

~~Handwritten mark~~

December 7, 1954

In reply refer to
GEA 250A.1151 Traybar,
Fred/11-1154

Dear Mr. Traybar:

The receipt is acknowledged of your letter dated November 11, 1954 with further reference to the confiscation during the Nazi occupation of Luxembourg of your account with the Banque Internationale, Luxembourg.

We have referred the facts of this case to the Office of the United States High Commissioner for Germany at Bonn and have asked for a report as to what remedy, if any, is available to you in Germany. As soon as we receive a reply from Bonn, we shall communicate with you again.

Sincerely yours,

For the Secretary of State:

Handwritten initials and stamps in a box.

Judson C. Jones
Office of German Affairs
Bureau of European Affairs

Mr. Fred Traybar,
1868 Juneway Terrace,
Chicago, Illinois.

S/S-CR

DEC 7 1954 P.M.

EUR:GER:GEA:ISS:starr:wew

12/6/54

250A.1151 TRAYBAR, FRED
11-1154
250A.1151 - Traybar
Fred/11-1154

RG 59
Entry CDF, 1950-54
File 250A.1141
Box 990

DECLASSIFIED
Authority NND 969002
By WDP NARA Date 6/30/00

339226

AIR POUCH

PRIORITY

UNCLASSIFIED

(Security Classification)

DO NOT TYPE IN THIS SPACE

250a.1151 Jacobowitz,
Lisbeth/10-752
XR 262.1141

FOREIGN SERVICE DESPATCH

FROM : Luxembourg, Luxembourg

79
DESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON.

October 7, 1952

REF :

*Pr. Ref. 419
7/7/55
JWB
4c
file*

OCT 10 1952 LEGAL ADVISER

OCT 16 1952

50 For Dept. Use Only mi	ACTION LA REC'D OCT 15	DEPT. I N F O EUR GER OTHER	DEPARTMENT OF STATE
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SUBJECT: Claim Against ARBED by K.F. Jasen on Behalf of Lisbeth Jacobowitz

Enclosed are copies of a letter dated September 15, 1952 addressed to the U.S. Consul General, Luxembourg, by Mr. K.F. Jasen. Attached to Mr. Jasen's letter was a copy of his letter of the same date addressed to the president of the ARBED corporation, and the Legation encloses copies of this letter also.

Mr. Jasen requested the Legation's assistance in his claim against ARBED, of behalf of his mother, Mrs. Lisbeth Jacobowitz. According to Mr. Jasen, after his mother's departure from Germany in 1933, ARBED bonds which Mrs. Jacobowitz was forced to leave in Germany were purchased from the German Reichsbank by ARBED. Mr. Jasen states that part of the purchase price was paid in blocked German marks and that ARBED thus made a profit. This profit is claimed by Mr. Jasen for his mother.

The Legation inquired of the ARBED firm about this claim and received today a reply enclosing a memorandum setting forth its position. Copies of this memorandum are enclosed. The reasons ARBED gives for its refusal to honor Mr. Jasen's claim are both legal and moral, the latter resulting from Mr. Jasen's alleged breach of a promise that information furnished him by ARBED would not be used against that firm.

In view of the complicated nature of the case, the Legation does not feel that it can provide Mr. Jasen with an authoritative opinion and has informed him to that effect in the attached letter, the original of which has been forwarded to the Department for transmittal to Mr. Jasen if such action is deemed appropriate. Also, as the wording of ARBED's memorandum clearly reflects that it was intended for the Legation and not for Mr. Jasen, its contents are not being communicated to him.

The Legal Division of the Department may wish to examine this matter and pass on to Mr. Jasen any appropriate advice, in addition to or in place of that contained in the Legation's enclosed letter to Mr. Jasen.

This Document Must Be Returned to
DC/R
Central
Files
250A.1151 JACOBOWITZ, LISBETH/10-752

NOV 25 1952
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REPORTER

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ACTION COPY — DEPARTMENT OF STATE

The action office must return this permanent record copy to DC/R files with an endorsement of action taken.

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2 of
Disp. No. 79
From Luxembourg

UNCLASSIFIED
(Classification)

Page _____ of
Encl. No. _____
Disp. No. _____
From _____

For the Department's information, the decree referred to in the ARBED memorandum was published in the Mémorial du Grand Duché de Luxembourg, No. 22, 31 March 1950. This issue of the Mémorial was sent to the Department under cover of the Legation's OM dated May 23, 1950.

For the Minister:

John B. Ketcham
John B. Ketcham
Counselor of Legation

Enclosures:

1. Letter from Mr. Jasen to the U.S. Consul General, Luxembourg.
2. Letter from Mr. Jasen to the President of ARBED Corporation.
3. ARBED memorandum.
4. Letter to Mr. Jasen (4 copies)

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339228

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_____ of
No. _____
from _____

UNCLASSIFIED
(Classification)

COPY

K.F. Jasen
108-48 68th Avenue

Forest Hills, L.I.
September 15, 1952

U.S. Consul General
Luxembourg

Dear Sir:-

Enclosed please find copy of a letter I wrote to the ARBED Corporation, Luxembourg. This letter is self-explanatory.

There is a possibility that other people will have similar problems or may have written to you previously.

Any advise or help your office could extend to me will be highly appreciated.

Very respectfully yours,

K.F. Jasen

Encl.

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(Classification)

COPY

K.F. Jasen
108-48 68th Avenue
Forest Hills 75,
New York

September 15, 1952

Mr. Félix Chomé
President of ARBED Corp.
Avenue de la Liberté
Luxembourg

Dear Mr. Chomé:-

On May 27th, 1952 I wrote to the Arbed Corporation regarding the refund of an unwarranted profit your corporation had achieved by buying Arbed-Bonds through the German Government from Jewish sources. A copy of this letter I mailed to the Chairman of the Board and the President of the Arbed Corporation. The facts in short are as follows:

My mother, Mrs. Lisbeth Jacobowitz, a U.S. Citizen, residing at 2107 Broadway, New York, NY., was forced to leave Germany in 1933. She owned \$6,000.00 Arbed-Bonds. She was not permitted to take these bonds along, but had to deposit them with the Commerz-Bank in Berlin. In 1939 the Commerz-Bank was ordered to hand the Bonds over to the German Reichsbank. According to my information and to your files your corporation bought these bonds in 1939 from the German Reichsbank paying part of the purchase price with blocked Marks. Inasmuch as the blocked Marks were traded at a lower exchange than the free Mark your corporation profited from this transaction.

As I wrote in my last letter I do not believe that a corporation of your reputation intentionally would take advantage of such transaction or if informed would keep these profits.

I did not ask your corporation to replace the Bonds purchased from the German Reichsbank. I just ask to pay me the difference between the price your corporation paid to the German Reichsbank and the price your corporation would have had to pay if they acquired the bonds on the free market.

I did not receive any answer to my last letter. I would please ask you to check the correctness of these facts from your files. An early reply will be highly appreciated.

Yours very truly

K.F. JASEN

PS. Copy of this letter has been mailed to the U.S. Consul General, Luxembourg.

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339230

No. _____ of _____
Form _____

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Page _____ of _____
Page 1 of _____
Encl. No. 3
Desp. No. 79
From Luxembourg

COPY

ARBED

Aciéries Réunies de Burbach-Eich-Dudelange
Société Anonyme-Siège Social à Luxembourg
Administration Centrale
Département des Finances

Luxembourg, October 4th 1952.

Service: Finances
Signet: MI/CR

Mr. C.H. Walter Howe
The Foreign Service of the
United States of America

22, boulevard Em. Servais,
Luxembourg

Dear Sir,

Referring to your letter of September 25th addressed to Mr. G. Konsbruck, Assistant General Manager of our Company, we beg to hand you herewith a memorandum expounding the case Jacobowitz-Jasen.

You will easily admit that the attitude of Arbed in this matter is quite correct and irreproachable in any way.

Yours very truly,

ARBED
Aciéries Réunies de
Burbach-Eich-Dudelange
Société Anonyme

(illegible)

(Buck)

1 enclosure

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Case Jacobowitz-Jasen

Mrs. Jacobowitz is a German Jewess who emigrated before the war, leaving in Germany Arbed Bonds 5,25% of 1926 representing a nominal value of \$6,000,-. At present she lives in New York.

According to German legislation at that time, she was compelled, in April 1939, to offer the aforesaid Bonds to the Reichsbank which credited her with RM 28.224,- equivalent calculated on a purchase value of 112% and at the exchange rate of 1\$-4,20 RM.

Said bonds, of which the numbers have been made known to us, were bought respect. reimbursed by Arbed as follows:

in Holland,	during the year	1938	\$ nom.	150,-
" "	" " "	1939	"	750,-
" Luxembourg	" " "	1939	"	150,-
" England	" " "	"	"	600,-
" Belgium	" " "	1947	"	150,-
			\$ nom.	1.800,-
in Germany,	during the months	April and May 1939	"	4,200,-
		(Deutsche Golddiskontbank, Berlin)		
			\$ nom.	6.000,-

During these last two years Arbed has been pressed by Mrs. Jacobowitz and her son Mr. K.F. Jasen of Forest Hills, U.S.A., in order to obtain an indemnity for the real or alleged spoliation suffered by her.

Arbed refused to enter in those views, but agreed to communicate - on April 4th, 1952 - to Mr. Jasen the details regarding the purchase price paid to the Golddiskontbank, so as to enable him to take up the defence of his interests, Mr. Jasen having given a written promise that the supplied information would not be used by him against Arbed, neither judicially nor extra-judicially.

In spite of this promise, Mr. Jasen renewed his attempts by letter of May 27th, 1952, asserting his claim by unpleasant considerations against the Arbed Company, in order to obtain partial compensation for his real alleged loss.

Seeing that Arbed paid 70% of the purchase value in dollars and 30% in RM and that in 1939 the Spermark quoted about 15% of its nominal value, Mr. Jasen thinks that he is entitled to claim from Arbed 85% of the purchase price paid in RM.

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We have decided to stop correspondence with Mr. Jasen, for the following reasons:

1.) It does not fall within our duties to examine whether there has been any damage or not. We do not know if the price of the bonds with which Mrs. Jacobowitz has really been credited, has finally been confiscated by virtue of racial regulations, or if Mr. Jasen only complains of having had to sell his Sperrmarks at an unfavorable rate.

Whichever may be the cause of the prejudice Arbed cannot be held responsible for same.

The compulsory transfer of bonds payable in foreign currencies affected all persons living in Germany (Devisenländer) and was not limited exclusively to the Jews.

2.) The injured owners were entitled to vindicate their rights against a third party, who purchased the spoliated securities, on condition that the debtor establishment be notified of an opposition, prior to August 1st, 1950 at the latest. (Art. 4 of the Grand Ducal Decree of March 28th 1950).

No opposition has ever been notified to Arbed.

3.) Among the bonds which Mrs. Jacobowitz pretends having been compelled to transfer to the Reichsbank in 1939, appears the bond No. 13253. Now, this bond has already been bought by Arbed on August 31st, 1938.

This fact proves that the statements made by the applicants are not to be accepted without verification.

4.) Mr. Jasen has pledged himself in writing not to utilize against Arbed the information obtained from her regarding her purchase price. Nevertheless he is doing so.

5.) For the sake of completeness we add that an agreement was signed in Luxembourg on September 10th 1952 between the Federal Republic of Germany and the Republic of Israel, with regard to the indemnification of Israelites having suffered a damage in consequence of the racial laws enforced in Germany.

Luxembourg, October 4th, 1952.

ARBED
Aciéries Réunies de Burbach-Eich-Udelange
Société Anonyme

(illegible) (Buck)

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OUTGOING AIRGRAM

Department of State

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CLASSIFICATION

AMERICAN
LUXEMBOURG

LUXEMBOURG

A-14 October 20, 1952

Reference your despatch No. 79, October 7, 1952, regarding the claim of K. F. Jasen, against ARBED.

letter

The Department is forwarding claim to Mr. Jasen.

The Department has taken the position that recognition should not be accorded to confiscatory Nazi legislation and that title in any confiscated property should be considered to have remained unchanged. However, in this case it appears that the persecuted person did not make application for restoration of his rights before the deadline set forth in Luxembourg law. Further, it appears that he has promised in writing not to use the information given him by ARBED against ARBED. In view of the circumstances the Department does not feel that any further approach need be made to ARBED on the case.

BRUCH, ACTING

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250a-1151 Jacobowitz, Lisbeth/10-752
XR 262-11/1

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needed
NEWBERGER, SIMON & KAHN

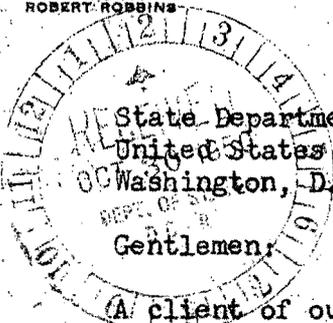
LOUIS NEWBERGER
(1882-1916)
MILTON N. SIMON
(1880-1939)
LOUIS H. KAHN
ALEX. L. ASCH
ROBERT ROBBINS

Smith
DIVISION OF
PROTECTIVE SERVICES
Ans 11/15/50
NOV 1 1950
DEPARTMENT OF STATE

ACTION
is assigned to

LAW OFFICES
INDIANAPOLIS 4
1205 Morris Plan Bldg.

October 26, 1950



EUR INDEX

State Department
United States Government
Washington, D. C.
Gentlemen:

A client of ours whose name is Suzan Trayber and who came to this country during the past year has brought to our attention that her deceased husband, who was liquidated by the German purge during the last war, had on deposit a considerable sum of money in a bank in Luxemburg which country was conquered by the German forces and that it had come to her attention that at the present time there is an agency in England which is helping such unfortunates recover some of the losses that were incurred by these people during World War II.

We would appreciate any information that you can give us concerning matters such as this.

Very truly yours,
L.H. Kahn
NEWBERGER, SIMON & KAHN

*P.R.# 419
for 7/7/55
4c. JB M
LHK/jm*

159497

RECEIVED
OCT 30 1950

250A-1151 TRAYBER / 10-2650 SUZAN
CS/W

DCR - CLAIMS UNIT
Anal 35
Rev 10
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Dist. _____

DEPARTMENT OF STATE
1950 OCT 31 PM 3 16
*re-assign Trayber
to Mr. / Mrs. W.H. Smith*
*250a. 1151 Trayber /
burgan / 10-2650*

RG Entry File Box
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CDF 1950-54
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Authority NND 969002
By WDP NARA Date 6/30/00

339235

NOV 15 1950

In reply refer to
DS 250A.1151 Traybor,
Suzan/10-2650

My dear Mr. Kahn:

The receipt is acknowledged of your letter dated October 26, 1950, relating to the desire of Mrs. Suzan Traybor, who presumably is not an American citizen, to have information concerning an agency said to be in England, which might be of assistance to her. Mrs. Traybor is interested in establishing a claim for indemnification for a loss of funds said to have been placed on deposit in a bank in Luxembourg by her husband, who subsequently died as a victim of Nazi persecution.

It is suggested that your local Community Chest or similar welfare agency may, through its connections, be able to ascertain what reputable American or foreign facilities may be available to assist individuals who have claims against Germany.

It is possible that Mrs. Traybor has not been in direct communication with the bank in Luxembourg to ascertain if the deposit still exists and, if not, what disposition was made of it. If the deposit still exists, the bank should be able to advise Mrs. Traybor as to the procedure she should follow to have the account transferred to her name.

Sincerely yours,

For the Secretary of State:

Francis E. Flaherty
Assistant Chief
Division of Protective Services

Mr. Louis H. Kahn,
Newberger, Simon and Kahn,
1205 Morris Plan Building,
Indianapolis 4, Indiana.

CON:DS:VABsmith:aec
11/10/50

CS/H

250A.1151 TRAYBOR, SUZAN/10-2650

250A.1151 Traybor
Suzan/10-2650

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Dat: [Signature]

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339236

Way Terr.
Ill.

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[Signature]
[Signature]

Chicago, Sept. 23th. 1954

*See 250a.1151 Trayber
Susan / 10-2650
DS*

Special War Problems Division
Department of State
Washington D.C.

RECEIVED
SEP 27 1954
U.S. DEPARTMENT OF STATE

Gentlemen,
Having immigrated to the United States 6 years ago,
I had prior to my immigration lived in Luxembourg and France.
Having had a Bank account in Luxembourg at the Banque Inter
Nationale, before the War. This account had been taken away
from us, upon the entering of the Nazis in Luxemburg and
had been transferred by them to Germany.

I have inquired after the War, what had happened to
this account, and the answer was from the German War refund
office, that such accounts had been collected from every oc
cupied country to a German Bank called "Die Bank der Deutsche
Arbeit", but that such a Bank had ceased to exist after the
collection of all such funds.

I have however a copy from the Bank in Luxemburg,
Showing that my account had been transferred to Germany on
a certain date, and also where it had been send to.

Now I try to claim my account, and have been referring
to your office, saying that you handle such matters.

I would be very pleased, if you could let me know
how I have to go about to put in such claim, and also if you
could help me in my case. Hoping to have a reply from you

Very respectfully yours

Fred Trayber
Fred Trayber

*Reply drafted
file*

*10/29/54
Sub: See: See:
Susan: WEW*

DC/R
Ans: 29
New
Cec

246843

OFFICE OF
SPECIAL CONSULAR SERVICES
SEP 29 1954
DEPARTMENT OF STATE

FILED

*OSL-652
10/12/54*

250A.1151 TRAYBER,
FRED/9-2354

250A.1151 TRAYBER, FRED/9-2354

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By WDP NARA Date 6/30/00

339237

November 1 1954

In reply refer to
GEA 250A.1151 Traybar,
Fred/9-2354

Dear Mr. Traybar:

Reference is made to your letter dated September 23, 1954 relative to the confiscation by the German occupation authorities of an account which you had with the Banque Internationale, Luxembourg.

Unfortunately, the information contained in your letter is not sufficient to enable us to advise you what recourse is available to you as far as the recovery of your funds is concerned. We believe that if you will furnish us a copy of the letter from the Bank Internationale, Luxembourg, and a copy of any communication you may have received from the German agency to which you made reference, we will be in a better position to consider this matter.

Sincerely yours,

For the Secretary of State:

[Signature]
Audson C. Jones
Office of German Affairs
Bureau of European Affairs

DC/H
Anal <i>W</i>
Rev _____
Cat. _____

Mr. Fred Traybar,
1668 Juneway Terrace,
Chicago, Illinois.

EUR:GER:GEA:ISS:tarr:wew

10/29/54

S/S-CP
NOV 1 1954 P.M.

CSVM

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 GEA 250A.1151 TRAYBER,
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339238

RECEIVED
JAN 8 1952

870 West 181st Street
New York 33, N.Y.
January 6, 1952

Adrian S. Fisher, Esq.
Legal Adviser
Department of State
Washington 25, D.C.

250A.1141

Dear Sir:

I am in receipt of your communications No. 1086 and No. 93 for the Press, involving American interests in property in allied or neutral countries seized or blocked as "enemy" property.

At the outset I would like to state that I am not at all certain whether my claim would be a valid one under Article 23 of the Brussels Agreement (Brussels Intercustodial Agreement) for the following reasons:

I was a resident of Luxembourg for almost 30 years until 1941, most of this time holding the status of a stateless person, since I had renounced my German citizenship in an attempt to become a Luxembourg citizen. I entered the United States in 1941 and became a U.S. citizen in 1947. In a prior communication from the State Department I had been informed that my claim could not be entertained by you, since I did not become a citizen until after my claim arose and was not an American at the time these claims came into existence. However, your above numbered communications were not specific on that point, and I am therefore writing to ascertain this.

My second question relates to the type of claim falling under Article 23, which is described as involving property of any kind in the countries in question owned by a corporation or other enterprise organized under the laws of Germany, in which corporation or enterprise Americans have any form of participation. Heretofore, and on August 22, 1947, I mailed to the Office of Alien Property Custodian, Washington 25, D.C., a "Notice of Claim for Payment of Debt", Form APC-1C, for cash deposits, and various stock certificates, including stock certificates of a corporation in which I owned 50% of the stock, all of which had been transferred from my account in the Banque Internationale a Luxembourg on May 24, 1941, to the Bank der Deutschen Arbeit. It is my belief that the assets of the Bank der Deutschen Arbeit were seized as enemy property by the Luxembourg government after the war. I would therefore like to know whether my claim for the deposits

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339239

2025 RELEASE UNDER E.O. 14176

ACTION
is assigned to

[Handwritten signature]

LEGAL ADVISER

And 6/10/50
JUN 8 - 1950

from file
DEPARTMENT OF STATE

870 West 181st Street
New York 33, N.Y.
June 5, 1950.

DC/R

State Department
Washington, D.C.

Gentlemen:

I would very much appreciate your advice on the following problem:

I am a naturalized citizen of the United States, having arrived in this country in 1941, and acquired my U.S. citizenship in 1947. From 1913 to 1941 I was a resident of the Grand-Duchy of Luxembourg. In 1923 I gave up my prior nationality (German), in order to become a Luxembourg citizen, but due to the complexities of the naturalization laws of that country, by the outbreak of World War II, no naturalizations had taken place in this almost twenty-year period.

In 1931 I acquired a 50% ownership in the stock of a corporation which owned a department store, specializing in household articles, which stock I held until September 1940, when the German Civil Authorities, which followed the German Army of Occupation, ousted me from ownership and control because I was Jewish and named a commissioner to run the business. Up to that time I had also been a director, officer and the manager of the business. In 1941 I was arrested and released on condition that I leave the country immediately. At that time my family and I had the necessary papers for entry into the United States, and we left for the States at once.

In 1942 my store, which was situated next to another department store, which specialized in clothing and textiles, was connected by the Germans with this clothing establishment, in order to save commissioner's expense, since the Political Section concern was also owned by Jews. This connection could very easily be done by breaking down the walls which separated the two buildings. Later in 1942 the combined concerns were bought by a German. In the contract of sale it was specifically provided that both stores were being sold. As a matter of fact it appears that

Political Section
classified... 2.9...
recorded... 5...
revised...
Reviewed...

250A.1141 LERSY, SIMON
/6-550

CS/W

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JUN 11 1950

*250A.1141 LERSY,
Simon /6-550*

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339240

June 5, 1950

during the war the major items for sale were those which had previously been sold by my store.

After the liberation of Luxembourg by the American Army, the owners of the neighboring store, who had spent the war years in neutral European countries, returned and took possession of both stores. At this time the same separation which had prevailed before the war was still maintained in the stores, that is, household articles were being carried in my part of the store, whereas clothing and related merchandise were sold in the other store. Upon their return, the owners of the clothing articles moved all the merchandise from my store to their part, and the two buildings were again separated by a wall.

In 1946 suit was instituted by the corporation of which I owned 50% of the stock. In 1948, because no progress was made in the action and there were continuous delays and procrastinations by the attorneys for the other side, I personally went to Luxembourg and was successful in having the case come up for trial. In 1949 a decision was rendered which held that the Germans had achieved a dissolution of the firm by reason of this consolidation and that therefore my corporation could not recover. However, the Luxembourg Government in Exile in 1942 had itself passed a law declaring all laws passed by the Germans null and void. Consequently the law passed by the Germans, which permitted them to expel Jewish owners from their concerns and in their stead to appoint commissioners who could dispose over the property, is also illegal. This law was completely disregarded in the rendering of the above decision.

Similar cases in other European countries, especially France, which has similar laws, have held that a going concern is not dissolved or liquidated by the fact that the enemy takes over and removes merchandise. The legal owner in these cases does not lose the ownership of the business, but on the contrary, the buyer designated by the Germans is to be considered as a provisional caretaker, who is forced to return the business to its rightful owner with all the merchandise therein as well as the profits for the period.

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339241

State Department -3-

June 5, 1950

In spite of its own law, which declared all German laws in so far as they applied to Luxembourg, invalid, the Luxembourg court has denied me, what I consider, the most elementary justice, and I think this is in violation of my rights as an American citizen.

In addition, I am unable to recover for any of my war damages and losses of all my other property, which I was forced to leave behind as a result of my expulsion from the country, because I am not a citizen of Luxembourg, since the law provides only for restitution to Luxembourg citizens.

I would appreciate your advising me whether I, as an American citizen, have any rights in the matter.

Thanking you for any assistance you may be able to give me, I am,

Very truly yours,

Simon Lersy

Simon Lersy

RG 59
Entry CDF, 1950-54
File 250A.1141
Box 990

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Authority NND 969002
By WDP NARA Date 6/30/00

339242

*Direction
file to
Maurer*

JANUARY 21 1952

*250A.1141
Lersy, Simon 1-17-52*

In reply refer to
L/E

My dear Mr. Lersy:

Reference is made to your letter of January 6, 1952 regarding certain claims in Luxembourg and the Netherlands.

With respect to your citizenship status, under Public Law 857, approved September 28, 1950, the Department is enjoined in certain cases to seek protection in intercustodial agreements for individuals who were not American citizens at the time of the seizure of their property.

Press Release 1086 is not concerned with any claim you may have against the United States Office of Alien Property. Also, your claim in Luxembourg does not fall within its scope since your property was not seized or withheld from you by Luxembourg on the basis of your alleged enemy character. However, independently of this, if the proceeds of the liquidation of your property in Luxembourg were among the assets of the Deutschen Arbeit when Luxembourg was liberated, it would appear normal for your claim against such assets to be recognized. It is suggested you may wish to examine into this aspect of the matter.

With respect to the Netherlands, if the property of your persecuted sisters was seized or withheld by the Netherlands on the basis of their or your alleged enemy character, you should bring this to the Department's attention.

Sincerely yours,

EM

Ely Maurer
Assistant to the Legal Adviser

Mr. Simon Lersy,
870 West 181st Street,
New York 33, New York.

S/S - CR
JAN 18 1952 P.M.
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250A.1141 LERSY, SIMON/1-21-52

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JUN 20 1950

In reply refer to
L/C 250A.1141 Leray,
Simon/6-1450.

My dear Mr. Javits:

The receipt is acknowledged of your letter of June 14, 1950, enclosing one of June 5, 1950 which you received from Mr. Simon Leray concerning property losses allegedly sustained in Luxembourg during the German occupation.

The Department received a similar letter of the same date from Mr. Leray. There is enclosed for your information a copy of the Department's reply of June 12, 1950, together with a copy of its enclosure.

As you are aware, Section 2 of the War Claims Act of 1948, as amended, required the War Claims Commission, established pursuant to the terms of the Act, to report to the President on or before March 31, 1950, for submission to the Congress, recommendations regarding the consideration of claims arising out of World War II other than those which may be adjudicated under the terms of the Act. The report has been published as House Document No. 380, 81st Congress, 2nd Session.

In accordance with your request, the letter which you received from Mr. Leray is herewith returned.

Sincerely yours,

For the Secretary of State:

Remondet H. English
Assistant Legal Advisor

Enclosures:

1. Copy of Department's letter, June 12, 1950 and enclosure.
2. Letter from Mr. Leray.

The Honorable
Jacob K. Javits,
House of Representatives.

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S/S-CR
JUN 19 1950 P.M.

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250A.1141 LERSY, SIMON/6-1450

250A.1141 Leray, Simon/6-1450

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By <u>WDP</u> NARA Date <u>6/30/00</u>

339244

JUN 12 1950

In reply refer to
L/C 250A.1141 Leray,
Simon/6-550

250A-1141 Leray, Simon / 6-550

My dear Mr. Leray:

The receipt is acknowledged of your letter of June 5, 1950, concerning property losses allegedly sustained in Luxembourg during the German occupation.

You will observe from the enclosed copy of a press release of March 2, 1948, that the benefits of the Luxembourg war damage compensation legislation have not been extended to American nationals and that claims arising from the forced sale of property in Luxembourg are matters within the competence of the administration and judicial tribunals of Luxembourg.

The Department would not be in a position to take any action on your behalf in the absence of a showing that the adverse decision rendered on your claim constituted a denial of justice as that term is understood in international law and practice. No such showing has been made.

It is noted that you were naturalized as an American citizen in 1947, and that your losses arose prior to that date. Under the recognized principles of international law and practice, one nation cannot successfully present a claim for international reclamation against another nation unless the claimant was a national of the nation presenting the claim at the time the claim arose. The reason for the rule is that a nation is injured through the injury to its national and only the injured nation can demand reparations. If a claim should be presented, the respondent government would invoke the rule. While naturalization transfers allegiance, it does not transfer international obligations existing at the time of naturalization. The Department is unable to state whether this situation may be modified in the German peace settlement.

It

Mr. Simon Leray,
870 West 181st Street,
New York 33, New York.

*GPC
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[Handwritten signature]

250A.1141 LERAY, SIMON

250A.1141 Leray, Simon / 6-550

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It is not unreasonable to assume, however, that the German peace settlement will contain provisions relating to claims for compensation for losses attributable to Germany resulting from the war and from the discriminatory acts of the Nazi regime.

Sincerely yours,

For the Secretary of State:

Joseph B. Matre
Assistant to the Legal Adviser

Enclosure: ✓

Press release No. 160.

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JUN 9 1950 P.M.

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A true copy of
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