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DEPARTMENT OF STATE

THE LEGAL ADVISER

Miss Duffy:

Mr. Haig seems to feel that the matter referred to in the attached letters is one for our area and not for the ICC. I told him you would send it to the proper person.

BLK

to my letter of July 3rd I'm the French Consulate General information.

citizenship at the time of would appreciate very much to have letter. After the occupation of Austria France recognized the forced An-

schluss de facto and de jure but as Austrians of Jewish faith we lost our formerly citizenship in every respect. The German occupation forces in Austria provided Jewish citizens of Austria with exit permits only on their Austrian passport in order to leave Austria for ever or the Jews received even German Passport for the same purpose. No German Consulate in foreign countries protected any Austrian of Jewish faith. In conclusion of all this facts, we were left without citizenship as soon as we have crossed the old borderline of Austria. The Republic of Austria ceased to exist, so the French Government is wrong by the adoption that we still were citizens of Austria at the time of the damage. To which Nationality we really belonged, I don't know. I hope, you have the answer.

Respectfully yours,

Josef Feuerstein

INTERNATIONAL CLAIMS COMMISSION DEPARTMENT OF STATE

REC'D JUL 21 1952 CC FILE NO. FEUERSTEIN, JOSEF, J. (?) ANS. DATE NO. ANS. DATE

no previous on record

LEGAL ADVISER DEPARTMENT OF STATE ACTION

July 17, 1952

is assigned to

AUG 4 1952

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RG 59  
Entry CDF, 1950-54  
File 251.0041  
Box 991

251.0041 Feuerstein  
Josef / 7-1952

JOSEF FEUERSTEIN  
616 EAST 12TH STREET  
BROOKLYN 30, N. Y.

LEGAL ADVISER  
AUG 3-4 1952  
DEPARTMENT OF STATE  
File

July 17, 1952

ACTION  
is assigned to

International Claims Commission  
of the U.S.A.  
State Department  
Washington, D.C.

Gentlemen:

With reference to my letter of July 3rd I'm enclosing the answer of the French Consulate General and copies for your information.

As far as our citizenship at the time of damage is concerned I would appreciate very much to have your opinion on this matter. After the occupation of Austria by Hitler-Germany France recognized the forced Anschluss de facto and de jure but as Austrians of Jewish faith we lost our former citizenship in every respect. The German occupation forces in Austria provided Jewish citizens of Austria with exit permits only on their Austrian passport in order to leave Austria for ever or the Jews received even German Passport for the same purpose. No German Consulate in foreign country protected any Austrian of Jewish faith. In conclusion of all this facts, we were left without citizenship as soon as we have crossed the old borderline of Austria. The Republic of Austria ceased to exist, so the French Government is wrong by the adoption that we still were citizens of Austria at the time of the damage. To which Nationality we really belonged, I don't know. I hope, you have the answer.

Respectfully yours,

*Josef Feuerstein*  
Josef Feuerstein

*R. English*  
INTERNATIONAL CLAIMS COMMISSION  
DEPARTMENT OF STATE

REC'D JUL 21 1952 CC  
FILE NO. FEUERSTEIN, JOSEF, J. (?)  
ANS. \_\_\_\_\_ DATE \_\_\_\_\_  
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*no previous on record*

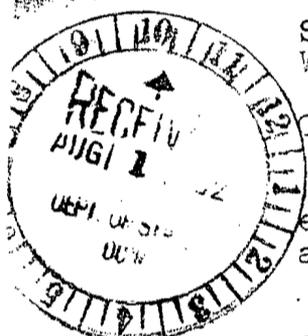
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REPUBLIQUE FRANCAISE

NEW YORK, July 8, 1952

JP/ed

Mr. Josef Feuerstein  
816 East 12th Street  
Brooklyn 30, N.Y.

Dear Sir:

The French Embassy in Washington has communicated to me, together with enclosures, your request relative to the restitution of damages which you suffered in Le Havre during the war.

I wish to inform you that you must address your request to the State Department in Washington which will decide on the action to be taken on this matter.

I am returning herewith three documents which were attached to your letter.

I remain, dear Sir,

Very truly yours,

The Minister Plenipotentiary  
in charge of the Consulate General of  
France

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File	251.0041
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Republique Française

Ministère De La Reconstruction et de L'Urbanisme

Le Havre, le 7 Jan. 1952

Monsieur Feuerstein Joseph  
816 East 12th Street  
Brooklyn 30, N.Y.

Objet: Dossier mobilier N. 24.203  
v/lettre du 18/12/51

Monsieur,

Comme suite à votre lettre citée en référence j'ai l'honneur de vous faire connaître qu'en raison de votre nationalité Autrichienne au moment du sinistre, vous ne pouvez être compris parmi les bénéficiaires de la loi du 28/10/1946, sur les **D**omage de **G**uerre.

Votre dossier est gardé à titre conservatoire dans mes services et aucun règlement ne peut être envisagé en votre faveur.

Je vous prie d'agréer, Monsieur, mes salutations distinguées

Signature

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File 251.0041  
Box 991

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Brooklyn, le 12 Decembre 1951

Ministère de la Reconstruction  
et de l'Urbanisme  
2, rue Ancelot  
Le Havre

Monsieur,

Je m'empresse de répondre à votre lettre No. 09637 du 6 Novembre 1951, adressée à ma belle-soeur Mme Bronislava Weill, Paris.

En ce qui concerne ma nationalité et celle de ma femme, nous avons toujours été autrichiens jusqu'au 27 Decembre 1945 date à laquelle nous sommes devenus des citoyens américains.

Je pense que l'attestation établie par l'Ambassade des E.U. à Paris le 14 juillet 1951 prouve ce dernier point. Pour notre nationalité antérieure, je joins à cette lettre une copie photostatique d'un certificat de la Municipalité de Vienne attestant la nationalité autrichienne.

En ce qui concerne la dernière question je précise que l'ensemble des objets figurant sur l'inventaire et faisant l'objet de la présente réclamation représentait bien la totalité des biens m'appartenant à l'époque.

Enfin je vous retourne sous ce pli, l'inventaire revêtu des signatures requises.

Je vous remercie à l'avance de la suite favorable que vous voudrez bien donner à cette requête et vous prie de croire, Monsieur, à ma considération très distinguée.

Josef Feuerstein

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File	251.0041
Box	991

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Direction d'Instruction  
Service d'Urbanisme

Republique Française

Madame Weill Broslava  
136, Quai Louis Blériot  
Paris 16ème

Objet: Dossier Mobilier H. 24. 209  
Feuerstein Joseph

Le Havre, le 6 nov. 1951

Madame,

J'ai l'honneur de vous faire connaître qu'en  
réponse à ma lettre du 2 juillet 1951, M. Feuerstein m'a fait par-  
venir une partie des pièces réclamées.

Toutefois pour justifier de sa nationalité  
et de celle de son épouse, il m'adresse une attestation de passe-  
port enis le 22 mai 1951. Or il s'agit de justifier de leur na-  
tionalité au moment de l'occupation, soit en 1940.

D'autre part l'inventaire en-joint qu'il  
m'a retourné n'a été signé ni par vous, ni par lui, ni par deux  
témoins dont les signatures devront être legalisées et M. Feuerstein  
ne m'a précisé si l'ensemble de ces objets représenterait la totalité  
des biens lui appartenant, ou bien s'ils n'en constituaient qu'une  
partie.

Veuillez agréer, Madame, mes respectueuses  
salutations.

Le Chef de L'Arrondissement du Havre  
Fous le Chef d'Arrondissement  
Le Chef de la Section des Domaines Mobiliers

A. Chretien

RG 59  
Entry CDF, 1950-54  
File 256.0041  
Date 0/01

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AUG 5 1952

In reply refer to  
L/C 251,0041 Feuerstein,  
Josef/7-1752.

My dear Mr. Feuerstein:

The International Claims Commission has referred to the Department of State your letter of July 17, 1952, and its enclosures, relating to your claim for compensation for war losses sustained in France.

The benefits of the war damage compensation laws of France are extended to American nationals on a basis of equality with French nationals under Article VII of the Agreement of May 28, 1946, between the Governments of the United States and France. However, it is the understanding of the Department that the conditions of eligibility had to be complied with at the time the war damage was sustained. It would seem, therefore, that since you were not apparently an eligible claimant at the time your claim arose, you would not be entitled to the benefits of the French law under the terms of the Agreement of May 28, 1946.

Sincerely yours,

For the Secretary of State:

Joseph B. Matre  
Assistant to the Legal Advisor

S/S-CR  
AUG 5 1952 AM

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FW 251,0041/FEUERSTEIN

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Entry CDF, 1950-54  
File 251.0041  
Box 991

Feuerstein,  
1212 12th Street,  
Brooklyn 30, New York.  
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Drafted by: EUR:GER:OEA:JC Jones swen 2/8/56

Telegraphic transmission and classification approved by: EUR - Jacob D. Beam

Clearances: OEA - Mr. Margolies GER - Mr. Holt BNA - Mr. Crowley L/E - Mr. Metzger

S/S-CR

FEB 8 1956 P.M.

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MEMORANDUM OF CONVERSATION

May 5, 1956

SUBJECT: Extension of Filing Dates under Articles 1 and 3 of Chapter Five of Settlement Convention

PARTICIPANTS: Mr. Jerome J. Jacobson, Mr. Saul Kagan of the American Joint Distribution Committee  
Mr. Reinstein

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Mr. Jacobson called to inquire about the possibility of obtaining U. S. support for a request to the German Federal Government to extend the dates for filing applications for restitution under Articles 1 and 3, Chapter Five of the Settlement Convention. He said that the property of a large number of French Jews had been looted by the Nazis. Very detailed lists had been made up of the property taken. It was known that the property had been sent to Germany. It had not been located. The JDC was interested in the possibility of permitting claims to be filed with respect to such property, in order that monetary claims might be made under Article 4 of Chapter Five. The final date for filing claims under the Convention is May 8, 1956.

Mr. Jacobson said that he had discussed this matter with Mr. Rodocanichi of the French Foreign Office in the hope of persuading the Foreign Office to file claims for heirless property, which under French law escheats to the state. Mr. Rodocanichi had told him that the background of Chapter Five made it difficult for the French Government to make claims on this basis. He had intimated that if the U. S. Government were prepared to adopt a less strict construction of the language of the Convention, the French Government might be willing to consider the question. Mr. Kagan said that, in any event, in view of the fact that little time was left before the expiration of the time for filing claims, nothing could be done, unless the German Federal Government could be persuaded to extend the filing date.

Mr. Reinstein said that it was somewhat difficult for him to deal with this matter in Paris. If the JDC wished to raise it officially with the U. S. Government, it should take the matter up in Washington. However, he could say purely personally

that

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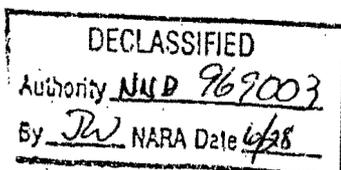
that he did not think the prospects were very good. He said that he was generally familiar with Chapter Five and had recently looked into the background of Paragraph 1 of Article 4. He was not certain that the U. S. Government would wish to take an official position on the interpretation of this paragraph, unless the matter came before it in some way requiring action. He pointed out that the U. S. Government is not itself involved in the filing of restitution claims. However, his impression was that the purpose of the paragraph was to permit compensation in cases where property had disappeared or had been used after it had been found in Germany. It was not sufficient to demonstrate that it had been sent to Germany. He thought that the German Government would maintain this interpretation of the Convention strongly. If the U. S. Government found itself under the necessity of taking a position on the interpretation of the Convention, he thought that there was no assurance that it would support a broader interpretation.

Mr. Jacobson inquired as to the possibility of an approach to the German Federal Government for an extension of the period of filing claims, so that the question of interpretation could be litigated in the German courts. Mr. Reinstein said he thought that an extension of the filing dates would probably require the enactment of a law in Germany and doubted that the German Government would be willing to grant an extension for the purpose allowing litigation on claims of the character Mr. Jacobson had described. He asked why the matter was being raised at this late date. Mr. Jacobson said that the time limit had just come to the attention of the JDC as a result of a notice issued several weeks before by the German Federal Government. Mr. Reinstein pointed out that provisions of the Convention had been public knowledge since 1952. The question of extending the filing date had been considered when the Conventions were revised in 1954, and the time had been extended for a year, which had been considered reasonable at the time. He said that he believed the State Department had issued a release some time ago calling attention to the terminal date and indicating where claims should be filed. It was his feeling that adequate notice of the terminal date for filing applications had been given.

Messrs. Jacobson and Kagan expressed appreciation for this background and information. It did not appear that they intended to press the matter further.

EUR:GER;JJReinstein:jj

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