A.R.A. practice and that to this extent they must account for any property so released: but they are fully prepared to do this. In fact, of course, it will probably not amount to very much since the number of victims, Jewish or otherwise, who are prepared to remain in Germany must be quite small.

(iv) is covered by the U.S. 'national interest' provisions.

(v) is, in essence, the same.

Turning to the proposals in your paragraph 4 for the release of the estates of deceased victims, Mr. Metzger had the following comments:-

(a) He agreed.

(b) The U.S. have no such provision, believing the actual date of death of the victim to be irrelevant and that, in the light of condition (d), it would not be fair to discriminate against those who died after May, 1945, especially since death would almost cer-

Mr. J. E. Abbott,
Treasury Chambers,
London, S.W.1.

328383

UNITED KINGDOM TREASURY DELEGATION

BOX 680
BENJAMIN FRANKLIN STATION
WASHINGTON, D. C.

REFERENCE:

2.

TELEPHONE EXECUTIVE 2020

tainly have been due to treatment at the hands of
the Nazi aggressors persecutors.

(c) Again the U.S. would be more lax, as in (iii)
above.

(d) He agreed. In this context it is of interest
that the U.S. Statute of Limitations originally
laid down August, 1948, as the termination date
for filing claims, but the State Department, with
the Department of Justice, have now prepared a
bill to postpone it until July 31st, 1949. (This
Bill is of general application - not only for the
purposes of these 'Nazi victim' claims.)

Mr. Metzger made certain other points.

(i) He attached great importance to the fact that whereas
we are proposing to release only personal property, the U.S. are not
distinguishing in this way and are prepared to release all types of pro-
perty irrespective of its character.

(ii) He said that the actual number of cases of this type
which had fallen to be dealt with in the two years since the Acts were
passed has been small, (I gathered in the 30's, but he was not definite
about that). I imagine this is to be explained by the great numbers of
the victims who died without heirs: and because a great number of people
managed to escape to the U.S. before the outbreak of the war and their
property, on the grounds that they were non-Nazi, was never seized by the
Alien Property Custodian. Then there is the great delaying problem of
the D.P.s. The State Department have now sent claim forms to Germany, to
Consuls and D.P. Camp officials, and General Clay has been asked to allow
all facilities for their completion, including free legal advice and so
on. (I gathered that these forms have only fairly recently been sent
because of a domestic U.S. problem: General Clay wanted the U.S. dollar
equivalent of released property to go to J.E.I.A. and the claimants to
receive reischmarks. The State Department would not agree to this, and
have won out.)

(iii) Mr. Metzger tells me that some 'victims' who have
now become, or are about to become, U.S. citizens have claims for property
held in the U.K. which have been held up (doubtless pending directions for
release you are about to issue), and about which the U.S. Embassy in London
have been making pretty strong representations. I expect you are aware of
these. I mentioned that even in the event of release the U.K. Exchange
Control regulations might prevent the transfer of funds to the United States,
and this, of course, he thought was reasonable and was quite prepared for.

✓(iv)

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UNITED KINGDOM TREASURY DELEGATION

BOX 680
BENJAMIN FRANKLIN STATION
WASHINGTON, D. C.

REFERENCE:

3.

TELEPHONE EXECUTIVE 2020

(iv) Finally, Mr. Metzger thought Mr. Paul Weiden's Opinion was a fair statement of U.S. policy and practice. We examined the phrase in paragraph 6, "the return of vested property is granted as a matter of course once it is established that it belongs to a member of a victimised group", and I gather that in practice when the claim form is filled in, with suitable proof submitted, summary return of property may be granted without further investigation.

I hope this information is adequate. But if there are any further specific points you would like us to take up please let me know.

Yours sincerely,

Mary Ashe

Mary Ashe.

328385

Undated: wosr
likely January 1948

DRAFT

(23)

Property, rights and interests in the United Kingdom of victims (or heirs of victims) of persecution in ex-belligerent countries.

BT 271/115.

T/E GEN 1851/1

A. INTRODUCTORY

1. The treatment to be accorded to ~~assets~~ property, rights and interests (hereinafter called "assets") in the U.K. of victims (or the heirs of victims) of persecution in ex-belligerent enemy countries was the subject of P.Q.s 53, 54 and 62 (Annexed). Subsequently, representations were received from various bodies requesting more favourable treatment, and it has been decided that, as from the date of the present memorandum, our policy shall be based upon the following. The present memorandum refers only to enemy subjects or ex-enemy subjects.

2. All releases of property properly vested in or paid to the Custodian are made on the grounds of persecution are ex gratia. There is no legal obligation to compensate for any loss in value which the property may have suffered as a result of having been vested, or any other cause.

3. Release will be made only to and in respect of the property of natural persons i.e. individuals, and not bodies of persons. It will be impossible as a general rule to return to, say, a German dispossessed of his interests in a German firm in 1936, assets of that firm which had been vested here in 1939.

B. Victims resident or formerly resident, in

ITALY, SIAM AND FINLAND

(a) Italy

Under the Anglo-Italian Financial Agreement No. III of 1947 the decision as to the sale or release of all Italian properties held by Custodians in the U.K. falls to be made by the Italian Government. If the property is sold the owner will receive compensation from the Italian Government in lire.

/In

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In general, however, where an Italian has been permitted to reside in the U.K., ~~however~~ and in other exceptional cases, his property there is covered neither by the Peace Treaty nor by the Property Agreement and must be released to him.

(b) Siam

All assets of individuals resident in Siam will be released to the persons entitled, on application.

(c) Finland

Assets of persons in Finland will be considered for release in accordance with the arrangements which have been made with the Finnish Authorities.

C. Victims resident, or formerly resident, in

GERMANY, AUSTRIA, JAPAN, ROUMANIA, BULGARIA, HUNGARY.

I. Where the victim is still alive

The answer to P.Q. 53 (28th October 1946) deals with a part of this problem: it stated that sympathetic consideration would be given to any individual application for release of his property made by a refugee from Germany who was in financial difficulties. In practice releases under this head have been limited to persons resident in the U.K.

In future, policy will be as follows:-

i). Where the victim has not left enemy territory. No release will be made.

ii). Where the victim has left enemy territory or leaves it at any time before December 31st 1948, and is legally admitted to reside permanently in another country his assets will be released if he fulfils all the following conditions (based on accounting rules agreed at I.A.R.A.):-

- a). that he was deprived of liberty pursuant to any law, decree or regulation discriminating against religious or racial groups or other organizations and
- b) that he did not enjoy full rights of citizenship at a time between 1st September 1939 and the abrogation of such law, decree or regulation, and

- (23)
- c) that he did not act against the Allied cause during the war

II Where the victim is dead

The answer to P.Q. 54 (6th December 1946) stated that the natural heirs and legatees of victims of Nazi persecution who died in enemy countries during the war might receive their net share of the deceased's property, subject to their claims as beneficiaries being legally established and defined.

The answer to P.Q. 62 (28th October, 1947) explained that, in order to benefit under the concession given in the answer to P.Q. 54 a beneficiary need not be a direct heir of the deceased, or in straitened circumstances; neither need the deceased have been murdered.

(i) Where the victim died before 8/5/45 as a result of physical persecution.

(a) Where the principal beneficiaries are resident in the U.K. the grant of letters of administration will be allowed and the property released to the executor or administrator provided the deceased fulfilled conditions (a) to (c) in paragraph C I (ii) above. Any part of the estate which falls to persons resident in Germany, Austria or Japan will be required to be transferred back to the Custodian until such time as there is a Peace Treaty and Cessation Order for those countries.

(b) Where the principal beneficiaries are resident outside the U.K. an ex gratia payment from the assets, approximate equivalent to the net amount due under the will or intestacy will be made to any heir or legatee resident outside enemy territory. Such heir or legatee will be required to provide legal proof of his claim to benefit from the estate, and also to prove that the deceased fulfilled conditions (a) to (c) in paragraph C I (ii) above.

(ii) Where the victim died after 8/5/45 having left enemy territory.

The principles outlined in the preceding paragraph

*Any part of the estate
which falls to persons
resident outside enemy
territory*

C II (i) (a) and (b) should apply.

(iii) Where the victim died after 8/5/45 in enemy
territory.

No release will normally be made.

is sold the owner will receive compensation from the
Italian Government in lire.

/In

328389

BT 271/407

6/4/48

(2) B

UNITED KINGDOM TREASURY DELEGATION,
BOX 680,
BENJAMIN FRANKLIN STATION,
WASHINGTON, D. C.

OF.201/3/11
D.2/10/01

3

April 6th.1948.

Dear Mr. Abbott,

Would you please refer to your letter to Mr. Christelow of March 23rd. about the release of property to the victims of Nazi persecution. I discussed this matter with the State Department yesterday and found that American practice approximates very closely to what you propose and, indeed, that where it differs it usually tends to be more generous.

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(b) The U. S. have no such provision, believing the actual date of death of the victim to be irrelevant and that, in the light of condition (d), it would not be fair to discriminate against those who died after May 1945, especially since death would almost certainly have been due to treatment at the hands of the Nazi persecutors.

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/(i) He

Mr. J. E. Abbott,
Treasury Chambers,
London, S. W. 1.

328390

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(iv) Finally, Mr. Metzger thought Mr. Paul Weiden's opinion was a fair statement of U.S. policy and practice. We examined the phrase in paragraph 6, "the return of vested property is granted as a matter of course once it is established that it belongs to a member of a victimised group", and I gather that in practice when the claim form is filled in, with suitable proof submitted, summary return of property may be granted without further investigation.

I hope this information is adequate. But if there is any further specific point you would like us to take up please let me know.

Yours sincerely,

(sgd.) MARY ASHE.

Copy, taken from T/E.Gen.2328.

Treasury Chambers,
Great George Street,
London, S.W.1

Treasury Ref. O.F. 201/3/11.
Your ref 14. - 1 - 41. 23rd. March, 1948.

Dear Christelow,

You will remember that we have been interested in the progress of the U.S. authorities in their implementing of U.S. Public Law No. 671. The purpose of this letter is to find out, through you, how the U.S. authorities are working this law in so far as it allows the release of the property of victims of Nazi persecution. In a matter of this kind we should find it an advantage if our practice has a reasonably close relationship to that of the U.S., although by no means do we feel bound to follow any part of that practice if it conflicts with any particular aspect of our Custodian policy.

The I.A.R.A. has now agreed a set of Accounting Rules for the accounting to the Agency for German External Assets within the jurisdiction of its member governments, and under these rules member Governments are freed from the necessity of accounting for the property in their control that they release to "victims" provided that the following five conditions are fulfilled :-

- (i) The "victims" must have been deprived of liberty under discriminatory legislation.
- (ii) They must not have enjoyed full rights of German citizenship since the 1st. September, 1939.
- (iii) They must have emigrated, or propose to emigrate, from Germany.
- (iv) They must not have been disloyal to the Allied cause.
- (v) Their case must merit favourable consideration.

We and other member Governments can, of course, also release if we wish any other property of "victims" if they do not fulfil the conditions, but we should be obliged to account for it and it would count against our reparation share. In the case of living "victims" we are therefore proposing that our releases should be governed by the I.A.R.A. Rules, put into a more general form so as to cover "victims" in the other ex-enemy countries as well as Germany.

The release of the estates of deceased "victims" is rather more complicated. We are proposing to release this property if :-

- (a) the deceased himself satisfied the I.A.R.A. conditions;
- (b) his death occurred before the end of hostilities;
- (c) the heirs are resident outside enemy, or former enemy, territory;
- (d) the application for release was made before a fixed date, say, 1st. June 1949.

We should not release all or part of any property claimed to be victims' property or their heirs if this consisted of property held for Companies, partnerships or associations. Our release would not extend beyond personal property.

We feel that in making these proposals which shortly be included in a general directive on releases of property, and in implementing them we shall be going as far as we can under I.A.R.A. rules and to go further would mean giving up some part of reparations due to us. We should like to know just how our proposed practice will compare with that of the Americans, and I should be very grateful if you would send us the information on which to base our comparisons. We have been provided with one survey of American practice, in the form of an Opinion by a Mr. Paul L. Weiden, an Attorney at Law in Washington. I enclose a copy, and I should be glad to have your comments on it. It has been sent to the Trading with the Enemy Department through a firm of solicitors in this country who apparently specialise in cases involving the property of "victims", and particularly of Jewish "victims". I feel that there is rather a gloss put on the American practice as described by Mr. Weiden which may not in fact be present - I cannot imagine that the U. S. authorities would be so generous in their interpretation of Law 671 as the latter part of the Opinion would make them out to be ! It is doubtful if the Americans are going beyond I.A.R.A. rules and thereby releasing assets though they have to account for them.

Yours sincerely,

(sgd) J. E. Abbott.

328393

CIRCA 1952 CUS
6/2/00

BT 271/407

UNDATED

(6)

From Neue Zürcher Zeitung

THE PROBLEM OF THE RELEASE OF "ENEMY PROPERTY" IN THE
UNITED STATES.

The present position of the settlement

WASHINGTON, mid-April

As will be recalled, the so-called "Dirksen-Sub-Committee" for examination of the Trading with the Enemy Act of the Legal Committee of the Senate has expressed itself at the end of January for the release of private enemy property, blocked in pursuance of the said Act, to the private owners.

The final report of the sub-Committee then went to the Legal Committee of the Senate, where it was informally approved without it being formally accepted so far. As the sub-Committee's report raises a large number of complicated problems of a legal and factual nature, the Senators, who play a leading role in the matter of the planned revision of the present status of "enemy property", hold it advisable, according to information imparted to us by Senator Dirksen, to clarify first of all the whole question with the competent Government authorities. From this it must be concluded that for the present no further progress in the matter may be expected until a go-ahead signal comes from the Government side, apparently from the State Secretary himself. Also on the part of other Senators, who gave a helping hand in the preparation of the new legal regulation of the whole question, the complicated nature of the problem was expressly pointed out and the urgency of a number of other data was stressed, which await settlement in the present session of the Senate.

Also the compilers of the case for the competent Government authorities regard the settlement of the problem, prepared as preliminary to the release of enemy property, as truly difficult. As everybody knows there are treated here a number

328394

af questions, which partly through international agreements, partly through administrative measures on the strength of statutory prescriptions in force hitherto, have been subjected to a regulation the revision of which has not proved to be simple. As has already been shown by the ~~open~~^{public}/discussion of last month, the Paris Reparations Agreement of 1946 presents the strongest obstacle in the international field. Senator Hendrikson has already called attention to this problem during the proceedings of the Senate Committee. In the Paris Reparations Agreement the United States and 17 other allied Nations (with the exception of Soviet Russia and Poland) undertake to secure and/or to provide for the disposal of ~~Germany~~, component parts of German property that would exclude ~~its~~^{their} return to German ownership or under German control. The motive for this regulation to be found in the Paris Reparations Agreement is prompted by the wish to avoid, after the end of the second world-war, the mistake made by the imposition of periodical reparations- payments by Germany after the first world-war. In fact German reparations to the United States consist almost exclusively of component parts of German blocked property.

After the conclusion of the Paris Reparations Agreement the United States concluded, with the authority of Congress, one more Agreement, recommended by the Interallied Reaparations Commission of Brussels, with the other Allied States on the adjustment of differences between the Allies in the province of the administration of justice with reference to the component parts of German property abroad. By virtue of this Agreement, which came into force at the end of January 1951, payments were made on the part of Denmark and Holland to the United States out of the blocked component parts of German property. None of the other allied countries has up to now refunded the component parts of German property.

Allied States who have not signed the Paris Reparations Agreement and correspondingly also the Brussels Agreement but also other countries who blocked German property or sequestered it against disposal have, nevertheless, started on the way towards the return of German property. These countries, among others, are Argentine, Brazil, Chile and Iran. Switzerland, as is known, has already proceeded far on this way inasmuch as it replaced in the year 1952 the Washington Agreement by a new Agreement with England, France, and the United States and by proceeding to the restoration of the predominant part of German private property in Switzerland, which had been hitherto subjected to sequestration, to the German owners.

In the competent American Government Departments great difficulties are still seen at present which appear to be in the way of a modification within the meaning of the Dirksen-sub-Committee's proposal on the grounds of international regulations. One gains the impression that in these Departments there does not appear to be any unanimity on the matter as to whether the United States can waive unilaterally its priority under the regulation of the Paris Reparations Committee or whether for this purpose an expressly new Agreement with the other Allied States ~~is required~~ who participated in the Paris Reparations Agreement and in the Brussels Agreement is required. Nevertheless, one could scarcely go wrong in the assumption that a solution of this dilemma can be found, if also at the moment it is borne in mind that a prediction of a particular point of time is premature.

An internal political problem, which complicates the release of enemy property, is the War Claims Act with the compensation performances already effected within the framework of this ~~Act~~ Act. The Congress acted with full approval and implementation of the Paris Reparations Agreement when in the year 1948 it

passed the War Claims Act. Then this law was enacted - on the basis of the Paris Reparations Agreement - to the effect that the blocked German and Japanese component property parts shall not be returned and earmarked this enemy property as the source of compensation for the damage sustained in the war by American subjects. Out of the proceeds, which up to now were ~~realized~~ realised from auction sales of enemy property during the last few years the priority claims of the American victims of war damage have already been satisfied. This necessitated until then approximately 225 Million \$ out of the proceeds realised so far from the sale of enemy property. The new regulation recommended by the Dirksen sub-Committee would therefore not only, as is expressly stated there, require the payment of claims in the future from sources other than the blocked property - which in the circumstances would be simple to carry out - ~~and~~ ^{but also} ~~moreover~~, make necessary the discovery of a source to be applied both for the already distributed 225 Million \$ as well as the amounts expended so far on the administration of enemy property for which the proceeds of auctioned property were used. This problem is, therefore, a matter also for the Federal domestic economy, the solution of which must also have the approval of the Bureau of the Budget and the Treasury Office.

In the earliest phase of the discussion attention was called to the fact that only a proportionately small percentage was up to then paid out under the War Claims Act on claims for war-damage arising from infraction by the German Government of the regulations of the Geneva Convention of 1929; furthermore, most of the claims of American War Prisoners, civilian internees and religious organizations for damage in Pacific war scenes ~~were~~ were made valid, for which the Japanese Government was responsible. This transpires from the last report of the War Claims Commission submitted to Congress. Thus it transpires from the sixth report of this Commission ^{the period ending} for/mid-September 1952 that during the period

covered by the report 0.61 Mill. \$ ^{were} paid out for American war prisoners in Europe and 3.86 Mill. \$ for war prisoners, civilian internees, etc. in the Pacific scene of the war. According to the seventh report for the period ending mid-March the incongruity is even greater; here 33,700 \$ are shown for the European as against 2.8 Mill. \$ for the Pacific scene of the war. Apart from that American war prisoners in certain sums Italy were paid/compensation/out of the proceeds of the sale of German and Japanese property, although Italy undertook in the Lombardo Agreement to make a payment of 5 Mill. \$ in satisfaction of these claims. The practice of compensation settlements was designated by American Government Departments to harmonize with the statutory regulation under the War Claims Act. Nevertheless, this practice can be made to conform with the wish for revision which the Dirksen Committee has declared as its aim.

In spite of all difficulties and obstacles, which at the moment appear to be in the way of the release of former enemy property, the aims referred to were observed ~~to have made a marked~~
~~worthy progress~~ in the public discussion to have made noteworthy progress. Scarcely a week ago, as already briefly reported in these columns, one of the prominent personalities in American public life declared himself in favour of the return of enemy property, whose advocacy is not without influence.. In our opinion it must be merely a matter of time before the existing international obstacles and those of a political and legal nature against release are overcome. But there exists no doubt that time evidently works for an adaptation of the legal situation in West Germany to the amiable foreign politics of the United States. In this connection there remains, of course, first an open question whether this solution will be in the direction of the recommendations proposed by the

Dirksen Committee or in that of a proposal corresponding to the views of other members of the Legal Committee. In any case it would not be surprising if other members of the Senate Committee, who being in closer contact with the Government Departments and with their views respecting a definite solution, have very definite conceptions of the ~~contents~~ nature the final law-proposal will take for the realisation of which they appear to strive.. Should a difference develop thereby between two proposals, a decision on the adjustment of such difference will be made by the highest authority.

Februari 1950.

*Nedl. USA:
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De vrijmaking van Nederlandse activa
in de Verenigde Staten door de Neder-
landse Bank.

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I. Ingevolge Executive Order 8389 zijn op 10 Mei 1940 alle Nederlandse activa in de Verenigde Staten geblokkeerd. Dit betekende, dat vanaf die datum geen transacties met deze activa meer mochten plaatsvinden. Na de beëindiging van de oorlog in Europa werd een procedure vastgesteld, volgens welke deblokkering en vrijgave dezer activa kon worden verkregen. Deze procedure werd vastgelegd in General License No. 95, die van toepassing werd verklaard op de meeste landen, welke door de Duitsers bezet waren geweest. Voor Nederland geschiedde dit, nadat in een "Covering Letter" d.d. 22 Januari 1946, door de Minister van Financiën gericht aan de Secretary of the Treasury, het resultaat der desbetreffende besprekingen was vastgelegd.

Onder General License No. 95 kregen Amerikaanse instellingen en particulieren vergunning de zich onder hun berusting bevindende geblokkeerde activa vrij te geven aan de rechthebbenden, wanneer deze konden aantonen, op grond van een verklaring (certificatie), afkomstig van een daartoe aangewezen officiële instelling in het land waar zij ingezeten waren, dat zij voldeden aan de door de Amerikaanse autoriteiten gestelde eisen. De Amerikaanse instantie, die deze zaken behandelde, was aanvankelijk het Department of the Treasury; als Nederlandse certificerende instelling werd aangewezen de Nederlandse Bank.

De principiële vereisten voor certificatie volgens General License No. 95 waren de volgende:

- A. 1. Voor particulieren was in de eerste plaats, ongeacht hun nationaliteit, vereist, dat zij niet gedurende de periode van 10 Mei 1940 tot op de dag hunner aanvraag ingezet waren geweest in Duitsland, Japan, Hongarije, Bulgarije en Roemenië; ingezeten van Italië, Joegoslavië, Spanje en Portugal waren aanvankelijk niet, maar later wel certificeerbaar.
- 2. Voor degenen, die aan dit vereiste van domicilie voldeden, was bovendien vereist, dat zij van 10 Mei 1940 tot op de dag hunner aanvraag niet van Duitse of Japanse nationaliteit waren geweest. Statenlozen, die vroeger Duits of Japans waren geweest, werden als Duitsers of Japanners beschouwd; doch certificeerbaar volgens een speciale regeling waren Duitsers of Japanners alsmede statenlozen, die in het land van hun domicilie als non-enemy worden beschouwd, en die op of na 1 Januari 1945 niet of niet meer in Duitsland, Japan, Hongarije, Bulgarije of Roemenië, en oorspronkelijk ook in Italië waren geweest. Personen, die na 1 Januari 1945 wel in deze landen geweest waren, waren alleen te deblockeren met speciale vergunning der Amerikaanse autoriteiten. De Oostenrijkse nationaliteit was wel certificeerbaar. Aan

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allen, die naar de Verenigde Staten zijn geëmigreerd, wordt door de Amerikaanse autoriteiten hun daar geblokkeerde vermogen vrijgegeven. Voorts werden bij General Ruling No. 53a een aantal "generally licensed trade area's" aangewezen. De activa van hen, die op 25 Mei 1945 in een van deze gebieden - waartoe bijvoorbeeld ook Nederlands Indië behoort - woonden, werden gedeblankeerd, ongeacht de nationaliteit van de rechthebbende.

3. Aangezien de Verenigde Staten zich in deze altijd op het standpunt van het z.g. "beneficial ownership" hebben geplaatst (als tegengesteld aan het "legal ownership") werd voor certificatie bovendien vereist, dat van 10 Mei 1940 tot op de dag der aanvraag bij het vrij te maken activum geen ander belang betrokken was dan dat van personen, die certificeerbaar waren volgens de vereisten opgenoemd onder de punten 1 en 2. In U.S. Treasury Public Interpretation No. 19 werd echter vastgelegd, dat eigendomsoverdracht aan een vijand gedurende de bezetting voor certificatie geen beletsel vormt. Practisch had dit ten gevolge, dat slechts een onderzoek behoefde te worden ingesteld naar de eigendom op 10 Mei 1940, en gedurende de periode vanaf de bevrijding tot aan de datum der aanvraag.
- B. Voor vennootschappen en andere instellingen. Vereist was ook hier in de eerste plaats, dat de plaats van vestiging niet gelegen was in een van de sub A 1 genoemde landen. Onder toepassing van het beginsel van het "beneficial ownership" was voorts vereist, dat niet meer dan 25 % van het geplaatste kapitaal uiteindelijk mocht toekomen aan niet certificeerbare personen (zie A). Wanneer instellingen aandeelhouders waren, werden deze wederom volgens dezelfde maatstaven beoordeeld, en het percentage werd ook bij aandeelhouders van aandeelhouders doorberekend.

De certificatieaanvragen werden ingediend op de formulieren C/A 1 en C/A 2 door particulieren resp. vennootschappen, die banksaldi in dollars bij een Nederlandse bankinstelling hadden uitstaan, en op de formulieren C/A 3 en C/A 4 door particulieren resp. vennootschappen, die saldi rechtstreeks op eigen naam bij Amerikaanse banken hadden. In het geval van de dollarsaldi bij Nederlandse bankinstellingen houden deze laatste immers dekkingsrekeningen, z.g. omnibus accounts, aan bij Amerikaanse banken, welke zijn geblokkeerd. Door de certificatieaanvraag werd nu uit het omnibus account een bepaald bedrag aangewezen, geindividualiseerd, dat bestemd was voor de aanvrager in Nederland. De vrijmaking dezer banksaldi werd vermakkelijkt door de procedure der z.g. approximatiieve opgaven. De banken, die dergelijke banksaldi in Amerika aanhielden, dienden deze opgaven in, waarin was aangegeven voor welke categorieën van cliënten deze saldi uiteindelijk uitstaan: Nederlandse ingezetenen, ingezetenen van andere landen, die bezet zijn geweest, ingezetenen van vijandelijke landen, etc.. Het percentage van het saldo bestaande uit de niet vijandelijke categorieën werd dan zonder meer vrijgegeven, terwijl de rest geblokkeerd bleef. Waarbij fekening werd gehouden met een waarde in verband met het approximatiieve karakter der opgaven. Zo-doende werden bijv. de saldi van Nederlanders voor 100 %,

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saldi van Fransen en Belgen voor 80 %, en saldi van Zwitsers voor 50 % vrijgemaakt. Dit was evenwel slechts de z.g. voor-certificatie, want alvorens de rekeninghouder over de aldus vrijgemaakte dollars (c.q. in verband met de deviezenmaatregelen de tegenwaarde in guldens) kon beschikken, moest hijzelf eerst nog worden na-gecertificeerd. De banken moeten hier toe voor hun cliënten een formulier voor na-certificatie indienen, aan de hand waarvan ieder individueel geval door het Bureau Certificatie van de Nederlandse Bank wordt onderzocht en bij accoordbevinding gefiatteerd.

Ter controle hebben alle Amerikaanse bankinstellingen, die geblokkeerde saldi en effectendepôts onder hun beheer hadden, deze per 1 Juni 1948 moeten opgeven aan het Office of Alien Property. Het O.A.P. heeft deze opgaven gesplitst naar het land van inwoning van de gerechtigden tot deze activa en ze, voorzover het Nederlandse belangen betrof, op formulier T.F.R. 600 aan de Nederlandse Bank doorgegeven. Op deze wijze was het mogelijk posten, die hier niet waren opgegeven, alsnog te achterhalen.

II. De certificatie van effecten geschiedde aanvankelijk van geval tot geval met een positieve verklaring, dat de rechthebbende op het vrij te maken stuk aan de boven omschreven vereisten voldeed. Voor stukken, die in de stockbooks van de uitgevende instellingen op naam van de particuliere eigenaar staan, was er geen andere mogelijkheid tot vrijmaking dan deze positieve certificatie. Hetzelfde geldt voor de, in het Amsterdamse beursverkeer vrij veelvuldig voorkomende gevallen, dat originele stukken, die op naam bijv. van een bank staan, door deze in blanco worden gesendosseerd en als toonderstukken verhandeld. Deze stukken blijven in de Stockbooks der uitgevende instelling natuurlijk staan op naam van de bank, aan wie ook de dividenden worden uitbetaald, maar wanneer de tegenwoordige houder-eigenaar de dividenden wil innen of het stuk wil verkopen, kan dit slechts geschieden nadat is aangetoond, dat hij aan de meergenoemde vereisten, en op grond daarvan certificatie (vrijmaking in de Stockbooks) is verleend.

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Deze beide categorieën vertegenwoordigen echter niet de meerderheid van de in Nederland aanwezige Amerikaanse effecten. Deze meerderheid wordt gevormd door stukken, die op naam van administratiekantoren staan en die ook in het bezit van deze kantoren blijven, maar waartegen door de administratiekantoren certificaten aan toonder worden uitgegeven, zonder dat echter van begin af aan een bepaald certificaat valideert tegen een bepaald aan te wijzen effect. Deze procedure ontstond aan het einde der 19e eeuw, en had ten doel om aan de Amsterdamse Beurs, waar slechts toonderstukken werden verhandeld, de handel in Amerikaanse aandelen, welke vrijwel steeds op naam staan, mogelijk te maken.

Ingevolge het beginsel van het beneficial ownership moesten dus nu de houders der certificaten gecertificeerd worden, om de op naam der administratiekantoren staande effecten in Amerika vrij te kunnen maken. Deze certificering is nu bespoedigd en vereenvoudigd door een regeling met het Treasury Department, het z.g. Arnold Agreement. Ter uitvoering van dit Agreement moesten alle ingezetenen en inleveringskantoren - banken en commissionnaires bij welke alle ingezetenen hun fondsen hadden moeten inleveren in verband met de effectenregistratie - opgeven welke Amerikaanse effecten onder hun berusting waren (dus ook die op hun naam in het buitenland-

buitenland uitstonden). Deze opgave moest worden gerangschikt naar categorieën, al naar gelang deze stukken toebehoorden aan ingezetenen die niet, en aan ingezetenen die wel vijandelijke onderdanen waren, aan niet-ingezetenen, etc.. Op grond van deze z.g. aangifte 7/47 werd nu aan de Amerikaanse uitgevende instellingen medegedeeld tegenover welke door hen uitgegeven en bij de administratiekantoren berustende effecten niet-certificeerbare certificaten moesten worden geacht te valideren. Deze effecten bleven dan geblokkeerd in de Stockbooks, terwijl het gehele resterende gedeelte werd vrijgemaakt. Wanneer dus bijvoorbeeld bij een bepaald administratiekantoor 100 effecten van een bepaalde soort lagen, en op grond van opgave 7/47 bleek dat van de hier tegen validerende certificaten er 90 toebehoorden aan niet vijandelijke ingezetenen, 7 aan vijanden en 3 aan onbekende eigenaren, dan werd aan de uitgevende instelling opgegeven om 10 stuknummers in de Stockbooks geblokkeerd te houden en de rest vrij te maken (Ter vereenvoudiging is hier aangenomen dat tegen 1 effect 1 certificaat valideert, hetgeen in de praktijk niet het geval behoeft te zijn). Door deze negatieve "certificatie en bloc" welke in de zomer van 1948 plaatsvond, bleven dus alleen die effecten geblokkeerd, welke valideerden tegen certificaten, die ofwel in vijandelijke, ofwel in onbekende handen waren. Bij de aangifte 7/47 was het technisch onmogelijk gebleken, om tevens de nummers der certificaten op te laten geven, aangezien dit de gehele aangifte veel te veel vertragaard zou hebben. Daarom kon de vrijmaking der originele stukken in de Stockbooks der uitgevende instelling nog niet automatisch ten gevolge hebben, dat de eigenaar van een certificaat, waartegenover nu een vrij stuk stond, zonder meer over dit certificaat kon beschikken. Hier toe moest hij eerst een certificeringsbewijs verkrijgen, dat werd afgegeven door de Nederlandse Bank, op grond van een verklaring door het inleveringskantoor, dat het stuk was opgegeven onder de aangifte 7/47, en dat de eigenaar aan de gestelde vereisten voldeed. De juistheid van deze verklaring van het inleveringskantoor wordt door de Nederlandse Bank niet verder onderzocht, tenzij mocht blijken, dat onjuiste verklaringen zijn afgelegd. De verklaring kon echter ook worden afgelegd voor Nederlandse certificaten, waarvoor geen verplichting tot aanmelding volgens deviezenbekendmaking 7/47 bestond (omdat ze in het buitenland lagen en niet toebehoorden aan een ingezetene) of waarvan de verplichte aanmelding niet had plaatsgevonden om een of andere reden, en die later toch afzonderlijk bij het Bureau Certificatie waren aangemeld. In het buitenland waren herhaaldelijk mededelingen inzake de verplichting tot aanmelding dezer stukken in de dagbladen gepubliceerd. Indien het Bureau Certificatie de stukken juist bevond, gaf het onder een bepaalde nummerserie een z.g. verklaring van geen bezwaar tegen inning van dividenden af, en werden de betreffende stukken medegerekend voor de vrijmaking van de daartegen validerende originele Amerikaanse aandelen op naam van het administratiekantoor.

Pas na deze certificering kreeg dus de houder van een Nederlands certificaat aan toonder de beschikking over een origineel Amerikaans stuk, dat was vrijgemaakt in de Stockbooks der uitgevende instelling. De handel in Amerikaanse effecten was op de Amsterdamse Beurs aanvankelijk alleen toegestaan in het z.g. éénrichtingverkeer. Dit betekende dat de houder van een certificaat aan toonder verplicht

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was om, binnen de maand, nadat het door hem gevraagde certificeringsbewijs door de Nederlandse Bank was verleend, het certificaat te doen royeren en het originele stuk door een arbitrageant naar Amerika te doen verkopen, of te doen inruilen tegen een ander Amerikaans stuk. Vanaf 1 Januari 1950 is de vrije handel in Nederlandse certificaten validerende tegen Amerikaanse effecten, op de Amsterdamse Beurs toegestaan. Om een certificaat te kunnen verhandelen moet er echter een certificeringsbewijs van de Nederlandse Bank aan zijn gehecht, welk bewijs wordt gegeven op de gebruikelijke verklaring van het inleveringskantoor. De eis van verkoop naar Amerika binnen 1 maand wordt hier niet meer gesteld; wel moet het inleveringskantoor verklaren, dat het certificeringsbewijs verzocht is, omdat de houder het stuk wil verhandelen.

Het is nu echter wel voorgekomen, dat inleveringskantoren ten onrechte de verklaring aflegden waarop de Nederlandse Bank certificeerde. Dit gebeurde soms te goeder trouw, aangezien het vaak zeer moeilijk was, vooral voor kleinere banken en commissionnaires, om hun gehele administratie in verband met deze voorschriften goed te organiseren en te overzien, zodat zij soms in gevallen, die er geheel betrouwbaar uitzagen (bijv. Nederlanders, die nagelaten hadden een stuk tijdig in te leveren) ten onrechte de verklaring, dat het stuk aan de vereisten voldeed, en onder aangifte 7/47 was opgegeven, hebben getekend (aangezien er bij 7/47 geen nummers waren opgegeven, was het immers later niet onmiddellijk te controleren, of een Nederlands certificaat wel of niet onder 7/47 was aangegeven). Voorts waren er natuurlijk ook gevallen van kwade opzet of grove nalatigheid. Het gevolg van een dergelijke handelwijze was, dat voor een certificaat, waartegenover een geblokkeerd stuk in de Amerikaanse Stockbooks stond, een vrij stuk werd afgegeven en dat dientengevolge een houder van een terecht gecertificeerd certificaat later achter het net zou komen te vissen. Tegen het risico, dat de administratiekantoren liepen om zodoende voor meer stukken te worden aangesproken dan zij beschikbaar hadden, kregen zij een garantie van de Staat, afgegeven door de Minister van Financiën. Zonder de medewerking der administratiekantoren kon de gehele procedure immers niet plaatsvinden, terwijl de administratiekantoren zelf geen enkele invloed of controle konden uitoefenen op de juistheid van de certificering.

In de gevallen, waarin het gaat om certificaten die overigens aan alle eisen voldoen, maar alleen te laat zijn opgekomen, ware het redelijk hiervoor alsnog originele stukken uit het z.g. "manco" (categorie onbekende houders) vrij te maken, hoewel de eigenaar van het certificaat dit reeds van de hand heeft gedaan, d.w.z. reeds, ten onrechte, over een vrij stuk heeft beschikt, endus zelf niet alsnog om vrijmaking kan vragen. Stappen worden ondernomen om in deze een regeling met de Amerikaanse autoriteiten te treffen, die zich hiertoe in beginsel bereid hebben verklaard.

De bovenomschreven wijze van certificeren kon voortgang vinden tot 31 December 1948, op welke datum General License no. 95 werd ingetrokken. De op dat ogenblik nog niet vrijgemaakte stukken kunnen nu alleen worden vrijgemaakt door een z.g. "special License", afgegeven door de betrokken Amerikaanse instantie, d.w.z. eerst de Federal Reserve Bank of New York, later het Office of Alien Property in New York. Deze license moet worden aangevraagd per formulier T.F.E.-1 (later O.A.P.-100). Deze procedure verloopt vlot wanneer daarbij wordt overgelegd een z.g. "statement", afgegeven

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door de certifying agent van het land van inwoning van de eigenaar. De Nederlandse Bank mag dus als zodanig een "statement" afgeven voor Nederlandse ingezetenen, indien zij naar vroegere maatstaven gecertificeerd zou kunnen hebben. Op deze wijze is het mogelijk gebleken, het "manco" niet onbelangrijk te reduceren.

III. Voor de inning van dividenden was kort na de oorlog een regeling getroffen, waarbij ingevolge een door het Department of the Treasury afgegeven "Blanket License" de uitgevende instelling het dividend, verschuldigd op de totale holding van een administratiekantoor, aan dit kantoor mocht uitkeren. Het administratiekantoor was verplicht de dollars aan de Nederlandse Bank af te dragen, en kon dan de verschuldigde dividenden uitkeren aan de gerechtigden wanneer deze bij hun dividendbewijzen een certificeerbaarheidsverklaring, ook genaamd dividendverklaring, konden overleggen, d.w.z. een gedrukt formulier, door hen ondertekend, waarop verklaard was, dat de bij de dividendbewijzen behorende effecten aan de vereisten voor certificatie voldeden, dat zij bij de aangifte 7/47 waren opgegeven of anders dat de Nederlandse Bank een "verklaring van geen bezwaar" had afgegeven. Voor de dividenden, door de uitgevende instellingen uitgekeerd in de jaren 1940 - 1944, behoefde geen dividendverklaring te worden overgelegd, deze konden zonder verdere formaliteit worden uitbetaald. Voor de gehele afwikkeling was de Nederlandse Bank rekening en verantwoording aan de Amerikaanse autoriteiten schuldig. Toen in September 1948 de bevoegdheden van het Treasury Department op dit gebied overgingen op het Office of Alien Property werd door deze laatste instantie de "Blanket License" ingetrokken. Dientengevolge werd van nu af aan alleen dat gedeelte der dividenden aan een administratiekantoor uitgekeerd, dat verschuldigd was op de bij dat administratiekantoor liggende vrijgemaakte stukken. Aangezien nu echter het administratiekantoor de dividenden uitbetaalde op alle dividendbewijzen waarbij een dividendverklaring werd overgelegd, zonder enige controle te hebben op de juistheid van een dergelijke verklaring, is het wederom niet onmogelijk, dat meer houders van dividendbewijzen dividendverklaringen overleggen dan er vrije stukken (waarop alleen dividenden zijn overgemaakt uit Amerika) bij het administratiekantoor liggen. Tegen het risico zodoende meer te moeten uitbetalen dan er is binnen gekregen, zijn de administratiekantoren weder gevrijwaard door de meerge noemde garantie van de Staat.

IV. Activa toebehorende aan niet-ingezetenen, gedomicileerd in landen waarop General License No. 95 van toepassing was, en welke stonden op naam van Nederlandse instellingen, konden in beginsel alleen worden gecertificeerd, wanneer door de certifying agency van het land waar de eigenaar ingezeten was, een z.g. cross-certificatie was afgegeven, d.w.z. een verklaring dat de eigenaar aan de gestelde wettelijke vereisten voldeed. Een uitzondering hierop vormden de in Nederland uitgegeven certificaten en de door een Nederlandse instelling in blanco gëendosseerde stukken, aangezien onder het Arnold Agreement voor deze stukken als zijnde toonderstukken, geen cross-certificatie werd vereist.

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De na intrekking van General License No. 95 gebruikte bovenomschreven "Statements" worden alleen aan ingezetenen aangegeven. Niet-ingezetenen moeten zich nu derhalve direct tot het Office of Alien Property wenden wanneer zij nog geblokkeerde stukken willen vrijmaken.

De in 1948 aangekondigde en nog steeds van kracht zijnde General License No. 97 maakte alle geblokkeerde activa geheel vrij, waarvan de totale waarde ten name van eenzelfde gerechtigde op 15 Augustus 1947 niet meer bedroeg dan \$ 5.000,- zowel waar het betrof saldi als effecten. In deze gevallen was geen certificatie nodig, en dus ook geen cross-certificatie waar het ging om niet-ingezetenen. Wanneer iemand bijvoorbeeld \$ 3.000,-- bij een Nederlandse bankinstelling had uitstaan, welke zelf weer voor deze en andere verplichtingen een omnibus account in de Verenigde Staten aanhoudt, dan werd onder General License No. 97 zonder meer dit bedrag van \$ 3.000,-- uit het betreffende omnibus account vrijgemaakt.

V. Uit de gegevens, verkregen door aangifte 7/47 werd een uitvoerige "Enquete-lijst" opgemaakt, waarin de verschillende categorieën waren opgevoerd en toegelicht, en waarin was opgegeven welke stukken waren vrijgemaakt en welke dividenden uitbetaald. Onder andere was opgegeven en toegelicht welke stukken als behorende tot niet certificeerbare categorieën, geblokkeerd bleven. Ook werd hierbij medegedeeld, dat stukken, die L.V.V.S. op 15 Augustus 1947 onder zich had, wel onder de categorie der vrije stukken zijn medegerekend, hoewel de opgave van deze stukken formeel niet voldeed aan alle gestelde vereisten, aangezien domicilie en nationaliteit van den Joodsen eigenaar, die het stuk in 1941 had ingeleverd, en die sindsdien door de Duitsers was omgebracht, na den oorlog dikwijls niet meer waren vast te stellen. De tegen deze nu vrije stukken validerende certificaten heeft de Nederlandsche Bank evenwel tot nu toe nog niet gecertificeerd, aangezien men het risico niet wilde lopen dat de Amerikaanse Autoriteiten het met deze vrijmaking achteraf niet eens zouden blijken te zijn.

De Enquete-lijst is in Maart 1949 aan de Ambassade te Washington gestuurd met het verzoek haar door te geven aan het Office of Alien Property. Tot op-of aanmerkingen van Amerikaanse zijde heeft deze lijst tot nu toe (Februari 1950) blijkbaar geen aanleiding gegeven.

VI. Een speciale procedure is noodzakelijk voor het vrijmaken van activa, welke zijn "vested in the Alien Property Custodian". Deze "vesting" geschiedt bij activa waarvan de A.P.C. meent dat er Duits belang bij is. Voorts zijn "vested" alle Nederlandse octrooien in Amerika, onverschillig of er wel of niet een Duits belang bij aanwezig werd geacht. Het gevolg van de vesting is, dat de eigendom op den Alien Property Custodian overgaat. Bij de onderhandelingen die kort na het einde van den oorlog gevoerd zijn tussen Nederlandse en Amerikaanse Autoriteiten meende men van Nederlandse zijde eerst, dat het alleen over de vrijmaking der octrooien ging. De getroffen regeling bleek echter volgens de Amerikanen ook van toepassing te zijn op andere "vested property". Van Nederlandse zijde was dit misverstand maar men heeft zich erbij moeten

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neerleggen. Een van de punten, waarop men met tegenzin heeft moeten toegeven, is, dat bij de aanvrage tot vrijmaking door de Nederlandse Bank moet worden verklaard, dat de gerechtigde niet wegens collaboratie veroordeeld is geweest. De aanvrage moet worden ingediend vóór 30 April 1949, of binnen twee jaar na de datum van de vestingorder, indien dat later is. De aanvrage moet worden ingediend door de rechthebbende zelf, op formulier APC-1A, en worden ingediend, via de Nederlandse Bank, die er een certificatie bijvoegt, of wel direct, waarna het O.A.P. een fotocopie van de aanvrage aan de Nederlandse Bank opstuurt en om certificatie verzoekt. Voor deze certificatie moet nu de Nederlandse Bank, behalve de verklaring van de bankier van de aanvrager, zelf inlichtingen opvragen, aangezien ze in haar certificatie verklaart, van de juistheid van de verklaringen van de aanvrager overtuigd te zijn. Hiertoe vraagt de Nederlandse Bank o.a. aan het geboortebewijs, c.q. inschrijving in het Handelsregister, en een verklaring van de Rijksidentificatiedienst, dat de aanvrager niet wegens collaboratie veroordeeld is geweest. Wanneer de Alien Property Custodian tot "devesting" wil overgaan, publiceert hij in het Federal Register een "Intention of Return". Eén maand na deze publicatie volgt de vrijgave. De gehele behandeling voltrekt zich tussen de A.P.C. en de rechthebbende direct; de certificatie door de Nederlandse Bank dient alleen ter meerdere zekerheid voor de A.P.C..

VII. De invoer van Amerikaanse effecten uit het buitenland in de Verenigde Staten was gedurende en direct na de oorlog geheel verboden onder General Ruling No. 5. Het eerst werden daarop toonderstukken van deze bepaling uitgezonderd, voorzover deze niet toebehoorden aan een aantal onder speciale verdenking staande instellingen, de z.g. specially designated cases. Voorts werd, op 25 Juli 1947, General Ruling No. 5 opnieuw gewijzigd in die zin, dat voortaan invoer van alle effecten was toegestaan, met uitzondering van die stukken, welke voorkwamen op de op diezelfde dag gepubliceerde, en daarna nog tweemaal aangevulde "list of scheduled securities". Wanneer deze effecten toch in de Verenigde Staten binnenkomen, is elke transactie ermede verboden, en rust op degene in wiens bezit ze komen de plicht, ze in te leveren bij de Federal Reserve Bank of the City of New York. De op de "scheduled list" voorkomende effecten zijn door de vroeger bezette landen voornamelijk door Nederland, opgegeven als gedurende de oorlog te zijn geroofd of verloren gegaan. Voor Nederland bestaat de opgave uit de nummers, die bij het Centraal Bureau voor de Effectenregistratie door de vroegere eigenaars zijn geopponeerd. Wanneer nu een op de "scheduled list" geplaatst stuk achteraf terecht komt, doordat de eigenaar het terugvindt of een latere verkrijger ermede te voorschijn komt, geeft het Centraal Bureau aan de Nederlandse Bank op, dat het stuk van de scheduled list kan worden afgevoerd. Deze mededeling wordt via de Nederlandse Ambassade te Washington doorgegeven aan de Federal Reserve Bank. Wanneer daarop de houder het stuk naar Amerika wil verkopen en hij wordt door de Nederlandse Bank gecertificeerd, dan wordt aan het stuk een certificatiebewijs gehecht, hetgeen tevens geldt als bewijs, dat het stuk van de "scheduled list" is afgevoerd. Zodoende kan degene, die het stuk in Amerika in handen krijgt de -zekerheid-

zekerheid hebben, dat hij er vrij over mag beschikken, hoewel het stuk misschien nog voorkomt op de laatste uitgave van de "scheduled list". De wijzigingen worden daarop immers slechts van tijd tot tijd bekend gemaakt. Deze functie van het certificatiebewijs aan "scheduled list"-stukken wordt genoemd "waiver of General Ruling No. 5". Ook na de intrekking van General License No. 95, waarna certificatie immers niet meer mogelijk is, worden deze certificatiebewijzen in deze gevallen nog gebruikt, nu uitsluitend als "waivers".

Ook van de afgifte van de "waiver" wordt bericht gegeven aan de Ambassade in Washington. Het kan ook voorkomen, dat van een effect wel de mantel verloren is gegaan of geroofd is, maar dat de eigenaar nog in het bezit is van de coupons of van een gedeelte daarvan. In zulk een geval is het mogelijk een "waiver" af te geven uitsluitend voor deze coupons, waarop echter is aangeteekend, dat de mantel niet van de "scheduled list" mag worden afgevoerd. Zodoende kan de eigenaar dan toch over zijn coupons beschikken. De afgifte van een certificatie-"waiver" prejudicieert niet aan de, eventueel later door de Raad voor het Rechtsherstel te beslissen vraag, of het effect uiteindelijk aan de tegenwoordige houder of aan de opponent toekomt.

K.H. Beyen.

328408

HA - 8713

17 September 1947.

Boston Case 2

Ik heb de eer U hierbij afschrift te doen toekomen van een brief nr. 105964 van de Directeur van de Foreign Funds Control van de U. S. Treasury, welke brief mij heden werd ter hand gesteld. Door de Amerikaanse ambtenaren, die de onderwerpelijke aangelegenheid met mij bespraken, werd gewezen op het grote belang van een eventuele veroordeling der personen, die de op de zwarte lijst voor-komende stukken hebben verhandeld, omdat verwacht wordt, dat de aan zodanige veroordeling te geven ruchtbaarheid andere/zal weerhouden van soortgelijke transacties.

Mij werd verzocht er vooral de nadruk op te willen leggen, dat men vertrouwt, dat de gevraagde gegevens met bekwame spoed in Nederland zullen worden verzameld en hierheen gezonden.

Te Uwer gouverno diene, dat de General Ruling nr. 5 op 6 Juni 1940 in werking is getreden.

Volledigheidshalve deel ik U mede, dat het Departement van Buitenlandse Zaken door mij van het vorenstaande kennis is gegeven, met verzoek tevens het Departement van Financiën terzake in te lichten.

Ik neem aan, dat de behandeling van deze aangelegenheid door U ter hand zal worden genomen.

De Ambassadeur,

Voor deze:

De Nederlandsche Bank N.V.
Rokin 127,
Amsterdam.
FAD/ja

328409

TREASURY DEPARTMENT
Washington

oreign Funds Control
n reply please
efer to: 105964

September 17, 1947

Dear Mr. Daubanton:

You will find enclosed herewith a list of securities which have recently been sold in the United States and all of which have been reported by your Government as having disappeared in the Netherlands during the period of German occupation.

The persons who disposed of these securities in the United States are presently under intensive investigation by this Department and we have been in consultation with appropriate officials of the Department of Justice with a view to their prosecution in a criminal case. Such a prosecution would be based on the violation of General Ruling No. 5, with the terms of which you are familiar. As you know, in order to prove to a court in a criminal proceeding that the defendants are guilty of a violation of this General Ruling, it is necessary to prove each of the following:

- (1) That the securities were outside the United States subsequent to the issuance of General Ruling No. 5.
- (2) That the defendants knowingly imported or otherwise dealt with the securities; and
- (3) That the securities were not turned over to a Federal Reserve Bank for examination in accordance with the provisions of the General Ruling.

We do not believe at the present time that we will have any grave difficulty in proving the points covered in Nos. (2) and (3) above. There remains, however, the problem of proving that the specific securities were, in fact, abroad, subsequent to the promulgation of the General Ruling. At the present time, we are unable to produce witnesses who will be prepared to testify that the defendants acquired the securities outside the United States. Furthermore, under our constitutional guarantees which prevent a person from being forced to testify to a matter which would incriminate himself, we will be unable to compel testimony from the prospective defendants as to where they procured the securities. Accordingly, we hope to be able to prove the fact that the securities were abroad by one of three means:

Firstly, if it is possible, we would like to be able to place on the witness stand some of the individuals who claim that the securities were in their possession in the Netherlands and were stolen from them. We recognize that many of the individuals who have reported to you that their securities were stolen will be unwilling to come to this country to testify in the present case. However, it is possible that some of the persons reporting securities as having been stolen may either have emmigrated to this country or may be here temporarily for business or other reasons.

328410

Secondly, under our laws of evidence, records made in the ordinary course of business by a business concern are admissible as evidence if a person accompanies the records to court and is able to testify of his own knowledge as to the manner in which the records were made and how they were kept. In this connection, we feel that it is possible that some of the securities on the list may have been taken from the vaults of one or more of the banks in the Netherlands. If this is so, the banks should have ordinary business records that reflect the fact that the securities were in their vaults and that on certain dates they were taken by, or delivered to, the occupying forces. If in fact such bank records exist and there are persons connected with the banks who could come to this country with the records and testify to the manner in which the records were kept, we would be able to use such testimony in an effort to convict the prospective defendants.

Thirdly, under the same doctrine of admissibility of business records referred to immediately above, the records of Lippmann, Rosenthal would be admissible as evidence before our courts, provided, again, that a person who participated in the keeping of such records was prepared to testify of his own knowledge as to the fashion in which the records were maintained.

We would appreciate it if you would take steps to ascertain what testimony we may be able to obtain from the Netherlands in connection with the points set forth above. This matter is of considerable urgency and will require expeditious handling, since it is contemplated that the prospective defendants will be indicted in the near future and the evidence must be at hand in order to justify this action. Accordingly, we would appreciate receiving from you as quickly as possible a list of the names and addresses of the persons who reported the securities on the enclosed list as being stolen. We will endeavor, upon the receipt of this information, to get in touch with any of these persons who may be in the United States at the present time. We would appreciate receiving from you any information that you may have as to whether any of such persons who are presently outside the United States contemplate coming here in the near future and whether any of them would be desirous of coming to the United States specifically for the purpose of testifying in the case against the prospective defendants. In addition, we should like to be advised as promptly as possible of whether any of the banks in the Netherlands or Lippman, Rosenthal have business records with respect to the holding, transfer or physical location of the securities on the enclosed list, and whether persons would be available who could come to this country and testify with respect to such records.

Sincerely yours,

(sgd) John S. Richards
Director

Mr. Ch.J.H. Daubanton,
Minister Plenipotentiary,
Netherlands Embassy,
1470 Euclid Street, N.W.,
Washington, D. C.

Enclosure.

328411

Atchison, Topeka and Santa Fe R.R., General Gold - 4% due 1995

51063	59780
51064	64102
51074	68457

Canadian Pacific Railway Co. Perpetual 4% Consolidated Debenture Stock

12032	13494
12232	34034
12489	46383

Canadian National Railway Co., Guaranteed Gold - 5% Bonds, due 1969

12234	23708
	23709

Central Pacific Railway Co., First Refunding Gold - 4% due 1949

8351	14324
9998	15794
10603	61204

Cities Service Co. - 5% Gold Debenture - 1958

1557	16062
1572	31604
1646	39897
13948	45428
	48313

Cities Service Co. - 5% Gold Debenture - 1963

6380

Cities Service Co. - 5% Gold Debenture - 1969

1052	34801
1078	34999
	35000

Consolidated Cities Light Power and Traction Co., First Gold - 5% due 1962

4750

Delaware & Hudson Co. - 4% Bonds 1908, due in 1943

8856

328412

Dominican Republic Customs Administration - Sinking Fund Gold
5½% Loan of 1926-1928 - due 1969

2865

International Hydro-Electric System - Convertible Debenture Gold
6% due 1944

14259

Kansas City Southern Railway - 3% First Mortgage, Gold - due 1950

315	9625
535	13531
3171	27576
4516	27806

Kansas City Southern Railway Co. - Refunding and Improvement Mortgage Bond - 5% due 1950

19372

New South Wales, State of - External Sinking Fund, Gold
5% Loan of 1927 due April 1, 1958

5573

Southern Pacific Co. - 4½%, 40 Year Gold Bonds - due 1969

30428	34240
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Southern Pacific Co. - Gold, 4½% due 1981

11945	37496
	41748

Southern Pacific Co., San Francisco Terminal, 4% First Mortgage Bonds 1910 due 1950

9909	5820 - (\$500.-)
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Southern Railway Co. - 4% Dev. & Gen Mtge. Bonds due 1956

3910	17659	34849	48795
3981	20581	35345	50214
4236	22583	39844	50358
6529	23242	46631	50430
9152	26470	47308	
16856	34701	47741	

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Union Pacific Railroad Co. - First Gold, 4% of 1947

50482	{	9970	{	11502)
\$500.-	{	10667	{	12479)
	{	11154	{	12532)

-\$500.-

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Boston File

THE NEW YORK TIMES, SATURDAY, SEPTEMBER 11, 1948

~~et; ILLICIT BOND DEALS
Post LAID TO 4 IN BOSTON~~

Ex-Pilots, Broker Accused of
Smuggling, Selling \$500,000
Securities Stolen by Nazis

Special to THE NEW YORK TIMES.

BOSTON, Sept. 10—Three former pilots of the Air Transport Command and a Boston broker were indicted today by a Federal grand jury in connection with the alleged smuggling into this country and subsequent disposition of about \$500,000 in American bonds stolen by the Nazis from their Dutch owners.

Edward R. Ashton of Enfield, Conn., and Seymour Lerner and Gerald A. Rowland of Brooklyn were charged in the indictments with having bought the bonds on the European black market after the war and having flown them into the United States in violation of the law against trading with the enemy.

Wendell M. Weston, 48-year-old Boston stock broker, who lives in Weston, Mass., was named in the indictments as having helped dispose of the illicit securities.

United States Attorney William T. McCarthy described the bonds as "gilt-edged, blue-chip" securities of American industrial concerns. He said that a black market in these bonds sprang up in France and Switzerland in 1945 and that this market was fed by bonds stolen by Nazi looters in the Lowlands and by securities sold by European nationals evading laws requiring surrender of all American securities.

Mr. McCarthy asserted that Messrs. Ashton, Rowland and Lerner were officers in the Air Transport Command (now the Military Air Transport Service) and had no difficulty in buying such securities at low prices and flying them to their home base at Westover Field, Chicopee, Mass. He further charged that they banked some of the proceeds in Swiss banks as a pool from which to make additional purchases.

Mr. Weston, who heads his own firm, Weston & Co., was indicted on thirty-eight counts of receiving and holding bonds, failure to report them and failure to keep records of alleged sales. With the other three, he was indicted for conspiracy to violate the trading-with-the-enemy act.

Messrs. Ashton, Lerner and Rowland were named in indictments charging them with unlawfully bringing banned securities

Radio and Tel

WPIX Revising Video Sched
Sanderson to Offer Progr

Station WPIX announces a complete revision of its television schedule, effective tomorrow. The changes were said by Robert L. Coe, manager of the video outlet, to be designed to meet the fall and winter looking and listening habits of television audiences. Mr. Coe added, however, that the revised schedule also would result in "some reduction in station personnel."

The major programs affected by the schedule shake-up are as follows: the series of Alexander Korda pictures, which have been offered on Sunday nights, will be presented at 8 P. M. Fridays; the Gloria Swanson program will shift from Wednesday afternoons to

P. M.] Deny Traffic in Looted Bonds
BOSTON, Sept. 16 (AP)—Two former Air Transport Command officers, Seymour Lerner and Gerald A. Rowland, both of Brooklyn, N. Y., pleaded innocent today to Federal indictments charging them with airborne traffic in \$700,000 in American bonds looted from Holland by the Nazis. A Boston broker, Wendell M. Weston of Weston, Mass., charged with disposing of the bonds, also pleaded innocent at the arraignment. Their cases were continued by Judge Francis J. W. Ford. *N.Y.T.*

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WNBC. WNBC.

"Take It or Leave It" will be tested for its television potentialities on Sunday, Sept. 26, when the program originates from New York. For the one time the quiz show will be presented on both the radio and television facilities of NBC.

into the country, receiving and possessing the securities and failure to comply with formal demand of United States Treasury agents for information concerning them. Mr. Ashton was indicted on forty-one counts, Mr. Lerner on seventeen counts and Mr. Rowland on thirty-seven counts.

Mr. McCarthy asserted that the illegal transactions in Massachusetts began in November of 1946 and continued until July, 1947.

Mrs. Golda Myerson at Kremlin
LONDON, Sept. 10 (AP)—The Soviet news agency Tass said that Mrs. Golda Myerson, Israeli Minister to Russia, presented her credentials in the Kremlin today.

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BOSTON, Sept. 16 (AP)—Two former Air Transport Command officers, Seymour Lerner and Gerald A. Rowland, both of Brooklyn, N. Y., pleaded innocent today to Federal indictments charging them with airborne traffic in \$700,000 in American bonds looted from Holland by the Nazis. A Boston broker, Wendell M. Weston of Weston, Mass., charged with disposing of the bonds, also pleaded innocent at the arraignment. Their cases were continued by Judge Francis J. W. Ford. *N.Y.T.*

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NIEUWENHUIS & BOS

ACCOUNTANTS

L.J. NIEUWENHUIS · P.J.H.J. BOS · W.J.A.V.D. HEIJDEN

LEIDEN VAN HET NEDERLANDSCH INSTITUUT
NAAR ACCOUNTANTS

ANNUITEITSCHEIDING
DE RECHTSGELEIDE
NEDERLANDSCH INSTITUUT
STATIONSWEG 15
D. GRAVENHAGUE 33-1020AD
DE ZUIDENHOOUTSEWEG 255

INCASOBANK 42007
POSTCODECHING 137203
GEMEENTE GRONINGEN

Aan de Centrale Accountantsdienst
van het Ministerie van Financiën,
Parkstraat 2a,
's - Gravenhage.

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ONDERWERP

AMSTERDAM-C..

26 maart 1957

P.B.

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Het Nederlands Beheersinstituut
Afdeling Polisherstel 1956.

Geachte Collega's,

In het kader van die door u verscrekte opdracht tot contrôlé van het Nederlands Beheersinstituut, Afdeling Polisherstel, hebben wij de administratie en de verantwoording over het boekjaar 1956 terzake van voornoemde afdeling gecentreerd.

Voor een besprekking der werkzaamheden van de Afdeling Polisherstel zijt verwiesen naar ons rapport dd. 16 april 1956 betreffende het boekjaar 1955.

In aansluiting op genoemd rapport hebben wij de eer u over het boekjaar 1956 het volgende te rapporteren:

1. Afwikkeling polissen met rechthebbende natuurlijke personen.

Wij leveren, dat per 31 december 1955 praktisch alle polissen, welke begrepen waren in de beginstand van 1 januari 1950 en waarvoor natuurlijke personen konden worden opgespoord, die recht hadden op de verzekerde bedragen, tot uitkering waren gebracht.

In 1956 werden nog een dertigtal polissen met rechthebbenden afgewikkeld tot een totaal bedrag van f 28.473.21. Van de maatschappijen werd terzake f 32.481.59 ontvangen. Het verschil tussen beide bedragen betreft f 304.42 aan restituties, overgemaakt aan het Hoofdkantoor van het N.B.I. en f 3.203.96, doorbetaald aan de Dienst der Domeinen, inzake uitkeringen waarvoor geen rechthebbenden bekend waren. Aangenomen mag worden, dat deze afwikkeling thans is voltooid.

Onder de opmerking dat geen rechtsgeldige kwijting werd verkregen bij doorbetaling van ontvangen bedragen aan notarissen, die als boedelnotarissen voor de rechthebbenden optradën, verklaren wij dat de mutaties zoals deze in het financiele overzicht op bijlage 1 zijn opgenomen, juist zijn.

2. Afwikkeling van polissen t.g.v. de Staat der Nederlanden.

De werkzaamheden van de Afdeling Polisherstel in 1955 en 1956 betreffen voornamelijk de uitvoering van een in september 1954 door tussenkomst van de landsadvocaat gesloten dading, waarbij de aanhangige processen met betrekking tot de rechten van de Staat der Nederlanden c.q. van curatoren in onbepaalde nalatenschappen inzake polissen gesloten door personen, die afwezig zijn geweest in de zin van het Besluit Herstel Rechtsverkeer, werden geroyceerd. Voor een nadere uiteenzetting omtrent de desbetreffende problemen zijt verwiesen naar ons rapport dd. 16 april 1956.

328416

Op grond van voornoemde dading werd tot 31 december per saldo een bedrag ontvangen ad f 697.155.09. Voor de specificatie naar Maatschappij verwijzen wij u naar bijlage 3; de specificatie per verzekerde is aan de Dienst der Domeinen doorgegeven. Deze Dienst zal, voorzoverre zich nog achteraf natuurlijke personen, die tot de uitkering gerechtigd zijn, melden voor de desbetreffende bedragen restitutie verlenen.

Per 31 december 1956 was nog een bedrag te incasseren van f 5.270.02 van de Eerste Nederlandsche Verzekeringsmaatschappij, met welke maatschappij ten tijde van het schrijven van dit rapport nog correspondentie wordt gevoerd omtrent een aantal polissen (zie sub 4-f).

Voor een overzicht der mutaties over 1956 in de financiële administratie en voor een overzicht der geaccumuleerde cijfers per 31 december 1956 zij verder verwezen naar bijlage 2 van dit rapport. Deze mutaties werden door ons gecontroleerd en in orde bevonden.

Van voornoemd ontvangen bedrag ad f 697.155.09 werd f 665.001.30 doorbetaald aan de Dienst der Domeinen.

Het verschil ad f 32.153.79 komt overeen met het resterende saldo per 31 december 1956 op de ingevolge de overeenkomst geopende bankrekening ten name van Mr. Veegens bij het bankierskantoor Schill & Capadozo.

3. Algemene opmerkingen betreffende afwikkeling der overeenkomst.

a. Algemene opmerkingen omtrent het totale resultaat der overeenkomst.

Het totaal der ontvangsten t.b.v. de Staat der Nederlanden van circa f 700.000,- is lager dan wij in onze rapporten over 1952 en 1953 hebben geraamd. Omtrent de oorzaken der lagere opbrengst zij verwezen naar pag. 8 van ons vorige rapport.

Wij releveren, dat de ontvangsten niet zijn gebaseerd op de verzekerde bedragen, doch bij wijze van dading werden vastgesteld op de afkoopwaarde.

Voorts wijzen wij er op, dat enkele maatschappijen uitkeringen hebben geweigerd omdat het polisbestel indertijd niet werd overeengekomen door de Stichting B.A.O.N., doch door andere bewindvoerders. In de overeenkomst werd terzake een beperking opgenomen.

Tenslotte zij vermeld dat een aantal kleinere en buitenlandse maatschappijen de overeenkomst niet hebben ondertekend; in enkele gevallen kon een van de overeenkomst afwijkende regeling worden getroffen.

b. Algemene opmerkingen omtrent de afwikkeling conform de overeenkomst van september 1954 van de door Lippmann Rosenthal & Co afgekochte polissen.

De in de oorlogstijd vastgestelde en aan Lippmann Rosenthal & Co betaalde afkoopsommen werden na de bevrijding veelal door de L.V.V.S. gecrediteerd op de rekening der desbetreffende maatschappijen.

Voor zover geen afwikkeling der desbetreffende polissen met erfgenamen tot stand kwam en de maatschappij was gecrediteerd, dienden de verzekeringsmaatschappijen de afkoopsommen af te dragen ten behoeve van de Staat der Nederlanden.

Uitgrande van de ons uit de administratie van Lippmann Rosenthal & Co verstrekte afkooplijsten hebben wij nagegaan in hoeverre de maatschappijen tot uitbetaling overgingen. In vele gevallen betaalden de maatschappijen belangrijk minder dan de afkooplijsten aangaven.

Voor de verklaring daarvan moest, bij gebrek aan andere controlesmiddelen, worden afgegaan op de mededelingen van de desbetreffende maatschappijen; deze konden slechts op juistheid

328417

} worden getoetst indien en voorzoverre de Afdeling Polisherstel over verdere gegevens beschikte. In feite was dit laatste alleen het geval bij die polissen, welke door toedoen van de Stichting tot uitkering waren gebracht.

| In vele gevallen rees bij de controle van de door de maatschappijen betaalde afkoopsommen twijfel aan de volledigheid en juistheid der betaalde bedragen. Dit was voor ons aanleiding om aan de Afdeling Polisherstel te verzoeken informaties bij de maatschappijen in te winnen.

| Deze informatics leidden veelal tot supplatoire betalingen aan de Afdeling Polisherstel, hetgeen tevens inhield dat de conclusie moest worden getrokken dat het door de maatschappijen ingestelde onderzoek niet in alle gevallen doeltreffend is geweest en da aan de Afdeling Polisherstel medegedeelde resultaten niet altijd juist waren.

c. Algemene opmerkingen omtrent de afwikkeling conform de overeenkomst van september 1954 van de door Lippmann Rosenthal & Co niet-afgekochte polissen.

Voor de werkwijze, welke werd gevolgd door de Afdeling Polisherstel om te komen tot een opgave aan de maatschappijen van polissen waarvoor de mogelijkheid bestond, dat de Staat der Nederlanden rechten tot een noemenswaardig bedrag kon geldend maken, verwijzen wij u naar pag. 7 en 8 van ons rapport dd. 16 april 1955.

7. Indien bij de polisvoorwaarden voor de verzekerden het recht op afkoop werd uitgesloten, weigerden een aantal maatschappijen tot uitkering van de afkoopwaarde aan de Staat der Nederlanden over te gaan, op grond van een clausule in de overeenkomst, dat de maatschappij in een bepaald geval niet meer behoeft te betalen dan zij zonder het ingrijpen van de bezetter tegenover de rechthebbenden verplicht zou zijn geweest. Alhoewel dit beroep op de overeenkomst volgens Mr. Veegens ten onrechte geschiedde, heeft de Afdeling Polisherstel in enige gevallen in het niet-uitkeren berust; (dit betreft o.a. polissen van de Oude Haagsche Verzekering Mij., de Mij. Victoria en de Nederlandse van 1870).

Gezien het relatief geringe bedrag der desbetreffende polissen zijn wij van oordeel, dat in die bepaalde gevallen terecht van een procedure werd afgezien.

Veelal dedelden de maatschappijen echter mede dat polissen "geen afkoopwaarde" hadden. Of en in hoeverre hierbij ten onrechte een beroep op de polisvoorwaarden werd gedaan hebben wij - daar veelal de motivering in de mededelingen van de maatschappij ontbrak en ook de polissen niet beschikbaar waren - niet kunnen vaststellen. In een aantal gevallen konden wij dus niet constateren dat de afwikkeling conform de overeenkomst juist is geschied. Dit betreft die gevallen, waarin de Afdeling Polisherstel:

1. verzuimde inlichtingen in te winnen omtrent bepaalde polissen;
2. verzuimde te reclameren, indien de maatschappijen niet reageerden op de verzoeken om inlichtingen;
3. verzuimde nadere inlichtingen in te winnen, indien de maatschappijen verklaringen omtrent polissen aflegden, welke voor tweérlci uitleg vatbaar waren;
4. niet in staat was te informeren bij de maatschappij naar een eventuele afkoopwaarde, doordat de datum van het overlijden van de verzekerde niet vaststond c.q. niet was gepubliceerd in de Staatscourant. Veelal gaven de maatschappijen geen nadere inlichtingen indien de Afdeling Polisherstel niet in staat was te verwijzen naar deze publicatie.

Verz. uitg. per
Afdeling
verz. → account ✓

Van de naar onze mening nog niet geheel bevredigend afgewikkelde gevallen, hebben wij tijdens onze controle regelmatig een opgave aan het personeel verstrekt.

Ondanks voornoemde onvolkomenheden zijn wij van oordeel dat in het algemeen het beleid ten aanzien van het thans besproken onderdeel aan redelijke eisen heeft voldaan, waarbij wij er op wijzen dat voor de afwikkeling een zeer groot aantal posten (circa 15.000) moet worden beoordeeld, waarvan voor dit onderdeel slechts een relatief gering aantal polissen tot relatief geringe bedragen rechten van de Staat der Nederlanden vertegenwoordigden.

Gezien de totale omvang der werkzaamheden zijn de hiervoor opgenoemde onvolkomenheden van relatief geringe betekenis; ook de hierdoor niet geïnde bedragen zijn van ondergeschikt belang te achten.

d. Opmerkingen met betrekking tot de Zwitserse Mij. voor Levensverzekering ontvangen bedragen.

In een rapport van de interne accountant van het N.B.I. dd. 4 september 1956 werd vermeld dat op 19 resp. op 27 juli 1956 een aantal bedragen werden ontvangen inzake polisuitkeringen tot een bedrag van f 6.941.- resp. f 41.287.31 (bijlage I van het desbetreffende rapport).

Diese bedragen werden verantwoord in de vermogens in administratie bij het Bureau 's-Gravenhage resp. bij het Hoofdkantoor. Wij stipuleren, dat deze ontvangsten niet zijn begrepen in de cijfermatige opstellingen van dit rapport en ook buiten onze controle zijn gebleven, daar deze uitkeringen betrekking hadden op onder beheer gestaide, ressorterende onder het Bureau 's-Gravenhage resp. onder het Hoofdkantoor.

4. Bijzondere opmerkingen betreffende de afwikkeling van polissen en nog af te wikkelen polissen.

a. Algemene Friesche Levensverzekeringsmaatschappij.

Op 16 november 1955 gaven wij aan de Afdeling Polisherstel een lijst door, waarop 90 polissen werden vermeld met het verzoek om bij de maatschappij nadere inlichtingen in te winnen over de afwikkeling dier polissen. De desbetreffende polissen werden door ons ontleend aan de z.g.n. afkooplijsten van de L.V.V.S. en vallen derhalve onder het eerste gedeelte der overeenkomst. Nog een afwikkeling met belanghebbenden, noch een storting van afkoopsommen of een verklaring van de maatschappij waarom de polissen niet zijn uitgeleverd, kon ons worden getoond. Op 22 november 1955 heeft de Afdeling Polisherstel om uitsluitsel gevraagd bij de Algemene Friesche Levensverzekeringsmaatschappij onder opgave van de desbetreffende polisnummers. Een antwoord op voorbedoeld verzoek was niet in het dossier aanwezig en is vermoedelijk ook niet ontvangen.

Een copie-lijst waarop de desbetreffende 90 polissen zijn vermeld bevindt zich in ons dossier. Wij achten het gewenst dat hierover nadere wordt geïnformeerd, daar het waarschijnlijk is, dat de afkoopwaarde van een aantal van voornoemde 90 polissen nog kan worden ingevorderd.

Bij de afwikkeling constateerden wij nog enkele kleine verschillen tot een totaal van de maatschappij te vorderen bedrag van f 684.93.

Op 2 augustus 1955 werd hierover door de Afdeling Polisherstel gereclameerd bij de Algemene Friesche. Op de reclame volgde geen afwikkeling,

328419

Polisnummer	Naam	Afkoopsom L.V.V.S.	Ontvangen bedrag	Verschil
220915	J. Blazer	f 83.94	f 12.43	f 71.51
5899	K.v.Gelderen	" 711.05	" 701.05	" 10.--
6388	idem	" 2.111.51	" 2.081.51	" 30.--
25269	I. Bus	" 103.19	" 97.35	" 5.84
171130	J. Frank (4 ged.)	" 567.58	" --	" 567.58
		f 3.577.27	f 2.892.34	f 684.93

Wij achten het gewenst dat ook omtrent deze polissen nader wordt geïnformeerd.

b. Amstleven.

Rij de controle op de ontvangen afkoopsommen bleken ons enkele verschillen tussen de van de maatschappij ontvangen bedragen en de indertijd door Lippmann Rosenthal & Co verreikende afkoopsommen.

Dit betreft:

Afkoopsom L.V.V.S.	Ontvangen afkoop- c.q. slot- sommen rente	Verschil
f 1.528.---	f 498.--	f 1.030.--
" 1.612.74	" 303.14	" 1.309.60
" 533.29	" 104.18	" 429.11
f 3.674.03	f 905.32	f 2.768.71

Polis 212952 B. Polack
" 215921 H. Sammes
" 215923 E. Leisen

Wij adviseren u ook omtrent deze verschillen te informeren bij de maatschappij, daar het niet uitgesloten moet worden gedacht dat de verschillen nog aan de Staat der Nederlanden te komen.

c. Rotterdamse Verzekering Sociëteit.

Betreffende een aantal polissen noterde de R.V.S. bij het verzoek om uitbetaling van de afkoopsom "herstel afgeweken". Hieruit trekken wij aanvankelijk de conclusie dat de afkoopsom niet door de L.V.V.S. aan de R.V.S. werd toegewezen en daardoor geen uitkering aan de Staat kon volgen.

Later bleek ons echter dat deze conclusie niet juist was, daar wij konden vaststellen dat de afkoopsom van polisnummer 242412 t.n.v. M. Corper wel door de L.V.V.S. ter beschikking werd gesteld aan de R.V.S.

Voornoemde 10 polissen betreffen: 9 bollen onder 2 deelstaat en 1 hardstaat.

Polis 158531 E. Velleman-Lowenstein van de overeenkomst en opgeleverd
" 242412 M. Corper in 31/12 '55 meegenomen en later teruggevorderd
" 118528 L. Polak afkoopsommen kunnen echter niet
" 1322647 L. Polak hersteld niet leverd kunnen
" 367812 E. J. van Leeuwen R.V.S. niet gecrediteerd; L. V.S. 7/6 '66
" 1212512 H. Bohemen
" 134851 S. Philips enige voorwaarden behouden
" 123894 H. J. v.d. Hock enige voorwaarden behouden
" 211098 L. E. Frankenhuys enige voorwaarden behouden
" 648724 H. J. v.d. Hock enige voorwaarden behouden

Nadere inlichtingen terzake achten wij gewenst.

d. Verzekering Maatschappij Utrecht.

Bij onze controle van het eerste gedeelte der overeenkomst waarvoor de verzekeringsmaatschappij een volledige opgave moest sturen, bleken 18 polissen te zijn vergeten. Inmiddels werd terzake f 21.162.78 ontvangen.

Lijst van de polissen
in huis en buitenland
van de Maatschappij

Voor het tweede gedeelte der overeenkomst, waarvoor de Afdeling Polisherstel een opgave moest verzorgen, werd door de Afdeling Polisherstel een lijst samengesteld, welke voor deze Maatschappij circa 900 polissen omvatte. De maatschappij deelde mede dat betreffende deze polissen niets was verschuldigd; echter de polisnummers werd veelal de aanduiding "waardeloos" of "niets verschuldigd" opgenomen.

Aan de hand der - overigens onvolledige - gegevens van de Afdeling Polisherstel werden daarna omtrent een 40-tal polissen nadere inlichtingen gevraagd, daar twijfcl was gerezen aan de sericuze afwikkeling door de maatschappij. Betreffende laatst bedoelde groep werd een bedrag van f 1.704.29 ontvangen. Wij achter vooromschreven gang van zaken onbevredigend.

c. Levensverzekeringsmaatschappij Oude Haagsche van 1836.

In oktober 1955 gaven wij een opgave van 8 polissen, waartrent wij gacne nadere informatie wensten, door aan de Afdeling Polisherstel, welke de desbetreffende opgave doorzond aan de maatschappij. Een antwoord van de maatschappij troffen wij niet in het dossier aan.

Bit betrft:

Polisnummer 83930	A.de Leeuw
6825	M.Redlich
36877 en 78	M.Silverberg
34230	H.J.Roenks
26378	J.M.A.Sootchnhorst
65053	J.Vischschraper
63355	J.v.d.Kar
15110	I.Vlessing.

Wij achten het gewenst, dat terzake om nadere inlichtingen wordt gevraagd.

f. Eerste Nederlandsche Verzekerings Maatschappij.

Bij de Eerste Nederlandsche Verzekerings Maatschappij moet, zoals reeds werd vermeld sub 2 nog een bedrag worden geïnd van f 5.270.02 vermeerderd met rente tot de stortingsdatum.

Voorts moeten nog inlichtingen binnengekomen omtrent 293 afgekochte polissen en omtrent een vijftal niet-afgekochte polissen. Ten tijde van onze controle in 1957 had dit de aandacht van de Afdeling Polisherstel. Het eventueel te vorderen bedrag inzake de polissen, waartrent inlichtingen zijn gevraagd, staat thans nog niet vast.

5. Slotconclusie.

Onder verwijzing naar de leemten c.q. die nog te verrichten werkzaamheden, zoals deze zijn vermeld sub 1 t/m 4 in dit rapport verklaren wij, dat wij de mutaties in de financiële administratie van het Nederlandse Beheersinstituut vermeld op bijlage 1 en 2 van dit rapport, met betrekking tot het polisherstel hebben gecontroleerd en in orde bevonden.

Ten aanzien van het beleid van het Nederlandse Beheersinstituut met betrekking tot het polisherstel verklaren wij, dat dit aan redelijke eisen heeft voldaan.

Gaarne tot het geven van nadere toelichting bereid, tekenen wij,

Hoogachtend,
NIEUWENHUIS & BOS.
w.g. P.J.H.J.Bos.

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Bijlage 1.

Samenvattend overzicht der mutaties inzake polisherstel met betrekking tot de afwikkeling van polisuitkeringen met rechthebbende natuurlijke personen.

Saldo nog door te betalen per 1 januari 1950 f 56.993.32
Ontvangen uitkeringen ter doorbetaling:

In 1950	f 760.563.70
1951	" 1.278.805.25
1952	" 1.518.029.94
1953	" 1.408.515.22
1954	" 982.470.72
1955	" 118.922.68
1956	" 32.481.59
	<hr/>
	" 6.099.789.10
	<hr/>
	f 6.156.782.42

Door-betalingen aan derden (rechthebbende erfgenamen, etc.)

In 1950	f 680.180.40
1951	" 1.276.516.31
1952	" 1.434.704.47
1953	" 1.375.938.33
1954	" 1.015.690.07
1955	" 117.118.69
1956 Restant van 1955	f 1.874.--
Inzake ont-	
vangsten	
1956	" 28.473.21 " 30.347.21
	<hr/>
	f 5.930.495.48

Ingehouden administratiekosten doorbetaald aan het Hoofdkantoor

In 1950	f 22.908.51
1951	" 43.636.65
1952	" 40.576.84
1953	" 33.283.23
1954	" 26.001.54
1955	" 3.597.11
1956	" 804.42
	<hr/>
	" 170.608.13

Geen erfgenamen opgespoord, doorbetaald aan Dienst der Domeinen

In 1955	f 52.474.85
1956	" 3.203.96
	<hr/>
	" 55.678.81
	<hr/>
	" 6.156.782.42

Saldo nog te betalen per 31 december 1956

nihil

328422

Bijlage 2.

A. Overzicht der vorderingen op levensverzekeringsmaatschappijen inzake de overeenkomst van september 1954.

	Mutaties t/m 31-12-1955	Mutaties in 1956	Mutaties t/m 31-12-1956
Opgevoerde vorderingen op levensverzekeringsmaatschappijen	f 321.019,73	f 94.545,09	f 915.564,82
Opgevoerde vorderingen op spaarkassen	" 42.300,94	" 3.461,85	" 45.762,79
Opgevoerde vorderingen op buitenlandse mijnen etc.	" 2.811,33	" 1.122,96	" 3.934,29
	f 866.132,00	f 99.129,90	f 965.261,90
Afgevoerd, wegens afwikkeling door maatschappijen etc.	" 65.380,75	" 137.236,50	" 202.617,25
	f 800.751,25	f 38.106,60	f 762.644,65
Overgedragen vorderingen aan de Dienst der Domcinen	" -.-	" 946,06	" 946,06
	f 800.751,25	f 39.052,66	f 761.698,59
Geincasseerd (excl. rente)	" 420.194,24	" 556.234,33	" 756.428,57
Afgewikkeld in 1956			<u>f 575.286,99</u>
Nog af te wikkelen	f 380.557,01		f 5.270,02

B. Overzicht der geincasseerde en afgedragen bedragen inzake de overeenkomst van september 1954

	Mutaties t/m 31-12-1955	Mutaties in 1956	Mutaties t/m 31-12-1956
Geincasseerde vorderingen (zie overzicht A)	f 420.194,24	f 556.234,33	f 756.428,57
Geincasseerde rente	" 7.250,89	" 10.469,96	" 17.720,85
	f 427.445,13	f 346.704,29	f 774.149,42
Af:			
Terugbetaalde hoofdsommen	" 22.634,86	" 52.141,16	" 74.776,02
Terugbetaalde interest	" 295,08	" 633,24	" 928,32
	f 404.515,19	f 293.929,89	f 698.445,08
Saldo ontvangen bankrente en betaalde kosten resp. terugontvangen kosten	" 1.697,53	" 407,54	" 1.289,99
Totaal ontvangsten (zie bijl.3)	f 402.817,66	f 294.337,43	f 697.155,09
Afgedragen aan de Dienst der Domcinen	" 350.000,30	" 315.001,--	" 665.001,30
Mutaties 1956 per saldo		<u>f 20.663,57</u>	
Saldo Bankrekening Schill & Capadoze	<u>f 52.817,56</u>		<u>f 32.155,79</u>

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Bijlage 3.

Totaal der afkoopsommen ontvangen van de Verzekerings-maatschappijen en af te dragen aan de Dienst der Doncinen van het Ministerie van Finan-
cien te 's-Gravenhage,Nassaulaan 6.

N.V. Nationaal spaarfonds	f 10.226.50
Levensverz. Mij. Noord Brabant	" 1.682.53
N.Holl. Levensverz. Mij. van 1891	" 249.90
Noorder Spaar- en Levensverz. Mij.	" 135.10
N.V. Levensverz. Mij. Ons Belang	" 1.836.39
Coöp. Vereniging Centraal Beheer G.A.	" 562.99
Amsterdamsche Verzekering-bank	" 182.95
N.V. Verzekeringbank Moira	" 2.713.13
de Groot Noord Hollandsche van 1845	" 2.605.88
Zwitsersche Mij. van Levensverz. en lijfrente	" 1.057.25
N.V. Levensverz. Mij. Vitalis	" 615.85
Levensverz. Mij. Olva	" 75.07
N.V. Ver. Verz. Mijen te Utrecht	" 1.253.01
Centrale Arbciders Verz. Bank	" 35.966.36
Algemene Levensverz. Bank	" 3.153.58
Gresham Life Ass. Soc. Ltd.	" 1.654.35
Onderlinge Levensverz. Mij. 's-Gravenhage	" 5.690.98
Ned. Alg. Mij. voor Levensverz. Conservatrix	" 1.049.79
N.V. Levensverz. Mij. Arnhem	" 5.220.33
Levensverz. Mij. Stad Rotterdam	" 1.524.63
Eerste Holl. Levensverz. Bank	" 2.640.55
Goudsche Levensverz. Mij.	" 367.56
Levensverz. Mij. opgericht door het N.O.G.	" 11.361.16
Holl. Soc. van Levensverzekeringen	" 42.350.81
Levensverz. Mij. Holland	" 5.699.43
de Nederlanden van 1845	" 81.842.19
N.V. Levensverz. Mij. H.A.V. bank	" 17.195.45
Utrechtsche Verzekeringbank	" 851.47
Levensverz. Mij. de Cade Haagsche	" 22.720.32
Levensverz. Mij. Utrecht	" 71.727.46
de Nederlanden van 1870	" 29.957.67
de Olvch van 1879	" 11.454.57
de Nederlandsche Spaarkas	" 21.586.71
Amstleven	" 51.310.76
N.V. Nationale Crediet Vereniging	" 4.079.17
Nill Mij.	" 7.700.77
Vesta Mij van Levensverzekering (Ziekenzorg)	" 12.817.53
Levensverz. Mij. de Econoon (Vesta)	" 1.182.95
Tot Nut en Voordeel (")	" 735.25
Alg. Verz. Mij. Hollandia	" 7.08
de Veenkoloniale	" 529.21
Levensverz. Mij. St. Eloy. v	" 2.852.43
Vosta Mij van Levensverzekering	" 4.103.96
Algemene Friesche Levensverz. Mij.	" 55.668.16
Levensverz. Bank. Victoria	" 9.030.87
Rotterdamse Verzekering Societeit	" 17.179.20
Levensverz. Mij. Aurora	" 324.68
Onderlinge Kopersverzekering	" 155.26
Nationale Levensverzekering Bank	" 74.730.49
Eerste Nederlandsche	" 77.418.93
Bankrente	" 376.67

Totaal

f 697.155.09

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Resumé van het besprokene in de vergadering dd. 21 November 1955 ten kantore van Nieuwenhuis & Bos, Herengracht 118 te Amsterdam.

Aanwezig waren de Heren:

Namens het N.B.I. : P.Massini,
Namens Nieuwenhuis & Bos: P.J.H.J.Bos ,
B.H.Hendriks,
I.van der Ploeg.

1. Termijn uitvoering werkzaamheden

Naar aanleiding van een besprekking dd. 9 November 1955 ten kantore van Mr.Veegens voerde Mr.Veegens correspondentie met Mr. J.van Giessen, welke opkomt voor de belangen van de gezamenlijke levensverzekeringsmaatschappijen. Uit deze correspondentie bleek dat de in de overeenkomst van September 1954 genoemde termijn lopende tot 31 December 1955 niet voor verlenging in aanmerking komt. Gezien de correspondentie achtte zowel de Heer Massini als Nieuwenhuis & Bos het gewenst, dat thans tot verzending wordt overgegaan van opgaven van alle bij de Afdeling Polisherstel bekende polissen zonder afkoopsom aan de verzekeringmaatschappijen. Nadien zal, als hieronder omschreven, de Afdeling Polisherstel terzake nog verdere werkzaamheden uitvoeren.

2. Contrôle op polissen met afkoopsom

In verband met de door Mr. v.d.Giessen omstreden contrôle van de opgaven door de levensverzekeringsmaatschappijen van afkoopsommen waarop de Staat der Nederlanden rechten heeft, werd besproken dat het herhaaldelijk is voorgekomen dat verschillende maatschappijen hebben verzuimd de rechten van de Staat volledig op te geven. Tot nu toe kwamen de rechten van de Staat op een bedrag van f 20.000.--- aan afkoopwaarden als uitvloeisel der contrôle vast te staan. Hieruit blijkt reeds dat deze contrôle noodzakelijk is. In verband met de eventuele beantwoording door Mr.Veegens van het schrijven van Mr.v.d.Giesen zal aan Mr.Veegens door de Afd. Polisherstel terzake een meer getailleerde opgave der gevonden afwijkingen worden doorgegeven.

3. Uitvoering der werkzaamheden inzake polissen zonder afkoopsom.

Zoals vermeld onder 1 zal de Afdeling Polisherstel de desbetreffende opgaven thans op korte termijn aan de maatschappijen toezenden.

De geschreven concepten, welke voor bovenbedoelde opgaven hebben gediend kunnen de verdere basis vormen voor de door Afdeling Polisherstel te verrichten werkzaamheden.

Terzake van de polissen van "in leven" zijnde belanghebbenden heeft de Afdeling Polisherstel een notitie gemaakt op het referentiekaartje en deze notitie overgenomen op bovenbedoelde geschreven concepten. De Heer Massini zal de indertijd door de Afdeling Polisherstel gebruikte gegevens van derden (Bevolkingsregister c.q. Rode Kruis) ter beschikking trachten te stellen van Nieuwenhuis & Bos, teneinde laatstgenoemden in de gelegenheid te stellen tot een eventuele steekproefgewijze beoordeling van de op de geschreven concepten gemaakte notities betreffende in leven zijnde belanghebbenden.

Voor de overige op de geschreven concepten voorkomende polissen zal door de Afdeling Polisherstel de door de maatschappijen op verzoek van Polisherstel ingevulde inlichtingenformulieren worden gelicht en worden beoordeeld. Een sortering zal worden gemaakt in polissen niet vallende onder de overeenkomst van September 1954 c.q. polissen mogelijkerwijs vallende onder de overeenkomst van September 1954. Laatstgenoemde rubriek zal verder worden onder verdeeld in polissen, terzake waarvan het eventuele belang van de Staat der Nederlanden klein moet worden geacht en polissen, terzake waarvan dit groot moet worden geacht. Als klein ware te beschouwen polissen, welke nog geen drie jaar looptijd hadden en waarvan de betaalde premiën over de gehele verzekeringsduur, verminderd met eventuele beleningen, lager zijn dan f 100.-. Hierbij dienen echter uitgezonderd te worden bepaalde groepen polissen

328425

waarvan de belangen per polis voor de Staat weliswaar gering zijn, doch waarbij door het aantal van een aanmerkelijk belang kan worden gesproken. Hierbij wordt b.v. gedacht aan premievrije-gemaakte polissen terzake waarvan-zoals Mr. Veegens het in de besprekking dd. 9 November 1955 uitdrukte- geen sprake is van een afkooprechit van de verzekeringnemer, doch wel sprake kan zijn van een afkoopwaarde, welke conform de overeenkomst van September 1954 aan de Staat der Nederlanden zou toekomen.

Volledigheidshalve zij vermeld, dat polissen welke aanhangig waren bij de Raad voor het Rechtsherstel in de beoordeling dienen te worden betrokken omdat niet vaststaat of ook van deze polissen alle rechthebbenden bekend zijn. Dit zelfde geldt van polissen behandeld door bewindvoerders.

10.03.4
OF 2011

J. H. L. WEIDEN
Attorney at Law.

1822 ..

N.W.

61 Broadway,
New York 6, N.Y.

10th March 1948.

Dear Sir,

This letter refers to the question whether German Jewish refugees and similar victims of Nazi aggression are permitted to re-obtain property previously vested by the Alien Property Custodian as property of alien enemies of German nationality.

This question must be answered in the affirmative. Under the practice prevailing in the United States such property is returned to all victims of Nazi aggression irrespective of their residence. They may reside in an allied country, such as Great Britain or even in Germany.

The official "Explanation and Instructions for Forms APC-1A and APC-1B" as hereto attached read among others as follows :-

"Property can now be returned in certain cases to residents and citizens of enemy countries who were victims of enemy oppression. See amendments to subdivisions (C) and (D) of section 32(a)(2) of the Trading with the Enemy Act".

The aforementioned subdivisions provide that property vested in the Alien Property Custodian is returnable to

"(C) an individual voluntarily resident at any time since December 7, 1941, within the territory of such nation, other than a citizen of the United States or a diplomatic or consular officer of a nation with which the United States has not at any time since December 7, 1941, been at war; Provided, that an individual who, while in the territory of a nation with which the United States has at any time since December 7, 1941, been at war, was deprived of life or substantially deprived of liberty pursuant to any law, decree, or regulations of such nation discriminating against political, racial, or religious groups, shall not be deemed to have voluntarily resided in such territory; or

(D) an individual who was at any time after December 7, 1941, a citizen or subject of a nation with which the United States has at any time since December 7, 1941, been at war, and who on or after December 7, 1941, and prior to the date of the enactment of this section, was present (other than in the service of the United States) in the territory of such nation or in any territory occupied by the military or naval forces thereof or engaged in any business in any such territory; Provided That notwithstanding the provisions of this subdivision (D) return may be made to an individual who, as a

consequence of any law, decree, or regulation of the nation of which he was then a citizen or subject, discriminating against political, racial, or religious groups, has at no time between December 7, 1941, and the time when such law, decree, or regulation was abrogated, enjoyed full rights of citizenship under the law of such nation."

The aforementioned sections are part of the amendments made by Public Law No.671, 79th Congress, 2d Session (August 8, 1946).

It should be emphasised that while the law grants discretion to the Alien Property Custodian in arriving at a decision to return the property, nevertheless it is the uniform practice in the United States that the return of vested property is granted as a matter of course once it is established that it belongs to a member of a victimised group. This practice is known to this writer from his own practice before the Alien Property Custodian and the Foreign Funds Control.

In matters in which the property was vested in the Alien Property Custodian proof is ordinarily required that the former owner was a member of a victimised group and that he has a clear title or right to the property. Once this is established the property is de-vested. In cases before the Foreign Funds Control - where property belonging to alien enemies is blocked but not vested - the rule has been established that wherever the property belongs to a member of a victimised group the file need not be referred to the office of Alien Property but the case may be decided as though the party in interest be an alien friend.

Cases in which the Alien Property Custodian would have exercised a discretion vested in him adverse to a member of a victimised group are not known to this writer. However, it is in line with the general practice followed by all government departments to anticipate that a de-vesting order will not be issued if there is reasonable doubt whether the property actually belongs to the claimant or where a suspicion exists that the claimant, although a member of a discriminated group was voluntarily disloyal to the Allied cause. Such extreme cases may exist but they are extremely rare.

Be it repeated that wherever such extraordinary facts or suspicions do not exist property is returned as a matter of course.

The writer may state by way of identification that he was during the war Chief, Legal Section, Liberated Areas Branch, Foreign Economics Administration; that he has been a member of the American Bar for approximately 10 and of the English Bar for approximately 12 years, and that he actually practises law in New York and Washington, D.C. specialising in matters of foreign claims particularly those before the Alien Property Custodian and the Foreign Funds.

Yours faithfully,

A. E. E. M.

For the attention of Mr. Campbell

The Controller,
Trading with the Enemy Department,
7, Crosby Square,
E.C.2.

328428

Inleidig Inventaris v. h. Archief van het
Bureau v. d. Financial Affairs & w.y. o.zij
Rechtsvoeringspost, Min. Fin.

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125

DE GESCHIEDENIS VAN DE INSTANTIES

126 1940-1946

De Nederlandse vertegenwoordiging in de USA

126 Nederland werd in mei 1940 in de USA vertegenwoordigd door het Gezantschap te Washington 1) en
127 aantal Consulaten. Op de Handelsafdeling van het Gezantschap werkten B. Kleijn Molekamp als
127 Handelsraad en dr H.Riemens als Handelssecretaris ; andere deskundigen op financieel gebied waren
127 niet aanwezig. Toch had de Nederlandse regering in de USA aanzienlijke financiële belangen. Het goud
127 van De Nederlandsche Bank nv berustte voor 80% bij de Federal Reserve Bank te New York en de
128 particuliere investeringen van Nederlanders in de USA bedroegen ca f 2½ miljard reële waarde 2).
128 De Amerikaanse regering erkende de Nederlandse regering te Londen en haar diplomatische vertegen-
128 woordigers. Op 10 mei 1940 had de Amerikaanse regering het Nederlands bezit in de USA bevroren op
130 grond van de 'Trading with the Enemy Act'. Toen de Nederlandse regering op 24 mei 1940 haar eerste
132 Koninklijk Besluit uitvaardigde om de buitenlandse bezittingen van Nederlanders in bezet gebied veilig te
133 stellen (Kb A1 zie bijlage 2), was zij niet op de hoogte van de Amerikaanse maatregel. De Amerikaanse
133 regering erkende het Kb A1 niet omdat het zonder parlementaire goedkeuring tot stand was gekomen,
134 maar zij vroeg in de meeste gevallen wel advies aan het Gezantschap over het al dan niet toestaan van
136 transacties in Nederlandse geblokkeerde rekeningen. De normen van de Amerikaanse autoriteiten voor
136 het gebruik van de rekeningen waren aanzienlijk soepeler dan de Nederlandse, maar toen de USA in
december 1941 in de oorlog betrokken raakte, werd meer overeenstemming bereikt.

136 De Nederlandse regering heeft tijdens en na de oorlog een aantal pogingen gedaan om het Kb A1
136 erkend te krijgen. Pas in 1953 tijdens het zg Archimedesproces voor the United State Court of Appeals
(zie inventarisnummer 3111) hebben de Amerikanen toegegeven.

136 De Gezant, dr A.Loudon, had van de regering te Londen een volmacht gekregen voor de uitvoering van
136 het Kb A1 op het westelijk halfvond. Hij belastte de Handelsafdeling met deze taak, die te veel
136 omvattend was voor het daar aanwezige personeel. Al spoedig werden enige leden van het inmiddels
139 opgerichte Shipping and Trading Committee (NSTC) te New York aangewezen om adviezen te geven en
139 onderzoek te verrichten inzake de status van diverse Nederlandse financiële belangen.
139

De oprichting van het NSTC te New York

143

146 In New York werden na de Duitse inval in Nederland op initiatief van de voorzitter van de Kamer van
Koophandel te New York, de Consul-Generaal en met instemming van de Gezant een aantal Comité's
147 opgericht voor de behartiging van de opengevallen Nederlandse belangen. Deze Comité's werden door
het Gezantschap ingeschakeld op het gebied van de scheepvaart, handel en financiën. In juli 1940
kwamen S.M.D.Valstar en J.F.van Hengel 3) naar New York om aldaar de diverse Comité's te
147 reorganiseren tot een soortgelijke instelling als de Nederlandsche Scheepvaart & Handelscommissie te
Londen.

166 Het NSTC te New York wisselde enige malen van samenstelling en structuur, maar er was altijd een
173 'Kern-Comité' met een aantal sub-commissies, ieder met een eigen bestuur. De voorzitters van deze
sub-commissies hadden zitting in het Kern-Comité, evenals de Consul-Generaal of een vertegenwoordiger
van deze.

De taken van de sub-commissies liepen sterk uiteen. De sub-commissies voor Financiën en Administratiekantoren werkten als adviesorganen van de Handelsafdeling van het Gezantschap voor de uitvoering
van het Kb A1. De 'juridische sub-commissie' gaf adviezen over de rechtsgeldigheid van de door de
regering te Londen uitgevaardigde Koninklijke Besluiten en bij een aantal gerechtelijke procedures tegen
de Staat der Nederlanden. De andere sub-commissies hadden werkzaamheden overeenkomstig die van
het NSTC te Londen. Pas in de zomer van 1942 werd een definitieve samenstelling en taakafbakening
gevonden.

De Adviseur van de minister van Financiën 4)

In juli 1940 werd mr A.Philips uitgezonden naar de USA als Adviseur van de minister van Financiën met als standplaats New York (Koninklijk Besluit dd 7 februari 1941, nr 21). Voor deze benoeming was mr Philips korte tijd werkzaam geweest op het kantoor van de Generale Thesaurie van het ministerie te Londen. Zijn taak in de USA bestond in de eerste plaats uit het onderhouden van contact met de Federal Reserve Bank te New York, de Guaranty Trust Company en de Bank of Canada, waar de Nederlandse regering rekeningen had. Tevens moest hij de Gezant inlichten over het standpunt van de regering ten aanzien van de uitvoering van het Kb A1. Pas in juni 1942 werd zijn opdracht omlijnd in een brief aan de minister van Financiën aan diens collega van Buitenlandse Zaken dd 26 juni 1942 nr 15489 (bijlage 1).

Ontwikkeling en oprichting van het Bureau van de Financieel Attaché

Uit de instructie van de Adviseur (bijlage 1) blijkt dat hij een nauw contact moest onderhouden met het Gezantschap 'voor overleg en uitwisseling van gedachten', ook sprak de instructie van het houden van een nauw contact met het NSTC te New York op een zelfde wijze als mr J.W.Beyen dat had met het NSTC te Londen 5). Echter de minister van Financiën jhr mr D.H.de Geer had het Kb A1 niet ondertekend, zodat hij en zijn ambtsopvolgers aanvankelijk geen bemoeienis hadden met de uitvoering van dit Kb. De Gezant voelde zich -gezien zijn bijzondere volmacht- 'alleenheer' ten aanzien van de uitvoering van het Kb in de USA; alle aanvragen voor het gebruik van de geblokkeerde rekeningen werden, met advies van de subcommissie voor Financiën of die voor Administratiekantoren, afgedaan door de Handelsafdeling van het Gezantschap. Toen het ministerie van Justitie te Londen was opgezet en ingericht voor de uitvoering van het Kb A1 (de minister van Justitie was de eerste ondertekenaar) moesten alle principiële gevallen voorgelegd worden aan de regering om advies. De afdoening van de aanvragen werd hierdoor vertraagd en de samenwerking tussen de Handelsafdeling en de betrokken sub-commissies werd stroever. Men probeerde een en ander te ondervangen door de aanwezigheid van één van de medewerkers van de Handelsafdeling op de vergaderingen van de subcommissies. Alhoewel de minister van Financiën had gesuggereerd dat de Adviseur deel zou gaan uitmaken van het NSTC te New York, is dit nooit gerealiseerd. Nog de Gezant, noch het NSTC dulde een 'pottekijker' van het ministerie. De status van het NSTC te New York was sinds de oprichting in 1940 niet nauwkeurig vastgesteld. Voor handel en scheepvaart was het Comité verantwoording schuldig aan het ministerie van Handel, Nijverheid en Scheepvaart, zoals het NSTC te Londen, maar in de USA waren de sub-commissies voor Financiën en Administratiekantoren belast met het adviseren van het Gezantschap ten behoeve van de uitvoering van het Kb A1 en waren voor deze werkzaamheden verantwoording schuldig aan de Gezant.

Vanaf 1941 bestonden er in Londen plannen om te komen tot de oprichting van een 'financieel agentschap' in de USA om alle werkzaamheden op financieel gebied te coördineren (zie inventarisnummer 2818). Deze plannen werden toen niet nader uitgewerkt. Wel kwam er in 1942 een regeling tot stand waarbij de verantwoordelijkheden van de diverse sub-commissies werd vastgesteld.

Het NSTC te New York zag er toen als volgt uit:

- de sub-commissie voor de Scheepvaart, voorzitter: A.Gips;
- de sub-commissie voor Financiën, voorzitter: A.Ph.von Hemert;
- de sub-commissie voor Administratiekantoren, voorzitter: A.Boissevain;
- de sub-commissie voor Handel, voorzitter: C.W.Dresselhu .

De voorzitters van deze sub-commissies hadden zitting in het Kern-Comité, dat onder voorzitterschap stond van S.M.D.Valstar met als vice-voorzitter J.F.van Hengel. In het Kern-Comité zat ook de Consul-Generaal of een vertegenwoordiger van deze. Na deze vaststelling kwam het Kern-Comité niet of nauwelijks meer bijeen; als coördinerend orgaan had het geen taak meer nu de diverse sub-commissies of vielen onder de minister van Handel, Nijverheid en Scheepvaart (de sub-commissies voor Handel en Scheepvaart) of onder de Ambassadeur (de sub-commissie voor Financiën en Administratiekantoren).

De sub-commissie voor Financiën vergaderde voor het laatst op 8 juli 1942, daarna trok de voorzitter zich terug. De Adviseur van de minister van Financiën schreef omstreeks deze tijd aan de Minister dat deze commissie 'in een semi-permanente staat van ontbinding verkeerde'. De administratieve procedures gingen echter gewoon door. Bij de oprichting en komst naar de USA van de Economische, Financiële en Scheepvaart Missie van het Koninkrijk der Nederlanden voor het Westelijk Halfrond -onder voorzitterschap van mr M.P.L.Steenberghe- was de Ambassadeur bevreesd dat het aantal van zijn bijzondere taken (a.o. de bevoegdheid inzake de uitvoering van het Kb A1) zouden worden overgenomen door de Missie. Na lang onderhandelen en touwtrekken bleef de uitvoering van het Kb A1 bij de Ambassade, maar omdat het personeel van de Ambassade niet berekend was op een zo 'n veel omvattende taak en omdat men bij de sub-commissies voor Financiën en Administratiekantoren wel beschikte over personeel, dat op deze materie was ingespeeld, besloot men een 'technisch' Attaché te benoemen met als standplaats New York. De leden en het personeel van de betrokken sub-commissies werden voor het grootste deel in dienst genomen door de Ambassade.

De Adviseur van de Minister van Financiën nam per 1 oktober 1943 ontslag (KB dd 17 september 1943 nr 1); hierdoor kwam ook zijn plaats vrij als hoofd van de afdeling Financiële Zaken bij de Missie Steenberghe. Dr H.Riemens (Handelssecretaris bij de Ambassade) volgde hem in deze functie op en werd tevens benoemd tot Financieel Attaché te New York. De functie van Adviseur van de minister van Financiën kwam te vervallen, de taak werd geheel overgenomen door de Attaché. Per 1 januari 1944 ging het Bureau van de Financieel Attaché functioneren. Een aantal leden van de voormalige sub-commissies had moeite om als ambtenaar onder de Ambassade te werken; twee van hen kregen een persoonlijke titel (zie inventarisnummer 2907) en hun werkzaamheden bleven -ook administratief-strik- gescheiden van de overige werkzaamheden van het Bureau. Dr Riemens werd in februari 1946 benoemd tot Financieel Raad en beëindigde zijn functie in de USA per 1 september van dat jaar. Hij werd opgevolgd door dr L.R.W.Soutendijk; deze hield zowel te New York als te Washington kantoor, omdat een deel van zijn werkterrein naar Washington verplaatst werd.

1946-1958

Inschakeling van het Bureau van de Financieel Attaché bij de effectenregistratie 6)

Na de verdeling van de werkzaamheden tussen de Bureau's te New York en Washington, werd het duidelijk dat het Bureau te New York minder werk zou krijgen, na de afwikkeling van het Kb A1. Inmiddels was men in Nederland begonnen met de uitvoering van het Besluit Herstel Rechtsverkeer dd 17 september 1944 (Kb E 100). De Raad voor het Rechtsherstel was opgericht en de Afdeling Effectenregistratie trof voorbereidingen voor de registratie van de Nederlandse effecten in het buitenland. Het Bureau van de Financieel Attaché te New York werd aangewezen als coördinatie punt voor de effectenregistratie in de USA (inventarisnummer 3069) en de daar werkende A.F.M.van der Ven werd benoemd tot vertegenwoordiger van de Raad voor het Rechtsherstel in de USA. A.F.M.van der Ven was in 1940 in dienst getreden van het NSTC te New York als assistent-secretaris; per 1 november 1942 werd hij benoemd tot secretaris van de afdeling Financiële Zaken van de Missie Steenberghe, nadat hij ook nog korte tijd had gewerkt als assistent van de Adviseur van de minister van Financiën. Toen de Missie werd opgeheven op 1 mei 1946 werd hij assistent van de Financieel Raad. In 1949 kreeg hij de leiding van het Bureau te New York en bleef daar tot de opheffing in 1958.

De effectenregistratie hield in dat elk Nederlands effect moest worden getoond aan de daartoe aangewezen instanties (Ambassade of Consulaten) met eventuele bewijzen van aankoop of verkrijging. Gedurende de oorlog hadden de Duitsers in de bezette gebieden op grote schaal effecten geroofd met name van Joodse landgenoten, die ingevolge maatregelen betreffende de liquidatie van het Joodse vermogen al hun roerende vermogensbestanddelen moesten inleveren bij de in de zomer 1941 7) daarvoor door de Duitse bezetter speciaal opgerichte bankinstelling Lippmann-Rosenthal Sarphatistraat te Amsterdam. Deze bank verkocht veel van de bij hen ingeleverde effecten in het buitenland, bij voorkeur in Zwitserland en Frankrijk, of bracht de effecten over naar Duitsland. Vooral Amerikaanse effecten en certificaten van Amerikaanse effecten waren bij de Duitsers erg in trek. Om na de oorlog zoveel mogelijk het gepleegde onrecht te herstellen werden er in Londen al voorbereidingen getroffen om zo spoedig mogelijk na de oorlog te kunnen beginnen met het rechtsherstel.

Aangezien veel effecten van Nederlanders via Frankrijk en Zwitserland waren doorverkocht naar USA, was het uiteraard van groot belang dat daar de Nederlandse effecten werden geregistreerd. De effecten en de bewijzen van herkomst waren getoond en de gegevens op daarvoor ontworpen formulieren waren geregistreerd, werden de gegevens naar de Afdeling Effecten registratie te Amsterdam opgestuurd en vergeleken met de gegevens aldaar. Tevens kon men op deze formulieren aan doen van vermist buitenlandse effecten. De houder van de effecten kreeg een bewijs van aanname. Waren de effecten 'schoon', dat wil zeggen dat in Nederland bleek dat de effecten niet op de samengestelde Zwarte Lijst voorkwamen, dan werd een zogenaamde stukkenverklaring afgegeven aan houder. Kwam het betreffende effect echter voor op de Zwarte Lijst dan werden er pogingen ondernemen om recht en titel van het effect terug te verwerven ten behoeve van de rechtmatige eigenaars diens erfgenamen. Dit kon geschieden door middel van een schikking met de tegenwoordige eige of door middel van een gerechtelijke procedure over het eigendomsrecht 8).

De registratie in de USA begon op 16 augustus 1946 en eindigde op 1 december van dat jaar, maar stilzwijgend verlengd tot mei 1948. Na-aanmeldingen werden slechts aanvaard als kon worden getoond, dat het de houder fysiek onmogelijk was geweest zulks eerder te doen. Na 31 december was het niet meer mogelijk na-aanmeldingen te doen via het Bureau van de Financieel Attaché. In juli 1952 werd A.F.M. van der Ven ontheven van zijn functie als Vertegenwoordiger van de Raad het Rechtsherstel in de USA. Alle dossiers en kaartsystemen werden verzonden naar de Afdeling Effectenregistratie te Amsterdam, voorzover het individuele effecten betrof en werden vermengd in daar aanwezige archieven.

Rechtsherstel met betrekking tot buitenlandse effecten

In Nederland was inmiddels een overzicht verkregen van geroofde of anderszins verloren gegane buitenlandse effecten, o via de administratie van Lippmann-Rosenthal Sarphatistraat en aangifte verlies door de voormalige eigenaren. In 1949 werd november door de minister van Financiën ingesteld de Commissie Rechtsherstel Buitenlandse Effecten, zoals dat was bepaald in het Kb 100. Het Bureau van de Financieel Attaché te New York ging nu voornamelijk werken voor deze commissie. Secretariaat van deze commissie was gevestigd bij het secretariaat van de Afdeling Effectenregistratie Amsterdam.

Met de Amerikaanse regering was al vanaf 1947 onderhandeld over samenwerking inzake het rechtsherstel voor in Nederland geroofde effecten. Dit resulteerde in het 'Memorandum of Understanding between the Government of the United States of America and the Government of the Netherlands regarding claims by the Government of the Netherlands to looted securities' dd 19 januari 1951 inventarisnummer 3107). Bij het Memorandum werd op grond van de 'Inter-Allied Declaration Regarding Forced Transfers of Property in Enemy-Controlled Territory of January 5, 1943 Resolution no VI of the United Nations Monetary and Financial Conference held at Bretton Woods New Hampshire, July 1-22, 1944' overeengekomen dat de USA Nederland behulpzaam zou zijn niemand te laten profiteren van onrechtmatig verworven oorlogsbuit. De USA vaardigde General Resolution 5B uit -een uitbreiding van de Trading with the Enemy Act- met een daarbij behorende Zwarte Lijst (List of Scheduled Securities, de zogenaamde Scheduled List), die in samenwerking met de Raad het Rechtsherstel was opgesteld van Amerikaanse en in de USA betaalbaar gestelde dollareffecten, in de oorlog in Nederland geroofd waren.

Houders van op genoemde lijst voorkomende effecten moesten deze binnen 6 maanden aanmelden en inleveren bij de Federal Reserve Bank. Effecten, die niet werden aangemeld, werden door het Office of Alien Property (Department of Justice) genaast en waardeloos verklaard voor de houders. Nederlandse regering kon op deze wijze recht doen gelden op deze effecten. Houders van genoemde effecten werden in de gelegenheid gesteld hun goede trouw bij aankoop te bewijzen. De effecten, niet gedeponeerd werden en dus werden genaast, zouden na verloop van tijd worden overgedragen aan de Staat der Nederlanden ten gunste van zijn burgers. Een en ander gebeurde op kosten van Nederlandse Staat; bij de uitvoering moest Nederland \$ 25.000 beschikbaar stellen voor de onkosten die het Office of Alien Property zou maken en dit fonds moest regelmatig worden aangevuld.

Van groot belang werd nu de erkenning van het Kb A1, waarbij de Staat der Nederlanden buitenlandse bezittingen naast de van in Nederland verblijvende natuurlijke of rechtspersonen en beslissen wanneer deze bezittingen werden teruggegeven aan de eigenaren (artikel 5). In 1953 werd in

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genaamde Archimedesproces (zie inventarisnummer 3111) voor het United States Court of Appeals erkend dat de Staat der Nederlanden kon optreden voor zijn onderdanen. Vanaf dit moment verliep de terugverkrijging van geroofde effecten gemakkelijker, omdat nu niet bij elk proces over de eigendomsrechten de voormalige eigenaar zelf hoeft te getuigen voor rechtkantnen in de USA en omdat een groot aantal 'tegenwoordige eigenaren' afzagen van een proces tegen de Staat der Nederlanden in plaats van tegen een individuele Nederlandse. 'Tegenwoordige eigenaren' waren eerder bereid een schikking aan te gaan. Ook vergemakkelijkte deze uitspraak de teruggaven van door de USA genaaste effecten.

Duplicaten-actie

Voor de bij de aanmelding ingevolge het Memorandum niet teruggevonden effecten werd een actie begonnen ter verkrijging van duplicaat-effecten. De uitgevende instellingen eisten echter een grote bescherming tegen de risico's bij afgifte van duplicaten. Overeengekomen werd dat de duplicaat-effecten een aantal jaren in een geblokkeerd depot zouden blijven berusten. In 1956 werd in Nederland een aparte rechtspersoon ingesteld voor de risico-dekking voor de afgifte van duplicaten van effecten in het buitenland: de nv Beleggings- en Garantiemaatschappij voor Buitenlandse Effecten (Belga).

De opheffing van het Bureau van de Financieel Attaché te New York

Rond 1958 kwam aan het grote aantal rechtsherstelzaken in de USA een einde. Het werd toen niet meer noodzakelijk geacht nog langer een apart Bureau te New York te handhaven. De werkzaamheden konden even goed vanuit Washington worden uitgevoerd en er werd besloten tot de opheffing van het Bureau te New York. A.F.M. van der Ven werd overgeplaatst naar Washington en werd benoemd tot Financieel Attaché. De lopende rechtsherstelzaken werden verder vanuit Washington afgehandeld. Dit heeft tot na 1972 geduurd.

Noten

- 1) Het Gezantschap werd in mei 1942 Ambassade.
- 2) Dr L.de Jong, Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog, deel 9, Londen. Martinus Nijhoff, 's-Gravenhage 1979.
- 3) Verslag van het ontstaan der Nederlandsche Scheepvaart & Handelscommissie te Londen en van haren werkzaamheden gedurende de periode van 10 mei tot 24 juni 1940, opgesteld door D.Hudig te Londen, augustus 1941.
- 4) Het archief van de Adviseur van de minister van Financiën werd eerder geïnventariseerd; bij inventarisatie van de andere archiefonderdelen bleek dat een aantal stukken onderling verwisseld waren. Omdat de taak van de Adviseur werd overgenomen door de Financieel Attaché, is besloten het betreffende archiefonderdeel in deze uitgave op te nemen.
- 5) Mr K.W. Beijen was benoemd tot Financieel Adviseur van de Regering.
- 6) De effectenregistratie was in de eerste plaats gericht op het rechtsherstel mbt binnenlandse (Nederlandse) effecten; tevens kon men aangifte doen van vermist buitenlandse effecten.
- 7) Verordening dd 8 augustus 1941, 148/1941 van den Rijkscommissaris voor het bezette Nederlandsche gebied betreffende de behandeling van het Joodsche geldelijke vermogen.
- 8) Bewijsmateriaal hiervoor kwam voor een groot deel uit de administratie van Lippmann-Rosenthal Sarphatistraat.

JEWISH RESTITUTION SUCCESSION ORGANIZATION
270 Madison Avenue
New York 16, N.Y.

October 5, 1955

MEMORANDUM

To: JRSO Executive Committee

From: Saul Kagan

RE: JRSO Claims under Public Law 626

I am enclosing herewith a report on the background and present status of the claims filed by the JRSO under P.L. 626. This report was prepared by Mr. Seymour J. Rubin, who acts as Washington counsel of the JRSO.

Saul Kagan

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Report to Executive Committee of Jewish Restitution Successor OrganizationRe: Heirless Assets in the United States

Public Law 626 was passed in the closing days of the Second Session of the 83rd Congress. It culminated years of effort on the part of various Jewish organizations -- effort directed at enactment of legislation which would put heirless assets in the United States at the disposal of the Jewish Restitution Successor Organization, for the benefit of surviving persecutees. Although the law was enacted in July 1954, and signed by the President in August, the passage of the legislation itself was merely the first step in what is clearly to be the difficult program of obtaining these assets or their proceeds, and making them available for the intended relief purposes.

The bill -- now Section 32 (h) of the Trading With the Enemy Act, as amended -- provides for designation by the President of a successor organization, or organizations, to heirless or unclaimed property in the United States. This property is defined by reference to the persecutee-return provisions of the Trading With the Enemy Act -- that is, it is property which would be returned to a living persecutee or his heirs, were he alive or had he heirs to claim it. The designated successor organization has a number of obligations in regard to administration and use of the property or funds which it may receive -- accounting regularly, the obligation to return to persecutees who turn up within two years, etc. The 1954 series of amendments restrict use of the property to use for persecutees (a) in the United States and (b) who are needy, and they prohibit use of any of these funds for administrative expenses. The bill provides for a limitation of \$3 million to the amount which can be made available to a successor organization.

Immediately after enactment of the legislation, steps were taken directed at the Presidential designation of the JRSO as the successor organization under the bill. Theoretically, Public Law 626 allowed the possibility of designation of more than one successor organization. As a practical matter, however, there was never any interest in this matter of successorship to heirless assets on the part of organizations other than Jewish organizations. An application for designation as the appropriate successor organization to Jewish heirless assets (these being apparently all the heirless assets) was prepared, together with a variety of supporting documents ranging from the certificate of incorporation of the JRSO to a memorandum on the history and responsibilities of that organization. These documents were filed almost immediately upon enactment of the legislation and, in fact, were discussed with governmental officials before the legislation was actually signed by the President. Nevertheless, for a variety of reasons, designation of the JRSO was delayed until January 1955. At that time, an Executive Order was issued by the President Designating the JRSO as an appropriate successor organization, and no other designations have been or are likely to be made.

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Even prior to designation of the JRSO, Messrs. Kagan and Rubin had had extensive discussions with the Office of Alien Property of the Department of Justice as to procedures for the filing of claims. In the very nature of the case, the JRSO cannot have adequate knowledge of the claims which may legitimately be filed. This is obviously because the persons who would have had knowledge have all disappeared. The JRSO is therefore faced with the necessity of devising procedures which would enable it to file at least tentative claims which could subsequently be investigated and substantiated.

The JRSO suggested a procedure to the OAP which involved the OAP compiling a list of all those vesting orders on its books as to which no claim for return had been made. Such a list would obviously include not only the names of persecutees whose assets were heirless but also the names of Germans or other enemy nationals who were in no sense persecutees. It was then proposed by the JRSO that it would go over these lists and try to identify those cases which were likely to represent heirless assets rather than enemy assets.

The OAP, however, rejected this procedure on the ground that it would place an undue administrative burden on that Office. The alternative procedure was thereupon worked out, under which the OAP turned over to the JRSO extensive lists of names. These names included all of those persons named in the vesting orders of the OAP. Although it was at first assumed by the OAP itself that these lists included only persons from whom property had been vested, it became evident upon examination that names of persons included in the vesting orders, such as custodians of property, were also included on the lists. The JRSO undertook to prepare lists of those persons who were apparently Jewish. These lists, which have been gone over a total of three times, were then submitted to the OAP, which, in turn, indicated on a copy of the lists those cases in which there was no conflicting claim for return of the property involved. The remaining names were taken to be *prima facie* cases of Jewish heirless property.

Although the above procedure was that generally followed, towards the end of the filing period it became impossible to submit the lists to the OAP for check, and claims were therefore filed without the preliminary OAP check to see if adverse title claims existed. As a result, the JRSO found it necessary to come to a general arrangement with the OAP, under which it agreed that in those cases in which the OAP made an adjudication of return to an individual, the JRSO claim could be considered automatically to be withdrawn. In these cases, the JRSO obviously has no claim, since there is a surviving claimant.

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A variety of other problems arose during the period between January 1955, when the JRSO was designated by the President, and August 1955, the expiration of the one-year filing period contained in the statute. A considerable amount of consultation with the OAP on detailed matters of record was obviously necessary. The work in Washington rose to such a volume that it became apparent that a full-time representative of the JRSO there was required, and Mr. Werner M. Loewenthal, who had just completed an assignment as Restitution Officer with the Office of the United States High Commissioner in Germany, was appointed to this position on June 20, 1955. He has worked in close coordination with the undersigned, who has acted during the period as Washington counsel for the JRSO. Mr. Loewenthal has had a staff of from two to three clerk-typists working with him.

The volume of work in the Washington office is apparent from the fact that between July 1 and August 23, the filing deadline under Public Law 626, the Washington office filed 3,094 out of a total of over 8,000 JRSO claims which had been filed.

A great many of the claims filed by the Washington office arose in cases involving estates and trusts. In many of these situations, the check of the OAP lists had produced claims filed by the JRSO in the name of one or another of the persons named in the vesting order, but not in the name of the person who was the actual beneficiary of the estate or trust. It was necessary to file in the name of the latter person, and claims in this category formed a major portion of the claims filed directly by the Washington JRSO office.

During this period also, one of the many problems concerned the so-called "omnibus accounts" in the OAP. These are accounts in the United States, held in the names of Swiss, Dutch or French banks, where the names of the actual depositors in the accounts are not known. It is possible that a major part of these accounts represents the funds of persons who were enemy nationals. On the other hand, there exists a substantial possibility that some portion of these accounts may be the funds of persecutees who were seeking to avoid the foreign exchange restrictions of Germany. A letter describing this situation, and suggesting that JRSO be considered informally to have claimed such portion of these accounts as might be found later to belong to persecutees, was sent to the OAP, but the request was rejected.

Thereupon, some 325 vesting orders in this category were located by the Washington JRSO office and claims filed describing these orders in terms which make it possible to identify the property in some detail.

Another problem arose out of negotiations between the United States and the Netherlands with respect to return of so-called scheduled securities. These were securities held in the United States which presumptively had been

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looted. By agreement between the governments, these securities were to be returned to the Netherlands Government for distribution to the true original owner's or their heirs. It is clear, however, that some portion of this property is heirless, and, in cooperation with the Department of State, the JRSO has filed a claim with respect to that portion of these securities identified by the Netherlands Government as heirless. This claim is in a sense protective, since it is possible that these securities will eventually go to the Jewish community of the Netherlands rather than to the JRSO.

Individual cases are on occasion of some particular interest. Such a one is that which involves a highly complicated proceeding in the OAP generally known as the von Clemm case. It has been suggested that a portion of the property involved in this case, several packets of diamonds, amounting to sums estimated to be more than \$200,000, may in fact be heirless Jewish property. These diamonds were brought into the United States in asserted violation of customs regulations and, aside from the problems involved in proving the heirless character of the property in a situation in which few or no facts are available to the JRSO, there is also the problem of the claim of the Customs Bureau that if the diamonds are not German property to be vested by the OAP, they are diamonds which were entered into the United States illegally and should therefore be forfeited to the Customs Bureau. Despite a considerable amount of work which has already been done on this case, much more detailed work remains to be done if a serious effort is to be made to obtain this property.

By August 23, 1955, something in excess of 8,000 claims of varying degrees of validity had been filed with the OAP.

Although considerable work on the problems to be described in this section has already been done, it seems appropriate to deal with these problems in this rather than the previous section of the report.

The JRSO problems, once the mass of claims has been filed, resolve themselves into two major categories. These concern the procedure for "cleaning up" the relatively undigested mass of claims which has been filed and putting these in some kind of workable shape; and secondly, working out a procedure for the processing of the claims and the recovery, as speedily as possible, of the proceeds of heirless property.

With respect to the first problem, that is cleaning up the claims, a considerable amount of work obviously has to be done and, in fact, is currently being done. Because of the method by which the claims were filed, the JRSO has on file a great many of what are obviously worthless claims which merely clutter up the records. The reason for this is inherent in the method which the JRSO was compelled to adopt in filing the claims and the materials made available to it for that purpose. As has been pointed out, for example, the list of names furnished by the OAP, which was the fundamental working document for the JRSO, contained names of custodians of property and of persons having some relation to that property,

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even though they might not be the beneficial owners of that property. Thus, if property were held by one Israel Cohen, for the benefit of Joseph McCarthy, it is almost certain that a claim has been filed by the JRSO as successor to Israel Cohen, even though no property right of Cohen has in fact been vested. Such a claim should obviously be withdrawn.

Similarly, the JRSO succeeds to the rights only of those persons who are persecutees under Section 32 of the Trading With the Enemy Act and who would, if alive, themselves be eligible for return. Corporations are specifically excluded from such eligibility. Despite this, the JRSO has on file numerous corporate claims containing possibly Jewish names, and these will also have to be withdrawn.

For various reasons, it is important that this work be done expeditiously. In the first place, we have been able to work out with the OAP a short-form "notice of claim", upon which all of the JRSO claims have been filed and which is a rather unusual document in OAP history. Despite some difficulties, we have had a considerable amount of cooperation in this regard and with regard to the special docketing of JRSO claims, etc., from the OAP. This cooperation, and particularly the cooperation extended with respect to the filing of claims merely on the basis of information and belief implies the obligation to withdraw those claims which are clearly not well founded. Moreover, the withdrawal of such claims will give the JRSO -- and the OAP -- a more clear idea of how many claims, and in what amount, are actually involved.

Secondly, the JRSO is faced with the alternatives of processing the individual claims or of attempting to obtain a bulk settlement. It needs little demonstration to show that processing of even 2,000 or 3,000 claims would be an interminable and most difficult job. Addresses would have to be obtained out of the records of the OAP, which in many cases does not have such addresses. Work would have to be done in Germany to try to establish the persecutee status of the person involved. Evidence would have to be presented to the OAP, and in many cases a hearing would have to be held. All of this would be done at a time when it is quite likely that the OAP will be burdened by a large number of claims for return filed by non-persecutee German nationals, if the Administration proposal for returns of up to \$10,000 is adopted.

It has therefore seemed imperative that the JRSO look toward a bulk settlement rather than the individual processing of these thousands of claims. The OAP, however, has taken and does take the position that a bulk settlement is impossible under present legislation. It therefore becomes imperative to obtain a modification of the present legislation. Any such modification, it is believed, should not merely authorize a bulk settlement, but should facilitate the making of such a settlement.

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With these ends in view, Mr. Loewenthal and the writer have had numerous conferences with the OAP. Procedures have now been worked out under which the following steps will be taken:

(a) The clearly untenable claims of the JRSO will be withdrawn.

(b) A list will be compiled of all remaining claims of the JRSO.

(c) A supplementary list will be prepared of JRSO claims in cases in which there is an adverse title claim.

(d) The OAP will furnish figures as to the total amounts involved in categories (b) and (c) above.

In addition, the OAP has reserved the question of whether we will be able to get figures on the amounts involved in individual claims from the Office of the Comptroller. (In many cases, this information is contained on the JRSO docket which is being made available to us and which will, of course, be incorporated into our records.)

When the above information has been obtained, we propose to check a representative sample of the claims where sufficient information is available to make checking possible. (It has also been requested that the OAP furnish us with information as to names, addresses, etc.; again, a considerable amount of such information is available from the JRSO docket which has been opened up to us.) From this examination, we should be able to estimate how many of our claims are actually for heirless property. Applying that percentage to the total figures which we will previously have received, we should be able to come to some kind of reasonable estimate of the amounts which are involved in the JRSO claims, and which should therefore be the target figure for a bulk settlement.

Much of the above work is already in progress. In addition, the writer has had conferences with Mr. Harlan Wood, Chief Counsel of the Senate Judiciary Subcommittee on the Trading With the Enemy Act, and with Mr. Smithy of the Senate Legislative Counsel's Office. An amendment to S. 2227, the Administration bill dealing with partial return of enemy private assets, has been prepared and has been discussed with these gentlemen. Its principle -- that is the principle of a bulk settlement of JRSO claims -- seems to have met with their approval. Moreover, the OAP has apparently slowly come to the conclusion that a bulk settlement of these claims would be desirable. It may be added that the State Department has indicated its concurrence with the principle of a bulk settlement and will probably be willing to press the OAP on this point.

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Assuming that the principle of a bulk settlement will be accepted and that it can be enacted at the next session of the Congress, in one form or another, the main question will be that of the amount of such a settlement. It is too early to tell what amount will be involved. Our efforts are presently directed towards establishing a sufficient body of data for estimates in support of a minimal bulk settlement figure, which we would like to introduce in the course of the efforts to obtain legislation authorizing a bulk settlement.

The further program therefore includes continued work on the processing of the claims, as above described, and continued work with respect to the legislative proposals and their acceptance both by the Administration and by the Congress. The problems dealt with up to now have been of great complexity and have taken an enormous amount of time. It is very likely that they will take even more time in the future, particularly if such matters as the von Clemm case should come to a head and if the proposals with respect to a bulk settlement should arrive at a point where intensive work will have to be done on both the estimates and the legislative aspects of the matter.

Seymour J. Rubin

September 1955

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INTERNATIONAL REFUGEE ORGANIZATION Preparatory Commission

Agreement Between the
UNITED STATES OF AMERICA
and OTHER POWERS

- Opened for signature at New York
December 15, 1946
- Signed for the United States of
America December 16, 1946
- Effective December 31, 1946

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AGREEMENT ON INTERIM MEASURES
TO BE TAKEN IN RESPECT OF REFUGEES
AND DISPLACED PERSONS



The Department of State publications entitled *Treaty Series* and *Executive Agreement Series* have been discontinued. The *Treaties and Other International Acts Series* has been inaugurated to make available in a single series the texts of treaties and other instruments (such as constitutions and charters of international organizations, declarations, agreements effected by exchanges of diplomatic notes, et cetera) establishing or defining relations between the United States of America and other countries. The texts printed in the present series, as in the *Treaty Series* and *Executive Agreement Series*, are authentic and, in appropriate cases, are certified as such by the Department of State. The *Treaties and Other International Acts Series* begins with the number 1501, the combined numbers in the *Treaty Series* and *Executive Agreement Series* having reached 1500, the last number in the *Treaty Series* being 994 and the last number in the *Executive Agreement Series* being 506.

DEPARTMENT OF STATE

PUBLICATION 2804

For sale by the Superintendent of Documents, U.S.
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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1947

UNITED NATIONS
Lake Success, New York
1946

AGREEMENT ON INTERIM MEASURES TO BE TAKEN IN RESPECT OF REFUGEES AND DISPLACED PERSONS

THE GOVERNMENTS which have signed the Constitution of the International Refugee Organization,

having determined that they will take all measures possible to accomplish expeditiously the entry into effective operation of that Organization, and to provide for an orderly transfer to it of the functions and assets of existing organizations;

having decided that, pending the entry into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties;

AGREE to the following measures:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each Government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director-General of UNRRA and the Director of the International Labour Organization, or their representatives, shall be invited to sit with the Commission in a consultative capacity.

2. The Commission shall:

(a) take all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;

(b) arrange for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;

(c) prepare the provisional agenda for this first session as well as documents and recommendations relating thereto;

(d) suggest plans, in consultation with existing organizations and the control authori-

ties, for the programme for the first year of the Organization;

(e) prepare draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.

3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.

4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.

5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.

6. The expenses of the Commission may be met by advances from such Governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 of this Agreement.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director-General of the Organization, at which time its property, assets and records shall be transferred to the Organization.

9. This Agreement shall come into force as soon as it has been signed by the representatives of eight Governments signatories to the Constitution of the International Refugee Organization and shall remain open for signature by Members of the United Nations which sign the Constitution of the International Refugee Organization until the Commission is dissolved in accordance with paragraph 8 of this Agreement.

IN FAITH WHEREOF, the undersigned representatives, having been duly authorized for purpose, sign this Agreement in the Chinese, English, French, Russian and Spanish languages, all five texts being equally authentic.

DONE at Flushing Meadow, New York, fifteenth day of December, one thousand hundred and forty-six.

FOR TURKEY:

POUR LA TURQUIE:

土耳其：

За Турцию:

POR TURQUÍA:

FOR THE UKRAINIAN SOVIET SOCIALIST REPUBLIC:

POUR LA RÉPUBLIQUE SOCIALISTE Soviétique D'UKRAINE:

烏克蘭蘇維埃社會主義共和國：

За Украинскую Советскую Социалистическую Республику:

POR LA REPÚBLICA SOCIALISTA Soviética UCRANIANA:

FOR THE UNION OF SOUTH AFRICA:

POUR L'UNION SUD-AFRICAINE:

南非聯邦：

За Южноафриканский Союз:

POR LA UNIÓN SUDAFRICANA:

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

POUR L'UNION DES RÉPUBLIQUES SOCIALISTES Soviétiques:

蘇維埃社會主義共和國聯邦：

За Союз Советских Социалистических Республик:

POR LA UNIÓN DE REPÚBLICAS SOCIALISTAS Soviéticas:

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FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD;

大不列顛及北愛爾蘭聯合王國：

За Соединенное Королевство Великобритании и Северной Ирландии:

POR EL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE:

FOR THE UNITED STATES OF AMERICA:

POUR LES ÉTATS-UNIS D'AMÉRIQUE:

美利堅合衆國：

За Соединенные Штаты Америки:

POR LOS ESTADOS UNIDOS DE AMÉRICA:

Warren R. AUSTIN
December 16, 1946

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Certified true copy.
Copie certifiée conforme.
For the Secretary-General:
Pour le Secrétaire général:

Auxiliary Secretary-General in charge of the Legal Department.
Secrétaire Général adjoint chargé du Département juridique.

'Dr Ivan Kerno

Ivan Kerno^[1]

Paris, Conference on Reparation, 1945.

"U.S. Dept. of State.

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REPARATION

Non-Repatriable Victims of German Action

A G R E E M E N T
ON A PLAN FOR ALLOCATION OF A REPARA-
TION SHARE TO NON-REPATRIABLE VICTIMS
OF GERMAN ACTION

32841
Agreement Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS

- Signed at Paris June 14, 1946
- Effective June 14, 1946



328450

AGREEMENT ON A PLAN FOR ALLOCATION OF A REPARATION SHARE TO NON-REPATRIABLE VICTIMS OF GERMAN ACTION.

In accordance with the provisions of Article 8 of the Final Act of the Paris Conference on Reparation, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, have worked out, in common agreement, the following plan to aid in the rehabilitation and resettlement of nonrepatriable victims of German action. In working out this plan the signatory Powers have been guided by the intent of Article 8, and the procedures outlined below are based on its terms:

In recognition of special and urgent circumstances, the sum of \$25,000,000, having been made available by Allied governments as a priority on the proceeds of the liquidation of German assets in neutral countries, is hereby placed at the disposal of the Inter-Governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations as soon as they have submitted practicable programs in accordance with this Agreement.

A. It is the unanimous and considered opinion of the Five Powers that in light of Paragraph H of Article 8 of the Paris Agreement on Reparation, the assets becoming available should be used not for the compensation of individual victims but for the rehabilitation and resettlement of persons in eligible classes, and that expenditures on rehabilitation shall be considered as essential preparatory outlays to resettlement. Since all available statistics indicate beyond any reasonable doubt that the overwhelming majority of eligible persons under the provisions of Article 8 are Jewish, all assets except as specified in Paragraph B below are allocated for the rehabilitation and resettlement of eligible Jewish victims of Nazi action, among whom children should receive preferential assistance. Eligible Jewish victims of Nazi action are either refugees from Germany or Austria who do not desire to return to these countries, or German and Austrian Jews now resident in Germany or Austria who desire to emigrate, or Jews who were nationals or former nationals of previously occupied countries and who were victims of Nazi concentration camps or concentration camps established by regimes under Nazi influence.

B. The sum of \$2,500,000, amounting to ten percent, arising out of the \$25,000,000 priority on the proceeds of German assets in neutral countries, ten percent of the proceeds of the "non-monetary gold",

and five percent of the "heirless funds" shall be administered by the Inter-Governmental Committee on Refugees or its successor organization through appropriate public and private organizations for the rehabilitation and resettlement of the relatively small numbers of non-Jewish victims of Nazi action who are in need of resettlement. Eligible non-Jewish victims of Nazi action are refugees from Germany and Austria who can demonstrate that they were persecuted by the Nazis for religious, political, or racial reasons and who do not desire to return, or German and Austrian nationals, similarly persecuted, who desire to emigrate.

C. The Director of the Inter-Governmental Committee on Refugees or the Director General of the successor organization shall under the mandate of this Agreement make funds available for programs submitted by the appropriate field organizations referred to in Paragraphs A and B above as soon as he has satisfied himself that the programs are consistent with the foregoing. Only in exceptional circumstances may the cost of resettlement programs exceed a maximum of \$1,000 per adult and \$2,500 per child under twelve years of age. The action of the Inter-Governmental Committee on Refugees or its successor organization shall be guided by the intent of Article 8 and by this Agreement which is to place into operation as quickly as possible practicable programs of rehabilitation and resettlement submitted by the appropriate field organizations.

D. In addition to the \$25,000,000 sum the Inter-Governmental Committee on Refugees or its successor organization is hereby authorized to take title from the appropriate authorities to all "non-monetary gold" found by the Allies in Germany and to take such steps as may be needed to liquidate these assets as promptly as possible, due consideration being given to secure the highest possible realizable value. As these assets are liquidated, the funds shall be distributed in accordance with Paragraphs A and B above.

E. Furthermore, pursuant to Paragraphs C and E of Article 8, in the interest of justice, the French Government on behalf of the Five Governments concluding this Agreement, are making representations to the neutral Powers to make available all assets of victims of Nazi action who died without heirs. The Governments of the United States of America, the United Kingdom, Czechoslovakia, and Yugoslavia are associating themselves with the French Government in making such representations to the neutral Powers. The conclusion that ninety-five percent of the "heirless funds" thus made available should be allocated for the rehabilitation and resettlement of Jewish victims takes cognizance of the fact that these funds are overwhelmingly Jewish in origin, and the five percent made available for non-Jewish victims is based upon a liberal presumption of "heirless" funds" non Jewish in origin. The "heirless funds" to be used for the rehabilitation and resettlement of Jewish victims of Nazi action

should be made available to appropriate field organizations. The "heirless funds" to be used for the rehabilitation and resettlement of non-Jewish victims of Nazi action should be made available to the Inter-Governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations. In making these joint representations, the signatories are requesting the neutral countries to take all necessary action to facilitate the identification, collection, and distribution of these assets which have arisen out of a unique condition in international law and morality. If further representations are indicated the governments of the United States of America, France, and the United Kingdom will pursue the matter on behalf of the Signatory Powers.

F. To insure that all funds made available shall inure to the greatest possible benefit of the victims whom it is desired to assist, all funds shall be retained in the currency from which they arise and shall be transferred therefrom only upon the instructions of the organization to which the Inter-Governmental Committee on Refugees or its successor organization has allocated the funds for expenditure.

G. The Director of the Inter-Governmental Committee on Refugees shall carry out his responsibilities to the Five Governments in respect of this Agreement in accordance with the terms of the Letter of Instruction which is being transmitted to him by the French Government on behalf of the Governments concluding this Agreement.

IN WITNESS WHEREOF the undersigned have signed the present Agreement.

Done in Paris on the 14th of June, 1946, in the English and French Languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, certified copies thereof being furnished by that Government to the signatories of this present Agreement.

Delegate of the United States
of America,
ELI GINZBERG.

Delegate of Czechoslovakia,
J. V. KLVANA.

Delegate of France,
PHILIPPE PERIER

Delegate of Yugoslavia,
M. D. JAKSIC.

Delegate of the United Kingdom of
Great Britain & Northern Ireland,
DOUGLAS MACKILLOP.

POUR COPIE CERTIFIÉE CONFORME:
Le Ministre Plénipotentiaire
Chef du Service du Protocole.
JACQUES DUMAINE.

ANNEX TO THE AGREEMENT ON A PLAN FOR ALLOCATION OF A REPARATION SHARE TO NON-REPATRIABLE VICTIMS OF GERMAN ACTION

DECLARATION BY THE CZECHOSLOVAK AND YUGOSLAV DELEGATES

In accepting the phrasing of Paragraph E of the Agreement, the Czechoslovak and Yugoslav Delegates have declared that the Republic of Czechoslovakia and the Republic of Yugoslavia have not by so accepting, given up their claim to the forthcoming inheritances mentioned therein which, according to the provisions of international law, belong to their respective States.

PARIS, 14th June, 1946.

The Czechoslovak Delegate:
J. V. KLVANA

The Yugoslav Delegate:
M. D. JAKSIC

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United States Treaties and Other International Agreements

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ITALY

USE OF FUNDS FROM SALE OF CONFISCATED PROPERTY

TIAS 2476
May 16, 1951

Agreement effected by exchange of notes signed at Rome May 16, 1951; entered into force May 16, 1951.

The American Ambassador to the Italian Minister of Foreign Affairs

F.O. NO. 7341

MAY 16, 1951

EXCELLENCY:

I have the honor to inform you that there is in deposit with the Banca d'Italia in Rome for the joint account of the Embassy of the United States of America and the British Embassy a quantity of jewelry, silverware and other articles of value as well as Allied, neutral and enemy currencies and securities which were taken in Italy from the German Forces by the Allied Forces and which are presumed to have been looted by the German Forces.

The Italian Government has been kept informed of the arrangements being made jointly by the Government of the United States and the Government of the United Kingdom for the disposal of these items, including the arrangements under which the International Refugee Organization has agreed to receive a considerable part of these items and to sell for hard currency the jewelry and other articles so received.

The Government of the United States and the Government of the United Kingdom propose to allocate to the Italian Government fifty per cent of the proceeds of the sale of these items which are to be handed over to, and sold by, the International Refugee Organization in accordance with the arrangements referred to in the preceding paragraph of this Note. This proposal is, however, subject to two conditions which the two Governments believe will be acceptable to the Italian Government:

- (a) that the Italian Government will use the funds so received (except as provided in sub-paragraph (b) below) for the assistance of war orphans and mutilated children or other similar purposes;
- (b) that the Italian Government will set aside ten per cent of the funds so received for the purpose of satisfying any claims by Italian nationals, or persons now resident in Italy, who can prove that their property was included in the property liquidated by the International Refugee Organization, it being understood that any balance of the amount so set aside against

Satisfaction of
claims.

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which there are no claims pending may be used by the Italian Government on or after the 1st October, 1951 for the purposes mentioned in sub-paragraph (a) of this paragraph.

A Note in similar terms is being addressed to Your Excellency by His Excellency the Ambassador of the United Kingdom, [1] and I suggest that his communication and the present communication, together with your replies thereto, confirming that the conditions set forth in the third paragraph of this Note are acceptable to the Italian Government, shall be regarded as constituting an agreement on this matter between the United States Government and the Government of the United Kingdom on the one hand and the Italian Government on the other.

Please accept, Excellency, the renewed assurances of my highest consideration.

JAMES CLEMENT DUNN

*Ambassador of the
United States of America*

His Excellency

Count CARLO SFORZA,

*Minister of Foreign Affairs of the
Republic of Italy.*

The Italian Minister of Foreign Affairs to the American Ambassador

IL MINISTRO DEGLI AFFARI ESTERI
007109/341

ROMA, li 16 mag. 1951

SIGNOR AMBASCIATORE,

ho l'onore di accusare ricevuta della lettera di Vostra Eccellenza n. 7341 del 16 maggio 1951 relativa al deposito, congiuntamente fatto presso la Banca d'Italia in Roma, dall'Ambasciata degli Stati Uniti d'America e dall'Ambasciata di S.M. Britannica, di un certo quantitativo di gioielli, argenteria ed altri oggetti di valore, nonché di valute e titoli alleati, neutrali e nemici, presi in Italia alle Forze tedesche dalle Forze alleate; il tutto presumibilmente bottino effettuato dalle Forze tedesche.

Il Governo italiano è stato informato delle disposizioni adottate congiuntamente dai Governi degli Stati Uniti d'America e di Gran Bretagna circa l'impiego di tali beni, comprese le disposizioni secondo le quali l'I.R.O. ha accettato di ricevere una considerevole parte dei beni medesimi e di vendere contro valuta pregiata i gioielli e gli altri oggetti così ricevuti.

¹ Exchange of notes dated May 16, 1951, between the United Kingdom and Italy; not printed.

I Governi degli Stati Uniti d'America e di S.M. Britannica si propongono di attribuire al Governo italiano il cinquanta per cento del ricavato della vendita di tali oggetti, che l'IRO ritirerà e venderà conformemente alle intese di cui al paragrafo precedente della presente lettera. Questa proposta, tuttavia, è subordinata a due condizioni:

a) che il Governo italiano userà i fondi così ricevuti, salve le disposizioni del seguente comma b), per l'assistenza dei bambini orfani e mutilati di guerra, o per analoghi scopi;

b) che il Governo italiano accantonerà il dieci per cento dei fondi così ricevuti per soddisfare i reclami dei cittadini italiani, o delle persone attualmente residenti in Italia, che possano comprovare che la loro proprietà era compresa nella proprietà liquidata dall'IRO; con l'intesa che, della somma così accantonata, ogni rimanenza non impegnata per reclami precedenti, potrà essere usata dal Governo italiano a partire dal 1º ottobre 1951 per gli scopi di cui al comma a) del presente paragrafo.

Ho l'onore di informare Vostra Eccellenza che il Governo italiano accetta le due condizioni sopra esposte.

Lettera in termini identici alla presente trasmetto in data odierna a S.E. l'Ambasciatore di S.M. Britannica, in risposta ad una sua lettera in data 16 maggio 1951 stesa in termini identici a quella di V.E. cui qui rispondo.

Concordo con V.E. nel considerare le lettere così scambiate come costituenti un accordo su questa materia fra i Governi degli Stati Uniti d'America e di S.M. Britannica da una parte, ed il Governo italiano dall'altra.

Voglia gradire, Signor Ambasciatore, la rinnovata espressione della più alta considerazione.

Il Ministro
SFORZA

Sua Eccellenza

Sig. JAMES CLEMENT DUNN
Ambasciatore degli Stati Uniti
d'America
Roma

Translation

THE MINISTER OF FOREIGN AFFAIRS
40/07108/341

ROME, May 16, 1951

MR. AMBASSADOR,

I have the honor to acknowledge the receipt of Your Excellency's note No. 7341 of May 16, 1951, relating to the deposit with the Banca

[3 UST] Italy—Funds From Sale of Property—May 16, 1951

d'Italia in Rome, effettuato jointly by the Embassy of the United States of America and the Embassy of His Britannic Majesty, of a certain quantity of jewels, silverware, and other articles of value, as well as Allied, neutral, and enemy currencies and securities, taken in Italy from the German Forces by the Allied Forces, and all presumably looted by the German Forces.

The Italian Government has been informed of the provisions adopted jointly by the Government of the United States of America and the Government of Great Britain for the disposal of this property, including the arrangements under which the IRO has agreed to receive a considerable part of this property and to sell for hard currency the jewels and other articles so received.

The Government of the United States of America and the Government of His Britannic Majesty propose to allocate to the Italian Government fifty percent of the proceeds of the sale of these articles, which the IRO will withdraw and sell in accordance with the understandings referred to in the preceding paragraph of this note. This proposal is, however, subject to two conditions:

(a) That the Italian Government will use the funds so received, except as provided in sub-paragraph (b) below, for the assistance of children orphaned and mutilated by war or for similar purposes.

(b) That the Italian Government will set aside ten percent of the funds so received for the purpose of satisfying the claims of Italian citizens, or persons now resident in Italy, who can prove that their property was included in the property liquidated by the IRO, it being understood that any balance of the amount so set aside against which there are no claims pending may be used by the Italian Government from October 1, 1951, for the purposes mentioned in subparagraph (a) of this paragraph.

I have the honor to inform Your Excellency that the Italian Government accepts the two conditions set forth above.

I am today transmitting a note in identical terms to His Excellency the Ambassador of His Britannic Majesty in reply to his note dated May 16, 1951, couched in terms identical with those of Your Excellency's note, to which I reply herein.

I agree with Your Excellency that the notes thus exchanged shall be considered as constituting an agreement on this matter between the Government of the United States of America and the Government of His Britannic Majesty, on the one hand, and the Italian Government, on the other hand.

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

SFORZA
Minister

His Excellency

JAMES CLEMENT DUNN,
Ambassador of the
United States of America,
Rome.

328456

RIES AND OTHER INTERNATIONAL ACTS SERIES 3080

PARATIONS

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from German Forces

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RARE BK. GALL

Agreement between the ADMINISTRATOR OF THE
PARIS REPARATION REFUGEE FUND and the
UNITED STATES OF AMERICA, the
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND, and ITALY

- Accepted July 23, 1954
- Entered into force July 23, 1954

and

Agreement between the
UNITED STATES OF AMERICA and
the INTERNATIONAL REFUGEE ORGANIZATION

- Effectuated by Exchange of Notes
Signed at Washington November 15
and 16, 1950
- Entered into force November 16, 1950

UNITED STATES OFFICE
ADMINISTRATOR, PARIS REPARATION REFUGEE FUND
1832 JEFFERSON PLACE, N. W.
WASHINGTON 6, D. C.

DONALD KINGSLEY,
ADMINISTRATOR

CABLE, INREPTRUST, WASHINGTON, D. C.
TELEPHONE: STERLING 3-5906

APRIL 27, 1954

DEAR MRS. LUCE:

Reference is made to the following copies of documents attached
hereto, all relating to the so-called "Rome Treasure".

1. Letter from the Department of State, Washington, dated November 15, 1950 to Mr. J. Donald Kingsley, setting forth the basis upon which the "Rome Treasure" was transferred for liquidation.
2. Similar letter from the British Embassy, Washington, of same date.^[1]
3. Letter from Mr. J. Donald Kingsley to Mr. George W. Perkins, Assistant Secretary of State, Department of State, Washington, dated November 16, 1950.
4. Similar letter from Mr. J. Donald Kingsley to H. E. The British Ambassador, Washington, dated November 17, 1950.^[1]
5. Copy of "Inventory of Confiscated Property, Rome, Italy, Consisting of Jewelry & Valuables Recovered in Italy by the Allied Forces From the German Forces During World War II".^[1]

Since the International Refugee Organization and the Italian Government have completed their respective investigations of items included in the "Rome Treasure" which were considered possibly identifiable and therefore restitutable, it has been deemed expedient to request that the Italian Government proceed with the restitution of those items which have been determined to be restitutable and to liquidate the remaining items which are not restitutable.

It is proposed, therefore, that the Italian Government proceed with the restitution and liquidation on the following understanding:

- A. That, in order that the final audit of the liquidation of the "Rome Treasure" will contain all of the pertinent facts, the Italian Government, upon restitution of the restitutable items and liquidation of the non-restitutable items, will furnish the undersigned or his duly accredited representatives with full particulars:

^[1] Not printed.



(1) regarding restitutable items, the names and addresses of persons to whom property is restituted, the date of such restitution and appropriate identifying reference to the items as listed on "Inventory of Confiscated Property, Rome, Italy, Consisting Jewelry & Valuables Recovered in Italy by the Allied Forces From the German Forces During World War II".

(2) regarding non-restitutable items, the net proceeds received for each item and appropriate identifying reference to the items as listed on the "Inventory of Confiscated Property, Rome, Italy, Consisting of Jewelry & Valuables Recovered in Italy by the Allied Forces From the German Forces During World War II".

B. That, upon liquidation of the property and receipt of the proceeds by the Italian Government, one-half of the net proceeds will be made available to the undersigned and placed in deposit in such accounts as may be designated by the undersigned, in order that he may fulfill his obligations to distribute such funds in accordance with the agreement reached with the Governments of the United States and the United Kingdom as set forth in the above-referred-to letters of November 15, 1950.

After acceptance by the Governments of the U.S. and U.K. of the procedure outlined herein, the undersigned authorizes the Government of the United States, through its Embassy in Rome, to make available to the appropriate Italian authorities the keys to the vault in the Banco d'Italia Rome in which the property in question is located, simultaneously with the acceptance of the terms of this letter by the appropriate Italian authorities.

In order to expedite the suggested procedure, it is respectfully requested that the United States Embassy in Rome obtain the acceptance of the Governments of the U.K. and the Republic of Italy. There are attached hereto several copies of this communication. I will be grateful to have returned to me one copy on which the Governments of the U.K. and the Republic of Italy will have signified their acceptance.

Please be assured of my appreciation for your cooperation in this matter.

Sincerely yours,

J. DONALD KINGSLEY

J. Donald Kingsley, Administrator

The Honorable

CLARE BOOTH LUCE

American Ambassador
U.S. Embassy
Rome, Italy

Accepted by the three signatories below on the understanding, as stated by the International Refugee Organization through the Department of State telegram to the American Embassy in Rome dated May 26, 1954, that this letter-agreement covers only those items now remaining in the vault of the Bank of Italy, and that an inventory of the contents of the vault is to be made by the representatives of these three signatories within the next few days and attached to the letter agreement.

ACCEPTED:

For the Government of the United States:

By ELBRIDGE DURBROW

Date July 23, 1954

For the Government of Great Britain

and Northern Ireland:

By E. J. JOINT.

Date July 23, 1954

For the Government of the Republic of Italy:

By A. PAVERI FONTANA

Date July 23, 1954

328457

The Assistant Secretary of State for European Affairs to the Director General, International Refugee Organization

DEPARTMENT OF STATE
WASHINGTON
November 15, 1950

SIR:

Reference is made to conversations which have taken place in Washington between representatives of the International Refugee Organization and representatives of the Department of State and of the British Embassy concerning certain jewelry and other articles of value presently located in Rome representing property taken by German units, most of which was presumably seized or obtained under duress from victims of Nazi action.

It was agreed that the property in question, including jewelry, currencies, and all coins and ingots, is to be delivered to the International Refugee Organization, with the exception of the following:

1. Any item the owner of which may possibly be identified. Items coming within this category are appropriately marked in the inventory prepared in Rome and dated April 24, 1950. Such items are to be held in Rome and the International Refugee Organization will seek to identify the owners, their heirs or other legal successors in interest. Those items for which identification is not made will be delivered to the International Refugee Organization for liquidation in accordance with the terms herein stated.
2. Currencies issued by any of the countries members of IARA.^[1]
3. Currencies issued by Germany.
4. Securities.
5. Checks.
6. Valuables taken from the Embassies of Japan and Thailand.

The International Refugee Organization will liquidate the jewelry and other property as promptly as possible for hard currency. The net proceeds of such liquidation are to be divided equally between the International Refugee Organization and the Italian Government.

¹ Inter-Allied Reparations Agency.

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With respect to the currencies, coins and ingots, the International Refugee Organization may divide each item equally between itself and the Italian Government.

The International Refugee Organization is to use one-half of its share of the proceeds for the rehabilitation and resettlement of Jewish victims of Nazi persecution and one-half for non-Jewish victims of Nazi persecution. With respect to non-Jewish victims, the nationality restrictions of the Five Power Agreement of June 14, 1946 [1] will not be applicable.

It is understood that the Italian Government will satisfy from its 50 percent share any claims by Italians or persons now resident in Italy who can prove that their property was included in the property liquidated by the International Refugee Organization, and in aid of this the Italian Government will set aside 10 percent of its share of the proceeds. It is understood further that the International Refugee Organization will satisfy from its 50 percent share any claim by any other person who can prove that his property was included in the property liquidated by the International Refugee Organization, and in aid of this the International Refugee Organization will set aside 10 percent of its share of the proceeds. These 10 percent reserve funds, or any balance thereof against which there are no outstanding claims, may be freely used by the Italian Government and the International Refugee Organization for the purposes indicated above on or after October 1, 1951.

Distribution of the share of the Italian Government will not be made to the Italian Government by the International Refugee Organization until it receives further instructions.

Your formal acceptance of these provisions is requested.

For the Government of the United States:

By GEORGE W. PERKINS
Assistant Secretary for European Affairs.

J. DONALD KINGSLEY,
Director General,
International Refugee
Organization.

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PAPER

The Director General, International Refugee Organization
Assistant Secretary of State for European Affairs

CABLE: INOREFUG-WASHINGTON

TELEPHONE: MICHIGAN 7-1151

UNITED STATES OFFICE
INTERNATIONAL REFUGEE ORGANIZATION
(GENEVA, SWITZERLAND)

SUITE 819
1846 CONNECTICUT AV
WASHINGTON 4, D. C.

NOVEMBER 16, 1950

Mr. GEORGE W. PERKINS
Assistant Secretary for European Affairs
Department of State
Washington, D. C.

DEAR MR. PERKINS:

I acknowledge with thanks your letter of November 15, 1950, relating to the proposed transfer to the International Refugee Organization of certain jewelry and other articles of value presently located in Rome representing property taken from German units, most of which was presumably seized or obtained under duress from victims of Nazi action.

The terms and conditions under which this property will be transferred to the International Refugee Organization have been carefully noted.

I should like to take this occasion to advise you of my formal acceptance of the provisions of your letter of November 15, 1950.

Arrangements are being made to have designated representatives of the International Refugee Organization, Mr. David L. Rolbein and Mr. Abba P. Schwartz, accept delivery of the property in Rome soon after December 1, 1950.

Sincerely yours,

J. DONALD KINGSLEY

J. Donald Kingsley
Director General

328459

Harry S. Truman, 1947

Feb. 25

only by appropriations by the constitutional processes of its members. It will be solely a service organization to aid in the solution of a common problem. I am confident that with the full support of the United States, the International Refugee Organization will demonstrate the practical effectiveness of co-operation and understanding among nations. The participation of this Nation in the Organization was proposed in my Budget Message for the fiscal year 1948, and provision was made for the necessary funds within the proposed budget.

With respect to those displaced persons in our own areas of occupation, the United States Army has an excellent record of performance in a field which is not traditionally the responsibility of soldiers. The Army from the first recognized the need for making the maximum use of international civilian agencies, and has done so. With the forthcoming termination of the supply of civilian personnel from other organizations

now used in the care and supply of displaced persons, I believe that it is of the utmost importance that the International Refugee Organization be established as soon as possible. It would indeed be serious if it were not in a position to begin operations on July 1, of this year.

It is not unreasonable that many of the other potential members of the International Refugee Organization should watch closely the attitude of the United States before making their own definite commitments. I feel sure that with the firm and prompt leadership of the United States, this organization will be in a position to function as an international body to perform an essentially international service.

HARRY S. TRUMAN

NOTE: On July 1 the President approved a joint resolution (61 Stat. 214) providing for membership and participation by the United States in the International Refugee Organization.