

Heinrich Prop...

PHOTOCOPY  
PRESERVATION

MAY 25 1960

May 24, 1960

(S)

cc: Mr. Regen

013/12833

...time ago we discussed in the  
...Dutch securities held in

...t when I was in Holland last  
...y the Dutch Finance Ministry  
...ached). Why they waited over

...hat the status of these  
...possible to obtain their  
...in the letter.

...securities are regarded as  
...JRSO bill.

...indest regards,

H. ROBINSON

specified by section 300 of the Abandoned Property Law. In an opinion decided by me on July 3, 1944, I advised you that United States bonds, issued in the names of individuals who had made periodic deposits to be used for the purchase of such bonds should not be deemed abandoned property, under the same section of the statute. The only difference between that case and the present one is that here the securities themselves were deposited...while in that case the deposits were of money and not of the securities in question. The statute contemplates that abandoned property may include things other than money (section 303 (3-C) I; and section 1403). On the other hand, the rationals of my 1944 opinion was that the words 'amounts due on deposits' were not apt to describe securities. If this ruling is to be changed, it should be for the legislature to adopt language more clearly signifying the intention to require that securities as well as cash be turned over to the Controller.

'It is my opinion therefore that the securities held for the benefit of the customer should not be deemed abandoned property. Any proceeds of such securities negotiated by the bank, however, will be included within abandoned property....' (142).'

"See also 1947 Op. Att. Gen. 119 in which it was stated:

'The statute under consideration refers only to any "amount" representing a benefit received by a banking organization or its nominee. There is no mention of securities which might also be received by banking organizations. The use of the word "amount" without further elaboration would not ordinarily describe securities, and under these circumstances, if the legislature desires that securities as well as cash be turned over to the Controller under the statute, language more clearly signifying such intention should be adopted. The foregoing conclusion is in accordance with prior opinions rendered by me to the effect that bonds and other securities deposited with and held by banking organizations should not be considered as "amounts due on deposits" within the purview of section 300....1944 Op. Att. Gen. 40; 1944 Op. Att. Gen. 176; 1944 Op. Att. Gen. 178.' (p. 120, Emphasis added).

"It may be concluded therefore that any securities belonging to enemy aliens, or in fact belonging to any person, held by New York banks would not be subject to the Abandoned Property Law, irrespective of the existence of any Federal Freezing orders.

"If, however, the bank in question sold these securities and retained instead the proceeds of such sale, such proceeds would be subject to the Abandoned Property Law even if they belonged to enemy aliens and came within blocking regulations. See 1945 Op. Att. Gen. 11 in which it was held that:

'Deposits held by banking organizations to the credit of enemy aliens or persons residing within the blocking regulation of the Federal Government which have been unclaimed for 15 years are to be deemed abandoned property under the provisions of sections 300 and 303 of the Abandoned Property Law. It is my opinion that

013/11833

Heirless Prop.

MAY 25 1960

May 24, 1960

Mr. S.J. Rubin  
1832 Jefferson Place, N.W.  
Washington 6, DC

cc: Mr. Regan

Dear Sy:

You will recall that quite some time ago we discussed in the State Department the problem of heirless Dutch securities held in the U.S.A.

Mr. Spier talked to me about it when I was in Holland last time. He mailed me copy of a letter by the Dutch Finance Ministry and a list of the securities (both attached). Why they waited over two years, is not known to me.

I assume you could find out what the status of these securities is and whether it would be possible to obtain their release on the conditions stipulated in the letter.

I am not clear whether these securities are regarded as German assets and may come under the JRSD bill.

Kindest regards,

N. ROBINSON

NR:IA  
encs.

336643

TRANSLATION

The Hague, 26th April, 1958.

Ministry of Finances

Mr. A. J. A. Looijen

A-8-10055

Re: Heirless assets.

MAY 25 1958

E. Spier, Esq.,  
Notary Public,  
Westeinde 24,  
A m s t e r d a m

Dear Mr. Spier.

During our conversation of March 13, 1958, I have promised you to give you some details concerning the above named question. As the collecting of information regarding the assets in question caused some trouble, it took longer than I expected at that time. However, now you will receive enclosed a list in duplicate of the assets in the United States, which are known at present and which belong to estates fell open in the Netherlands for which no heirs could be found.

During our conversation we agreed that you would approach in this matter the Jewish organization\* in the United States, in order to investigate whether there would be a possibility that from Dutch side towards the American Government these assets would be given up and that in consequence of it they would be allotted to a Jewish organization in the United States, which would transfer these assets again to the Jewish Social Work Foundation. This last one should naturally give a guarantee that if heirs would come up still, the assets belonging to these heirs would be transferred to them.

I am looking forward with interest to the result of the approach with the organization in question.

Very truly yours,

(s) A.J.A. Looijen

\* in question

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TRANSLATION

MAY 25 1960

List of heirless assets

<u>Name of former owner</u>	<u>Vested assets</u>
P. de Jong Elsbach	\$ 1000. - Cuba Railroad 5% 1952
Julius Gottheim	\$ 1000. - Denver and Rio Grande Western Railroad 5% 1955
Unknown Jewish owners	\$ 1000. - Cities Service Company 5% 1958 \$ 1000. - Southern Pacific 4% 1949
A. Bühler	ca \$ 3000. - Balance with Guaranty Trust Comp.
B. Kellner Naumann	ca \$ 10,000. - Balance with Guaranty Trust Comp. \$ 1000. - 4% Baltimore & Ohio
Rachel de Leeuw	\$ 1868. - Balance with American Express Comp.
Ernst Seelman/Hanna Löwenstein	\$ 4800. - Balance with Chase National Bank
Emma Zoadany-Mayer	\$ 1000 - Balance with Bankers Trust Comp.
Hugo Salvendi	\$ 1559.71 with Commercial National Bank and Trust Comp.
O. M. Rosen-Krauskopf	\$ 3239.68 with Guaranty Trust Comp. \$ 1000 - 3% Uruguay, id. \$ 1000 - 3% Southern Railway, id.
Israël Glowinsky	\$ 5000. - 5% Chicago Milwaukee

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For discussion with Pub. in Europe  
~~\_\_\_\_\_~~

If Germany involved - check rel. to power demands & also about EK. what is involved? - Israel presents issue - Assets etc.  
AUG 12 1958

August 11, 1958

Mr. Eran Laor  
Agency Juive pour la Palestine  
10 Rue St. Leger  
Geneve / Switzerland

Re: Heirless Assets in Switzerland

Dear Eric:

After some delay, I am now writing about the above subject. One reason for the delay was a plethora of other matters, including some family ones, that occupied me after my return. Another, and more relevant one, was the fact that there has been pending in the present Congress legislation which would have enabled the Office of Alien Property here to make a bulk settlement of the Jewish Restitution Successor Organization claims to heirless property in the United States. As you know, under an amendment to the Trading with the Enemy Act passed some years ago, the JRSO (having been designated by the President as the successor organization to Jewish heirless property in the United States) was authorized to file claims for such property which had been vested by the Alien Property Custodian. This was done, and thousands of claims were pending. We have had great difficulty in approaching the problem of proof, and the proposed legislation was designed to cut across this problem, and to take a reasonable estimate of the value of such property, and make that amount available to the JRSO (and, to the extent of 10%, to non-Jewish organizations). The bill was favorably reported by a subcommittee, but has just been rejected by the full House Committee on Interstate and Foreign Commerce, by a narrow vote. Thus, a favorable development which I had anticipated as a basis for approaches in Switzerland has been turned into an unfavorable one.

These developments of last week have both delayed and

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Mr. E. Laor

August 11, 1958

somewhat discouraged me. I nevertheless think that it would be desirable to approach the Swiss Government, with the view of bringing this matter to a head, and not having it drift off into oblivion. Under the circumstances, and despite the possibility that we may be able to get some change next year, in the Congress which will meet in January of 1959, I believe steps should be taken in the not too distant future - that is, sometime this fall.

Let me proceed with a brief analysis and suggested program.

1) The heirless asset problem, so far as Switzerland is concerned, must start with the Paris Reparation Agreement of 1946, which provided, Part I, Art 8(C), that: "Governments of neutral countries shall be requested to make available for this purpose (rehabilitation and resettlement of non-repatriable victims of German action)... assets in such countries of victims of Nazi action who have since died and left no heirs." The matter was raised with the Swiss during the so-called Washington Accord negotiations in 1946. No commitment was obtained from the Swiss. A letter was however addressed to the Allies by the Chief of the Swiss Delegation (Dr. Walter Stucki) stating that "my Government will examine sympathetically the question of seeking means whereby they might put at the disposal of the three Allied Governments, (the United States, United Kingdom and France) for the purposes of relief and rehabilitation, the proceeds of property found in Switzerland which belonged to victims of recent acts of violence of the late Government of Germany, who have died without heirs."

Negotiations with Switzerland, formal and informal, have been carried on intermittently since then. In early July, 1949, no action having been taken by the Swiss, representatives of interested Jewish organizations met with a Swiss governmental group, headed by the then Minister of Justice. Among the questions then raised and discussed were the problems presented in identifying heirless property, in view of the Swiss banking secrecy laws, and the question whether Switzerland, as the country in which the assets were located, or the country of the victim's citizenship, had the right to dispose of such property.

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August 11, 1958

About the same time, it was ascertained that a Polish-Swiss trace and compensation agreement contained provisions, which were not published, to the effect that unclaimed property in Switzerland of Polish origin - of which a large part would have had to be presumed to be Polish-Jewish property, belonging to some of the pre-war three million Jews in Poland - was to be consolidated and, if it remained unclaimed for a five year period, would be credited to the Polish clearing under the agreement. Later discussion indicated that the Polish precedent would be confined to Poland. It is not known whether in fact the Polish agreement was ever carried out.

It will be noted that one encouraging aspect was present in the Polish agreement - that is, that the Swiss Government, under some circumstances, found it possible to identify and hold for disposal heirless assets deposited with Swiss banks, or in Swiss insurance companies.

Since 1949, the Director General of the International Refugee Organization, the Allied Governments, the interested Jewish organizations, and the State of Israel have all directed intermittent communications to the Swiss authorities. No tangible results have been achieved. Nor have the sympathetic efforts of the Swiss Jewish community, so far as is known, had any results.

It had seemed, at one time, that the best possibilities lay in assignment of such rights as all of the parties had to the Government of Israel, on the ground of its being the present home of a very substantial number of the surviving Jewish persecutees, to whose relief and rehabilitation the heirless funds were to be devoted, and on the further ground that a government might be better able to work out a trade agreement within the framework of which procedures could be developed for locating and utilizing the heirless assets. Despite the argument for such a course which was based on the analogies of the Polish agreement, the Luxembourg Agreements between the State of Israel, the Conference on Jewish Material Claims against Germany, and Germany, and the strong interest of Israel, in the light of its reception of the bulk of these Jewish persecutees, no results seem to have been achieved in this direction either.

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*JA 938*

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August 11, 1958

2) Aside from such encouragement as can be derived from a few aspects of the above recital, some hope lies in the fact that both in the United States and Britain action has been taken to put heirless assets in the hands of successor organizations or others for the benefit of persecutees. In the United States, despite the administrative difficulties, the Trading with the Enemy Act, as amended, in section 32(h), does establish the principle the heirless assets ought be used for the benefit of surviving persecutees. In Britain, action has, it is understood, been taken last year to put 250,000 pounds sterling at the disposal of surviving persecutees. (I have little information as to just how, or indeed, if, this has actually been done, and further information could be had from the British Jewish organizations). In both cases, the important thing is that there has been recognition by two of the Allies that heirless assets, at least in principle, or their equivalent, should be devoted to the relief of surviving persecutees.

One troublesome aspect of these actions ought be noted. That is, that in the United States, and, I believe, also in Great Britain, the funds are to be used only for resident persecutees. This could lead to the suggestion, which may have been tentatively suggested already by the Swiss Jewish organizations, that such funds as might accrue from heirless assets in Switzerland should be used in Switzerland. The answer would be, I take it, that Switzerland was a large haven for Jewish funds, and that it has a very small proportion of surviving persecutees.

3) As to a possible program, I would suggest something along the following lines:

a) An attempt to have the Three Allies (the USA, UK, and France) direct notes to the Government of Switzerland, directing Swiss attention to the "sympathetic consideration" commitment of 1946, and the lack of subsequent action.

b) A similar note from the vestigial remnant of the IRO - the office of the Liquidation Administrator, Mr. Kingsley. There would be no difficulty about this.

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Mr. E. Laor

August 11, 1958

c) A coordinated note from the interested Jewish organizations addressed to the Swiss. This note will refer to the Swiss regarding the fact that they are still avoiding the responsibility of returning the assets. d) A note, to be worded out after consultation in Bonn, from the German authorities. The Germans have in fact, with the approval of the Allies, worked out an arrangement with the Swiss which has taken the place of the Washington Accord, and which essentially provided, against certain "payments" by the Germans, that German assets in Switzerland will be restored to their former owners. The Germans have adopted the principle of military government law, to the effect that the assets of persons who were persecuted and died without heirs should go to the successor organizations. There should be no distinction between such assets in Germany and those in Switzerland, and the Germans ought, on the principle of the Polish agreement, have some authority in this respect. At least as concerns the assets in Switzerland of German Jews who died without heirs, such a German demarche would be helpful. Nor could the Swiss demand East German concurrence, in view of the arrangements previously worked out with the Bonn authorities.

e) An approach by Israel, which would point out that all of the above have concurred in the paramount interest of the Government of Israel, which may in turn have assigned the matter to be handled to the Agency, or may handle it as felt appropriate in Jerusalem. This approach would recite the history of this problem, state the interest of Israel, declare a willingness to work out a reasonable and acceptable apportionment of proceeds between refugees now in Israel and those outside Israel, and suggest meetings in which representatives of Israel, of the interested organizations, and of Switzerland, including representatives of the banking community, could meet. Perhaps this last point should be the one first worked out, so that a proposed Israel note could be handed to the Allies, etc., with the request for support of it to be addressed to Switzerland.

4. As to the substantive aspects of the proposal to be made to the Swiss, it would be well to hold things in such position that Ben Shendar's suggestion of an interest-free loan on a long-term basis be available in lieu of a direct claim to the assets themselves. Insofar as German heirless assets are concerned, if we were to get the support of the Bonn authorities, this might

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Mr. E. Laor

August 11, 1958

not be too important. But we will certainly have very little claim of title as regards Polish (if they are still available), Hungarian, Rumanian, etc., heirless assets, and the question of title might possibly be avoided by this technique.

As to the negotiating technique, I shall leave the proposals on that point to you, Ben, and others interested. The chief point here is, I think, that the negotiators would have to have a clear mandate from the Israel Government, the Agency, and the organizations, and would have to have the support of the Allies and, hopefully, Germany as well. It goes without saying that they ought to have some experience, and that the negotiating group ought to be small.

It would probably be useful to have a preliminary meeting at which drafts could be submitted, and plans laid and coordinated. Again, as to time, place and desirability, I will leave the decision to others.

Finally, my apologies for this long delay.

Sincerely yours,

Seymour J. Rubin

- cc: Mr. Ben Shendar
- Mr. Bartur
- Mr. S. Kagan

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a { 3925  
3926  
3979

TELEGRAMS  
Telegraphic Address:  
Inland: "MIGRATB, KINCROSS, LONDON."  
Cablegrams: "MIGRATB, LONDON."

## THE CENTRAL BRITISH FUND FOR JEWISH RELIEF AND REHABILITATION

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THE VERY REV. HAHAM, DR. S. GAON  
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MISS JOAN STIEBEL

PLEASE QUOTE CK/AM

WOBURN HOUSE, UPPER WOBURN PLACE,  
LONDON, W.C.1.

6th June 1958.

Dear Saul,

Would you be good enough to send to

Mr. Joseph Cowen, the Secretary of the  
Nazi Victims Relief Trust,  
Someries House,  
Regents Park,  
London, N.W.1.

a set of questionnaires as prescribed by the Claims Conference for use by applicants (organisations and individuals) when asking for grants.

As it is Mr. Janner's suggestion that the Nazi Victims Relief Trust should use similar application forms as the Claims Conference, it may be that he took such forms with him when he was in New York, but at any rate I should be obliged if you would send another set to Mr. Cowen, *as soon as possible. Thanks!*

With kind regards,

Yours sincerely,

(C. Kapralik.)

Saul Kagan, Esq.,  
Claims Conference,  
New York.

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*Wittenberg*  
*2,250 Heirless prop Miss*  
*2,250 prop Miss*  
*JUN 13 1958*

Telephones: EUSion 3925/3979

Telegraphic Address:  
Inland: "Jatcor, Kinross, London."  
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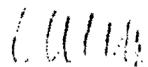
10th June, 1958

Dear Saul,

A disturbing typing error occurred in the third line of my letter to you of the 6th June 1958. It should read in the quotation of my cable to you that the loan is "impending" and not "implemented". As a matter of fact this was how my cable to you read.

I must correct this mistake for the benefit of the persons who received copy of my letter to you and who might think that the Austrian loan has in fact been implemented.

Yours sincerely,

  
(C. Kapralik)

S. Kagan, Esq.,  
The Committee for Jewish Claims on Austria  
3, East 54th Street, New York.

- |                      |                            |
|----------------------|----------------------------|
| c.c. Dr. Bienenfeld  | Dr. G. Jellinek            |
| Dr. Brassloff        | Ing. Z. Kraemer (4 copies) |
| J. Fraenkel, Esq.,   | Dr. N. Robinson            |
| J. J. Jacobson, Esq. | Dr. H. Tauber              |

336653

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20250

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20250

WOBURN HOUSE, UPPER WOBURN PLACE,  
LONDON, W.C. 1

11th June 1958

June 11, 1958

Dr. Charles Kapralik  
Central British Fund for Jewish  
Relief and Rehabilitation  
Woburn House, Upper Woburn Place  
London W.C. 1, England

Dear Charles:  
Rogent's Park,

I refer to your letter of June 6th concerning the forms which the Claims Conference uses in connection with its various programs. As you rightly anticipated, Mr. Jammer collected a set of the forms. I am enclosing, however, an additional set for such use as you may consider necessary. I explained to Jammer that the Claims Conference does not have a prescribed form for applications by organizations. We had attempted that at the beginning, but found that with the mass of organizations and the great variety of programs for which support is sought this is in fact impracticable. We use, however, forms in connection with individual programs such as the Scholarship and Fellowship Program, the Community Leader Program and the Refugee Rabbi Program. These forms may be of use to Mr. Cowen in connection with the questions concerning the financial circumstances, the Nazi victim status, etc.

With best regards.

*Saul Kagan*  
Cordially yours,

(S. Kagan)

Saul Kagan

Encls.

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*Heirless Prop.*  
*Int'l. Inc.*  
**INTERNATIONAL**

**Press Clipping Bureau,  
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**5 Beekman Street  
New York 38, N. Y.**

**Phone: COrtlandt 7-5450**

**From MAY 9 1958**

**OUR VOICE**

**West Palm Beach, Florida**

### **Jewish Group Recovers**

### **100,000,000 Mark Assets**

LONDON (WNS) Nearly 100,000,000 marks' worth of assets have been recovered by the British Trust Corporation, a successor organization set up to recover heirless and communal Jewish property in the former British zone of West Germany, it was reported here this week at the 7th annual meeting of the group at which Sir Henry d'Avigdor Goldsmid presided.

Four organizations acting on behalf of the trust received the following sums up to December 31, 1957: Joint Distribution Committee, 10,950,000 marks; Central British Fund, 12,320,000 marks; Jewish Agency, 21,896,000 marks, and Leo Baeck Charitable Trust, 4,833,000 marks.

(In Bonn, West German Gov. Dr. Nahum Goldmann, president of the Conference on Jewish Material Claims Against Germany, that the Government would pay in full all its commitments to compensate victims of the Nazi regime. German sources said that nearly \$700,000,000 in the federal budget had been set aside for payments to Nazi victims in the current fiscal year.)

336655

*Heirless prop  
misc.*

April 3, 1958

Dr. Charles Kapralik  
8 Star and Garter Mansions  
Lower Richmond Road  
London, England

Dear Charles:

Enclosed please find a photostat of page 1942 of the United States Federal Register date March 22, 1958 containing a notice of intention to return vested property. You will see that this notice relates to assets which are claimed in the name of the JTC. I don't know whether the Office of Alien Property has corresponded with you directly concerning this matter but in any event I thought that you should have this for such action as is still considered necessary. As you know we are still fighting largely with the Office of Alien Property but now also in Congress to obtain authority for a lump sum settlement of such claims which have been filed by the JRSO pursuant to the United States Heirless Property Bill.

I would be interested to know whether you encountered any obstacles in recovering this particular amount. We were also curious as to how the assets have been listed in the name of the JTC rather than in the name of the original owner.

With best regards.

Cordially yours,

Saul Kagan

cc: Mr. S. Rubin

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NOTICES

of the Secretary of the Board of Directors of the American Jewish Archives Corporation, 1000 Broadway, New York, New York 10019. The Board of Directors of the American Jewish Archives Corporation has adopted the following resolution: That the American Jewish Archives Corporation hereby...

AMERICAN JEWISH ARCHIVES CORPORATION  
1000 Broadway  
New York, New York 10019

DEPARTMENT OF JUSTICE  
Office of Inspector General

BUSINESS ADMINISTRATION

*Handwritten signature*

February 2, 1955

*Handwritten initials*

Dr. Eugene Hevesi  
The American Jewish Committee  
386 Fourth Avenue  
New York 16, New York

Dear Eugene:

I have had a recent discussion with the people in the Department of State on the question of heirless assets which may arise in connection with Rumanian, Bulgarian and Hungarian properties in the United States.

You may recall that some time ago I wrote to the Department of State, as well as to the Office of Alien Property, about the possibility that the legislation which will probably be introduced some time within the next few weeks on the subject of claims against Rumania, Bulgaria and Hungary might include provisions roughly similar to those of Public Law 626, which deals with assets vested by the Office of Alien Property and therefore includes only German heirless or unclaimed assets. The State Department has now suggested that there might be a meeting between myself, on the one side, and State and Justice officials, on the other side, some time next week, at which meeting we could discuss the question of how much there is likely to be in the way of heirless property included in the assets in the United States of Rumanian, Bulgarian or Hungarian nationals, and also the question of how feasible it would be to include provisions of this sort in the proposed legislation.

I will report, of course, on any conversations which I may have.

Sincerely yours,

Seymour J. Rubin

CC: Mr. Kagan

336658

*Heirless Assets*

*Misc*

*Europe*  
*SM*

September 23, 1954

Mr. Charles Kapralik  
Central British Fund  
Woburn House, Upper Woburn Place  
London W.C. 1, England

Dear Charles: Re: Successor for Recovery of Assets in U.S.

Ben may have told you that after many years of effort the organizations here were successful in bringing about the passage of a law in the U.S. Congress providing for the appointment of a successor organization for the recovery of assets vested by the U.S. office of the alien property custodian as enemy property. You may know that in 1946 the U.S. Congress passed a law which provided for the return of such assets to surviving victims of Nazi persecution. The present law reaffirms the principle that unclaimed and heirless property of persecutees shall be applied for the benefit of needy victims.

I am enclosing for your information the report of the House of Representatives which gives you the text of the bill as well as some of the history of our efforts in this area. It occurs to me that you may wish to explore the possibilities of bringing about similar action in Britain. I know nothing about the efforts which may already have been put forth in Britain since the end of the war regarding this problem.

I would be interested to know what you think about the general idea and its possibilities for implementation. The JRBO has applied for designation as a successor organization under the U.S. law. I also believe that it would be important to explore the idea again in view of the increased requirements for funds to aid persecutees residing in Britain. I expect that we will have a chance to discuss it more fully when we meet in October.

Wishing you a Happy New Year,

Sincerely yours,

SAUL KAGAN

SK/b  
cc:JJJ  
encBBF

336659

MINUTES

Meeting of the Four Organizations, Wednesday,  
July 25th, 12:30 P.M., at the offices of the  
Joint Distribution Committee

Present were:

Jewish Agency for Palestine	Mr. Maurice M. Boukstein
Joint Distribution Committee	Mr. Moses A. Leavitt Mr. Robert Pilpel
American Jewish Committee	Dr. Simon Segal
World Jewish Congress	Dr. Nehemiah Robinson
Secretary	Mr. Eli Rock

1) The first item on the agenda concerned approval by the four organizations of an "aide memoire" concerning the scope and nature of Jewish restitution and indemnification claims, which had been requested by Dr. Keren of the Israeli Embassy in Washington. Mr. Rock and Dr. Robinson had prepared such a memorandum, containing chiefly statistical information and conjectures, and requested approval of the organizations so that it could be signed and mailed to Dr. Keren. Mr. Leavitt raised the question that actually little definitive information was available concerning the potential recoveries, and Mr. Rock pointed out that this was stressed in the memorandum. The meeting agreed to the memorandum in its proposed form.

2) The second item on the agenda involved the problem posed by the current London Conferences on Germany's pre-war debts. While the first preliminary talks had now ended, the conference was scheduled to begin work in September, and the possible role of Jewish groups was to be considered.

Mr. Rock read a letter which had just been received from Mr. Ferencz, outlining the possible position which might be taken by the JRSO, and at the same time indicating a reluctance to take any action at the moment, on the basis of information and advice received from certain officials. Mr. Ferencz also indicated that he expected to receive and study detailed minutes of the preliminary conference and hoped to get some further ideas therefrom.

Mr. Boukstein raised a question as to whom we would approach, were we to desire participation, and Mr. Rock replied that it would probably be the State Department.

Dr. Segal then requested some further clarification as to the nature of the Conference in September, which Dr. Robinson then proceeded to give. He indicated that there were different stages contemplated in these conferences. The first preliminary one had in fact now terminated, but the conferences in September were

/over/

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also still preliminary in character, and it was anticipated that it would take at the very least one year before anything definite were accomplished. The parties represented in those conferences are primarily the allied governments, with the Germans in the role of observers and the possibility of other groups entering as observers.

Mr. Leavitt indicated that in his opinion the Jewish organizations should simply once again advise the State Department, the Germans, HICOG, and whatever other authorities might be concerned, of the existence and the nature of the Jewish claims, so that these might be put on record, and consideration given to their existence in any discussions which might take place.

Dr. Robinson stated that there were three considerations to be kept in mind in connection with the London conference. a) Anyone receiving settlement of his claim under these circumstances, will have to take a very substantial reduction of his claim; b) it will take years until the claims are settled; and c) the main problem for Jewish groups, in his opinion, was not one of recognition of claims, but of transfer of assets. And it was in the latter connection that he feared the Jewish interests might be excluded by the arrangements reached at London.

Mr. Leavitt replied that he was not overly concerned over the transfer aspect of the matter. It would appear to him that the pressure of enormous holdings of marks and property in Germany by Jews would exercise sufficient pressure to insure some transfer concessions at some future date, and that moreover it would not be possible to set up transfer schemes for certain groups of creditors while excluding the Jewish interests.

Mr. Boukstein felt that the main problem confronting the organizations lay still in another direction. It consisted of the question of how the Jews, who were not directly represented by a government, were going to be represented at the conference to advance their claims against the Reich, which did not actually fall exactly in the category of pre-war debts. He referred to Dr. Landauer's opinion that such claims as the Reich Flight Tax should be recoverable by such claims against the Reich. He feared that if the Jews did not present their claims in some form or another, they would subsequently be barred from advancing their claims. At the same time, he felt that there were considerable technical difficulties in the way of being invited to participate.

Dr. Robinson stated that he disagreed with Dr. Landauer's position. The claims named by Dr. Landauer are all covered by the General Claims legislation, and recoveries can be made under that law. As for the problem of presenting the claims, it might not be too difficult, if it were decided to do so. The JRSO, as an American organization, could be represented by the State Department. The government of Israel, which has been invited to attend as an observer, would represent the interests of its nationals. Clearly, no decision could be made in favor of the Jews in Israel, which would not also be in favor of the Jews in other countries.

Mr. Boukstein then raised the question whether Dr. Robinson felt that the Jewish organizations should not take up this problem. Dr. Robinson stated that he

did not see how they possibly could do so, since they had no authority to speak for individual claimants, who had their private claims, and who had delegated no such authority to the organizations. To this Mr. Boukstein replied that the organizations nevertheless had a certain moral responsibility which would warrant their intervention if something could be accomplished by it.

Mr. Leavitt raised the question of what types of claims could be considered in this connection. Dr. Robinson stated that it were mainly claims under the general claims law and claims against the Reich under the restitution legislations.

Mr. Rock pointed out that, in his preliminary memorandum to the organizations prepared for the instant meeting, he had attempted to reduce the problem to a problem of transfer. In view of the fact that the London conference was to deal with the "foreign" obligations of Germany, and had the goal of establishing Germany's foreign credit position, the transfer of restituted and indemnification assets was to be considered a "foreign" obligation of Germany.

Dr. Robinson suggested as a possible goal that, whatever arrangements might be reached in London, it should be noted at that time that other claims on Germany, i.e. the Jewish claims, still remain unsettled.

Mr. Leavitt again raised the point that, should a favorable decision be made regarding Israeli citizens, such a decision would have to apply to Jews throughout the world.

Mr. Boukstein then cited the example of an individual, who formerly resided in C.S.R. and who is now a citizen of this country. The Germans confiscated this man's property, and he has now a claim against them. However, at the time the loss took place, this individual was not a U.S. national, and it might very well be that the State Department would not be willing to represent his interests.

Mr. Leavitt pointed out that unless the Jewish interests could in fact get the support of the State Department, they could not expect to obtain anything. Certainly no other methods would have any effect.

Dr. Segal felt that the approach therefore might best be to obtain the agreement of the State Department to the principle that whatever decisions were made on behalf of allied nationals, should also apply to everyone else, i.e. to stateless refugees, etc.

Mr. Boukstein stated that he was completely in agreement with the point advanced by Mr. Leavitt, i.e. that an approach should be made to the allied governments, particularly the State Department. However, he further felt that some representative of the organizations should be in London, even without any official capacity, in order to be able to observe the proceedings and keep the organizations advised. There was full agreement with this point.

Mr. Leavitt felt that the next step would seem to be for someone to prepare a memorandum on this subject, circulate it to the various groups in the different allied countries, so that work with the allied governments could be begun.

Mr. Rock stated that he personally felt not too anxious to submit these claims for consideration at the London conference. The atmosphere there would be a commercial one, involving Germany's credit position, and would clearly be hostile to the Jewish interests. Even if the claims should be recognized, there would follow only a partial, long-term payment. He felt that the best approach was the one which had been used up to now, i.e. to emphasize the special character of the Jewish matters and to keep them completely separate from commercial claims, etc. If the Department should decide to bring these matters up at London, that would be a different story, but for the Jewish groups themselves to do it would be most risky, at least until further information was available.

Mr. Leavitt raised the question whether, if the Bonn government were established at the London conference as successor to the Reich for the purpose of the external debts, it could not be automatically regarded as successor to all other Reich liabilities and become obligated to pay. Dr. Robinson pointed out that the Bonn government had always been most anxious to avoid such a general successorship principle. It therefore would assume liability only in the case of some specifically named and agreed upon debts, the definition of which would be the task of the London conference.

Mr. Boukstein stated that he agreed with the position taken by Mr. Rock, provided it was made clear that such an approach would not bar the Jewish groups from submitting their claims at a later date. His concern was that the Jewish groups might in fact be barred if they did not indicate at this time that their claims existed.

Mr. Leavitt pointed out that even Mr. Ferencz had become reluctant to approach the London conference with as relatively simple a problem as the JRSO claims. The danger which would obviously exist would be to be denied consideration on technical grounds and to be thus ruled out before the case has even begun. Therefore he felt that no action should be taken until September, at which time the situation should once more be reviewed.

Dr. Robinson pointed out that there was no danger as far as recognition of claims was concerned. All the Jewish claims were fully recognized and established. However, the Jewish organizations would want to be sure not to be excluded from any transfer schemes which might be developed at London. And if they did not voice these claims at London, they might somehow be left out of these arrangements.

Mr. Leavitt felt that there was not too great a danger of this. The economic pressure of the accumulated holdings of Jews in Germany would be so great that some action regarding them would have to be taken, if the Germans were to avoid a perpetual black market in blocked currency.

Dr. Segal stated that while no decision was taken at the moment regarding the conference at London, he felt that in the meanwhile there should be some discussions with the State Department, regarding the principle of equality of treatment, be it in recognition of or in transfer possibilities, of all claimants regardless of nationality.

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Mr. Boukstein stated that he would discuss this matter in Jerusalem.

Mr. Rock stated that discussions in Washington were a very valid suggestion. At the moment, however, care should be taken that this matter not be confused with the pending JRSO transfer license, and that the latter be permitted to go forward without interference. Therefore caution would have to be exercised in these discussions. He suggested that upon the return of Sy Rubin, he and Dr. Robinson might go to Washington and together with Mr. Rubin have a conference with some lower level people of the State Department to discuss the question informally and off-the-record.

3) Heirless Jewish assets in Switzerland.

Mr. Rock pointed out that at a previous date, about a year ago, the Jewish organizations had agreed to cease their activities in this matter in order to permit the Israeli government to carry forward its own negotiations in this respect. The Israeli government, however, had not been able to accomplish anything in the matter, and the problem was now returned to the four organizations for whatever action they might feel able and willing to take. Mr. Boukstein stated that he had been advised that the only effective procedure which might be followed would be to retain a competent Swiss attorney to sound out the situation. Mr. Leavitt pointed out that the problem was further complicated by the fact that the Swiss Jewish community, which was entirely without influence in the government, was resentful of interference by the outside organizations. However, he felt that it might be worth while to retain a lawyer in Switzerland. Dr. Robinson stated that he did not feel such a course would bring any further results. It was recognized by the groups that no approach would be likely to be effective until the U.S. had first enacted some legislation of its own regarding heirless assets in this country, and that until then there was not much point to any further efforts. However, there was the question of the impending possible deal between the Swiss and the Hungarians, and it was suggested that a letter be sent to Jerry Jacobson, asking him to get in touch with the Swiss Jewish community in that matter and to advise New York.

4) Jewish claims under the War Claims Act.

Mr. Rock outlined the history of the War Claims Act and its present scope and possibilities. Dr. Robinson referred to a new approach which had been suggested to the War Claims Commission in this respect. This approach was that everyone who had a claim was entitled to receive compensation, regardless of the actual amount of enemy assets held in this country. A Congressional appropriation might be required to meet a possible deficit. Such an approach had ample precedent in war compensation legislation all over the world. As for the possible role of Jewish claims, i.e. claims by Jews who suffered damages and who are now citizens or residents of this country, Mr. Rock pointed out that it was clear that the first effort would have to be made to convince the WCC that these were in fact valid claims.

It was decided that when Mr. Rock and Dr. Robinson would meet with Sy Rubin in Washington, there should be some preliminary exploration of this problem with the staff of the WCC.

/OVER/

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APR 26 1954

MEMORANDUM

April 21, 1954

To: Mr. M. W. Beckelman

From: Jerome J. Jacobson

Re: Heirless Assets - Switzerland

*Heirless Assets*  
*W. J. Jacobson*

On Friday, April 16th, I had a lengthy meeting with Professor Paul Guggenheim at his home in Geneva, following up on the subject of Swiss heirless assets. This meeting was arranged in consequence of my letter in March to Dr. Brunschvig. Prof. Guggenheim discussed the problem with complete frankness. He explained that he was acting on behalf of the Swiss Jewish Community while at the same time he had been requested by the Swiss Minister of Justice to serve in the capacity of a consultant on the question of assets of persecutees remaining unclaimed in Switzerland. Prof. Guggenheim explained that the Swiss Minister of Justice, who is a close friend of his, and the Swiss Government are anxious to do something about the problem of these dormant assets. The general feeling prevailing in official circles is that the Swiss are extremely sensitive to the argument that their "situation is not clean" unless and until something is done in respect of this subject. They feel keenly that neither the Swiss Government nor the Cantons nor the banks should be in a position to benefit by reason of the Nazi atrocities which may leave unclaimed property in Switzerland. Apart from the moral force of these considerations which trouble them, they are also fearful that Switzerland's business reputation should not be injured as a result. Further, they feel somewhat in a dilemma because of the fact that on the one hand they resent the external pressures placed upon them by reason of the Five Powers' Agreement and by foreign governments, while on the other hand they feel that Switzerland's traditional neutrality requires some original and just proposal which is entirely Swiss in its conception.

Prof. Guggenheim explained that thus far there has been no draft prepared on the Government's side or in any other quarter for dealing with the problem. He explained further that the Swiss Banks and Insurance Companies are opposed to any action suggested in respect of this problem, not because they are anxious to retain any dormant assets but because they fear that any action taken would bring about the undermining of Swiss banking secrecy upon which Switzerland has served as an important haven for flight capital for a long time.

Prof. Guggenheim explained further that in his view and from that of the Swiss Jewish Community the action which we had taken of assignment to the Israeli Government is altogether futile though not serious. Guggenheim points out that the interventions on the part of the Israeli Government will not be fruitful and, moreover, the Swiss regard Israel as just another foreign government who will not secure any benefit from their interventions on this question. He does not regard the interventions as harmful since he acknowledges that there is a certain usefulness in having the question pressed from time to time by a foreign government, but formulations and requests of the Israelis will never be entertained seriously by the Swiss.

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*File 938*

To: Mr. M. W. Beckelman

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Guggenheim explained further that he and the Swiss Jewish Community are embarrassed by the requests made upon them by the Israelis since the Israeli requests asked for confidential Swiss material which they cannot give without feeling a sense of divided loyalty.

Moreover he points out that he believes that the effectiveness of the Swiss Jewish Community would be lost if the Swiss Government had reason to believe that the Community was passing confidential information to the Israelis.

I explained to Prof. Guggenheim the background of our actions indicating that we had made numerous efforts to convince the Swiss Government, of the appropriateness of dealing with the moral problem and that ultimately we were embarrassed by the fact that the Swiss had sent a letter declining to have any further dealings with us as private organizations. Moreover, that the governments, especially of the U.S., which had striven for a long time to induce the Swiss Government to associate themselves with the 17 Powers of the Reparations Act of 1945, felt that no further representations could be fruitful.

Under the circumstances, since we felt that it would be less than our duty to abandon the subject and since the Israeli Government as a government could not be denied an audience by the Swiss and were equally interested in pressing the subject, perhaps in connection with trade relations, we saw no other alternative than to empower the Israeli Government to keep alive the subject. Prof. Guggenheim responded by saying that trade relations with Israel could not serve as a useful basis since the Israelis were not regarded in Switzerland as an important country with whom the Swiss could do business inasmuch as the Israelis were always looking for special favours or special consideration.

Further, Guggenheim suggested that we of the JDC would always receive an open door on the part of the Swiss Government because we had rendered help and assistance to the Swiss Government in dealing with the refugee problem and were, therefore, regarded by the Swiss in a special circumstance. Our views would be received not as those of a foreign government or political organization but rather as a professional agency which had rendered important help to Switzerland. Guggenheim, in fact, suggested that I should pay a visit to the Swiss Minister of Justice, accompanied by Otto Heim who would serve to arrange appointments and make the introduction. Guggenheim explained that Otto Heim was well regarded at Berne and should be used for these meetings.

Guggenheim explained further that the thinking of the Jewish Community as well as himself is along the line of developing a proposal for legislation which would establish a trusteeship within the government to whom the Banks and Insurance Companies would both report with respect to dormant assets and also transfer such assets to the custody of the trusteeship.

Guggenheim shared my view that there should be no publication of individual lists with regard to dormant accounts or property, but instead information should be published in various parts of the world to the effect that a special board of trustees of the Swiss Government existed for purposes of receiving enquiries from people who believe that relatives may have left assets. The trustees would examine into these claims, and where valid claims were found, they would pursue the matter

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*File*

THE AMERICAN JEWISH COMMITTEE  
386 Fourth Avenue  
New York 16, N.Y.

*12/12*

*Hevesi's draft*

December 11, 1950

To: Paris Office,  
Mr. Eli Rock  
Dr. Nehemiah Robinson

From: E. Hevesi

Attached please find a report by Mr. Rubin, Dated December 8th, on the subject of the position of satellite assets, including those of victims of Nazi persecution, in connection with the Snyder Plan purporting the vesting of German assets in the U.S. This authentic report alleviates the concern expressed by various interested circles over the possibility that the Snyder Plan would entail the vesting of satellite assets as well. This manifestly is not the case.

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MEMORANDUM: Satellite Assets in the United States

1. The Office of Alien Property is now proceeding with a vigorous program for the vesting of all German assets located in the United States which have not as yet been certified as being free of enemy taint. It is understood that this program is almost one-half completed at the present time and that it is proceeding rapidly.
2. This program is not directed against satellite assets. Assets of Roumanian, Hungarian or Bulgarian private persons identified as such are at present not being vested by the Office of Alien Property. This is largely because the Office of Alien Property and the State Department have not as yet been able to make up their minds on what program they desire to follow with respect to the assets in the United States of private nationals of the satellite countries.
3. It follows that the assets in the United States of persecutees who are nationals of the satellite countries are also not being vested when known to be such. The Office of Alien Property is following a general rule, even with respect to German assets, of not vesting the assets of persecutees. Thus, a persecutee who was a national of, we will say, Hungary would have his assets in the United States not vested both because he was a national of a satellite country and not of Germany, and because he was a persecutee.
4. In some cases, however, it may be impossible to tell that a particular assets in the United States belongs to a national of a satellite country or to a persecutee. This situation arises typically in the case in which a Swiss bank has a general account on deposit in New York. So long as the Swiss bank refuses to disclose the identify of its clients whose funds go into the general account, the Office of Alien Property will operate under the presumption that in the absence of certification such property is German property. Thus, if a Swiss bank had an account in New York which stood merely in its name and if the Swiss bank refused to indicate to the Office of Alien Property that a portion of the account equitably belonged to a Roumanian or Hungarian persecutee, that sum might be vested on the ground that it was presumed to be German. In some cases in the past, according to the Office of Alien Property, the Swiss banks have in fact come forward to say that a portion of the sums in question do in fact belong to nationals of satellite countries and they have thereupon been exempted from vesting.
5. It is hard to say just what the situation will be if a general program of vesting of private assets in the United States of nationals of the satellite countries is determined upon. Under these circumstances, the Office of Alien Property would have to work out very carefully the details of its program. If its present disposition continues, it would attempt to separate the assets of persecutees from other assets and not to vest persecutee assets. On the other hand, in the operation of such a program it would have to be careful to couch its orders in such a way as not to give information either with respect to the assets being vested or not being vested to the governments of the satellite countries.

Finally, any program of vesting of satellite private assets in the United States would presumably be accompanied at some future time by a general unblocking of those assets not actually vested. If this happened, it might well be that persecutee assets would not be vested by the Office of Alien Property; but, upon their being released, a flow of correspondence between the banks and the owners in the satellite countries would begin with obvious dangers to those owners. All of these points will have to be worked out at such time as disposition of satellite assets is determined upon.

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*Heimlich*

November 21st, 1950

Seymour J. Rubin, Esq.  
1822 Jefferson Place, N.W.  
Washington 6, D. C.

Dear Sy:

Yesterday Bohemian Robinson spoke to us again about the question of Jewish frozen property which may be affected by the current OAP program in that general field. I don't know whether Gene has mentioned to you some of our more recent discussions on this subject. Specifically, Mal Mason had pointed out to us that the present OAP reporting program contemplated vesting in the fairly near future of all of the residue, unclaimed, frozen property. Mal suggested to us further the possible advisability of our trying to prevent the vesting of the Jewish among the frozen assets. While this suggestion was given serious thought by us, it was felt that even if such representations were desirable, there was almost no information available as to which of the frozen assets would be Jewish. In addition, insofar as heirless property is concerned, we long ago agreed that our only chance of ever having these assets turned over to us would be through vesting of the title by the OAP, since there could obviously be no sufficient control over the assets as long as they were only frozen.

At the same time, it does seem as though we ought to begin some discussions with the OAP people. Apart from the question of heirless property, there is the problem of the surviving owners who are still behind the Iron Curtain and who simply have not been able to claim their property. While vesting does not necessarily hurt them (we assume that in spite of the claiming opportunities which have been available to them hitherto, they will still have the two-year period after vesting in which to assert their rights; should this happen not to be the case, we certainly should have word from you as soon as possible), it may be many years indeed before they will be able to assert their claims, if ever, and perhaps there should be some long-run thinking on that score. Also we may be wrong in our reaction to Mal's suggestion and perhaps there are reasons why we should actually seek to prevent the vesting of Jewish property. Perhaps also, no matter what program we decide upon, we should think about requesting an opportunity of examining the reports which the OAP will have received as a result of the recent census. Ideas may suggest themselves as to an examination of the names before vesting, etc., etc.

Mainly, I think that what we need at this point a meeting of the four organizations to go into the problem rather thoroughly. I have not heard from Gene

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recently whether you are planning any trips to New York in the near future, but if you are, perhaps a meeting could be lined up at that time, to which you could bring whatever information you might be able to pick up in the meanwhile at the OAP.

Best regards,

Sincerely yours,

Eli Rokh

ER:AUN

cc. Dr. Havesi

*Fate*

*Tom*

*Drop up*

May 18, 1950

*Heilens assets*

TO: Messrs. E. Rock and S. Rubin  
FROM: N. Robinson July 1, 1944, a *with this whole question of*  
issued in the name of individuals who had *Dutch Heilens assets*  
Re: Dutch blocked securities in the U.S.A. *not in US abandoned pro-*

erty, under the same section of the statute. *the only difference bet-*  
ween you will recall that the question arose what significance, if  
any, the N.Y. State Abandoned Property Law has for the fate of these  
securities. I asked the lawyers of the American Jewish Congress to  
give me their view on this point. *the only other than money (section 300*  
*19-0) 37 and section 1403.* On the other hand, the Nationals of NY  
1944. Their conclusion is as follows: *due on deposits* were not apt  
to describe securities. If this ruling is to be changed, it should be  
for Section 300 of the New York Abandoned Property Law deals with the  
types of "unclaimed property" held or owing by banking organizations  
which are deemed "abandoned property":

"1. Any amounts due on deposits or any amounts to which a shareholder  
of a savings and loan association or a credit union is entitled, held  
or owing by a banking organization which shall have remained unclaim-  
ed for 15 years." (with certain exceptions not relevant for our purpo-  
ses).

"See also 1947 Op. Att. Gen. 118 in which it was stated:

"2. Any amounts, together with all accumulation of interest or other  
increment thereon, held or owing by a banking organization for the  
payment of an interest on a bond and mortgage, or (with certain excep-  
tions not relevant for our purposes), received by banking organiza-  
tions. The use of the word "amount" without further elaboration would

"3. Any amounts held or owing by a banking organization for the pay-  
ment of a negotiable instrument or a certified check, turned over to  
the Controller under the statute, language more clearly signifying such

"4. Any surplus amounts arising from a sale by a safe deposit company  
with contents of a safe or boxes, to the effect that bonds and other  
securities deposited with and held by banking organizations should not

"5. Any amounts representing dividends or other payments received after  
June 30, 1940 by a banking organization or its nominee as the record-  
ed holder of any stock, bond or any other security or any corporation,  
association or joint stock company to which an unknown persons... is

entitled and which shall have remained unclaimed by the person any-  
one entitled thereto for five years after receipt thereof by such banking  
organization. The Abandoned Property Law, irrespective of the exist-  
ence of any Federal freezing orders.

"The Attorney General of the State of New York has held in innumerable opi-  
nions that securities cannot be deemed abandoned property within the  
terms of the aforesaid section. In 1945 Op. Att. Gen. 142, this ruling was  
stated as follows: *as even as they belonged to enemy aliens and some*  
*other regulations. See 1945 Op. Att. Gen. 11 in which it was*  
*held:*

You also request my opinion concerning another type of transaction.  
You state that it has been the practice of banks to hold securities  
for the benefit of their customers in the general vaults of the bank  
rather than in any box or safe rented by the customer. You inquire  
whether these securities, or if they have been negotiated by the bank,  
the proceeds thereon, should be deemed abandoned property provided  
that they should have been held by the bank for 15 years or more.

specified by section 300 of the Abandoned Property Law. In an opinion decided by me on July 3, 1944, I advised you that United States bonds, issued in the names of individuals who had made periodic deposits to be used for the purchase of such bonds should not be deemed abandoned property, under the same section of the statute. The only difference between that case and the present one is that here the securities themselves were deposited...while in that case the deposits were of money and not of the securities in question. The statute contemplates that abandoned property may include things other than money (section 303 (3-C) I; and section 1403). On the other hand, the rationals of my 1944 opinion was that the words 'amounts due on deposits' were not apt to describe securities. If this ruling is to be changed, it should be for the legislature to adopt language more clearly signifying the intention to require that securities as well as cash be turned over to the Controller.

'It is my opinion therefore that the securities held for the benefit of the customer should not be deemed abandoned property. Any proceeds of such securities negotiated by the bank, however, will be included within abandoned property....' (142).'

"See also 1947 Op. Att. Gen. 119 in which it was stated:

'The statute under consideration refers only to any "amount" representing a benefit received by a banking organization or its nominee. There is no mention of securities which might also be received by banking organizations. The use of the word "amount" without further elaboration would not ordinarily describe securities, and under these circumstances, if the legislature desires that securities as well as cash be turned over to the Controller under the statute, language more clearly signifying such intention should be adopted. The foregoing conclusion is in accordance with prior opinions rendered by me to the effect that bonds and other securities deposited with and held by banking organizations should not be considered as "amounts due on deposits" within the purview of section 300....1944 Op. Att. Gen. 40; 1944 Op. Att. Gen. 176; 1944 Op. Att. Gen. 178.' (p. 120, Emphasis added).

"It may be concluded therefore that any securities belonging to enemy aliens, or in fact belonging to any person, held by New York banks would not be subject to the Abandoned Property Law, irrespective of the existence of any Federal Freezing orders.

"If, however, the bank in question sold these securities and retained instead the proceeds of such sale, such proceeds would be subject to the Abandoned Property Law even if they belonged to enemy aliens and came within blocking regulations. See 1945 Op. Att. Gen. 11 in which it was held that:

'Deposits held by banking organizations to the credit of enemy aliens or persons residing within the blocking regulation of the Federal Government which have been unclaimed for 15 years are to be deemed abandoned property under the provisions of sections 300 and 303 of the Abandoned Property Law. It is my opinion that

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Aug 18, 1950

such funds are abandoned funds within the meaning of the above sections and hence should be turned over to the State Controller....'

You will note that the opinion is not wholly positive in our favor but not totally negative: every bank will have ultimately to dispose of these securities in order to cover their charges; as soon as they do it, the proceeds become abandoned property in the sense of the law.

As you will note, the opinion is not wholly positive in our favor but not totally negative: every bank will have ultimately to dispose of these securities in order to cover their charges; as soon as they do it, the proceeds become abandoned property in the sense of the law.

1. Any person who is a holder of a credit order identified, but not being a banking organization, which shall be a resident outside the country, shall be liable for the proceeds of such order.

2. Any person, together with all accumulation of interests or other interest thereon, holder or owing by a banking organization for the purpose of an interest in a bond and mortgage, with certain exceptions, shall be liable for the proceeds of such order.

3. Any person who is a holder of a credit order identified, but not being a banking organization, shall be liable for the proceeds of such order.

4. Any person who is a holder of a credit order identified, but not being a banking organization, shall be liable for the proceeds of such order.

5. Any person who is a holder of a credit order identified, but not being a banking organization, shall be liable for the proceeds of such order.

6. Any person who is a holder of a credit order identified, but not being a banking organization, shall be liable for the proceeds of such order.

7. Any person who is a holder of a credit order identified, but not being a banking organization, shall be liable for the proceeds of such order.

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