



DEPARTMENT OF STATE INSTRUCTION

765

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NO. CA-2710 May 3, 1956

SECRET

SUBJECT: Cultural Claims referred by US to Federal Republic of Germany.

TO: ATHENS, BELGRADE, BRUSSELS, BUDAPEST, COPENHAGEN, LONDON, LUXEMBOURG, MOSCOW, OSLO, PARIS, PRAGUE, ROME, THE HAGUE, VIENNA, WARSAW.

EPTD INFO: BONN

Microfilmed copies of cultural claims, listed below by country, are enclosed for transmission to the Foreign Office of the claimant government concerned in order that each claimant government may be informed of the following action taken by the Department of State. These cultural claims have been microfilmed and transmitted to the Federal Republic of Germany in 1951 and 1956. They had been filed with claimant governments or individual claimants with an agency of the United States Government and were forwarded to the German restitution agency, in accordance with Chapter 5 "External Restitution", article 2, paragraph 3 of the CONVENTION ON RELATIONS WITH THE FEDERAL REPUBLIC OF GERMANY.

"3. Claims filed with an agency of any of the Three Powers and not finally disposed of prior to the entry into force of the present Convention and falling within the scope of the provisions of Article 1 of this Chapter and this Article shall be referred by the Power concerned to the German agency referred to in Article 1. They shall be acted upon by the German agency as though filed directly with it by the claimant government."

All claims found in the files of the Office of Military Government for Germany (US) (OMGUS) and the Office of US High Commissioner for Germany (HICOG) have been referred to the German restitution agency. Documentation relating to the validity of claims, other than that presented with the claims, is not included. The claims file does not always indicate whether or not the objects were recovered and restituted and the claim "completed". Some claims, which were not completed, were marked, "This claim was dropped in compliance with oral request by Konstantin, Fine Arts, and Archives OMGUS on 28 June 1949 ordering all claims with insufficient

AMTS extra copies

S/S-CR

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RG 59 Entry CDF 1955-59 File 262.0041 Box 1072

339425

DECLASSIFIED Authority: MD 969003 By: TB NARA Date: 6/19

Vertical stamp: 262.0041/5-BBB CS/W

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insufficient evidence to be given inactive status. In general, "insufficient evidence" refers to a lack of information as to the location of missing objects and not to a lack of evidence for the identification of the objects or for proof of loss.

Claims "dropped" by OMCBS, therefore, are not to be regarded as having been rejected by the United States as not well founded under Article 2, paragraph 1, second sentence of the CONVENTION.

The Federal Government may receive notification of claims if such claims had already been rejected as not well founded by the appropriate agency on one of the Three Powers, except in a case where evidence which could not previously be presented is adduced.

List of microfilmed countries and claims:

- Austria-Claims: 1951/14,29 Folder 176, 177
- 1951/14,30 Folder 177, 178
- 1951/14,31 Folder 178, 179, 180
- 1951/14,32 Folder 180
- 1956/1, 2, 3 A-31 to A-91, 615 pages
- Bulgarian-Claims: 1951/14,33 Folder 181, 182
- 1951/14,34 Folder 182, 185
- 1951/14,34 Folder 185
- 1956/1, 2, 3 Folder 185-118
- Czechoslovakia-Claims: 1951/14,34 Folder 186
- 1951/14,35 Folder 186, 187, 188
- 1951/14,36 Folder 188
- 1956/1, 2, 3 Folder 188, 354 pages
- Denmark-Claims: 1951/14,36 Folder 189
- 1956/2, 3 Folder 189, 35 pages
- France-Claims: 1951/14,36 Folder 190
- 1951/14,37 Folder 190, 191
- 1956/1, 2, 3 Folder 192 pages
- 1956/4 Folder 192-201
- 1956/5 Folder 192-500
- 1956/4 Folder 192-421
- 1956/5 Folder 192-530 to 1121
- 1956/5 Folder 192-1121 to 1167
- 1956/5 Folder 192-1167 to 1182
- 1956/5 Folder 192-1182 to 201

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- Great Britain-Claims: 1951/14.37 Folder 192
1956/2 - H-1 to H-28
46 pages.
- Greece-Claims: 1951/14.36 Folder 189
1951/14.37 " " 192
1956/7 - " " 3 pages.
- Hungary-Claims: 1951/14.36 Folder 189
1951/14.37 " " 192
1951/14.38 " " 192
- Italy-Claims: 1951/14.38 Folder 193
1951/14.39 " " 193
1956/2-3 - G-1 to G-91
312 pages.
- Luxembourg-Claims: 1956/8 - " " H-1 to H-4
10 pages.
- Netherlands-Claims: 1951/14.36 Folder 189
1956/8 - " " H-1 to H-70
479 pages.
- Norway-Claims: 1951/14.33 Folder 135
1956/9 - " " NOR-1 to NOR-11
71 pages.
- Poland-Claims: 1951/14.39 Folder 194
1956/9 - " " P-1 to P-63
187 pages.
- USSR-Claims: 1951/14.39 Folder 195
1951/14.40 " " 195
1956/10 - " " R-013 to R-056
pages 1 to 700
1956/11 - " " R-057/4 to R-1-1237
pages 1 to 500
1956/12 - " " R-1-1527 to R-1-1442
pages 1501 to 1176
- Yugoslavia-Claims: 1951/14.40 Folder 197
1951/14.41 " " 197
1956/13 - " " R/A to R/537/A
113 pages.

1955-00-000000-1
RM/R
1955-00-000000-1
1955-00-000000-1

Enclosure: Microfilm copy of cultural claims of country concerned.
(Sent registered under separate cover)

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DEPARTMENT OF STATE INSTRUCTION

2135 2135

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No. CA-10968 June 25, 1957

SUBJECT: Restitution of Three Paintings: MCCP 4522, 36864 and 7388

TO: BONN AND THE HAGUE, PARIS

3

THIS DOCUMENT MUST BE RETURNED TO THE FM/A GENERAL STAFFS

Reference is made to Bonn despatch, No. 2166, May 29, 1957, concerning works of art erroneously restituted (France/Holland), concerning three paintings which were restituted to the Netherlands and are claimed by France.

Full documentation, for the exact identification of each painting, its former ownership, and disposition, is enclosed in a set for each of the three paintings: Munich Central Collecting Point (MCCP) 4522, 36864, and 7388. The documentation includes the MCCP property card, MCCP photograph, Dutch Receipt, copies of the original Nazi documents of purchase or confiscation, Nazi inventories, and a photostat of the French claims.

The Embassies are requested to transmit the enclosed documents to the appropriate agency of the Government to which they are accredited, for the clarification of the proper restitution of MCCP 4522 and 36864 and the justification of the return of MCCP 7388 to France by the Dutch Government, if the painting has not already been recovered.

MCCP 4522 and 36864 were correctly restituted to the Netherlands, as the property of Mr. Fritz Gutmann, which had been acquired under duress by the Nazi art agent, Haberstock, and removed from the Netherlands.

A bill dated March 10, 1941, for the sale of several paintings by Mr. F. Gutmann of Heemstede and Amsterdam, to Haberstock, includes the Isenbrandt, as No. 3, and the Memling, as No. 8. A list of paintings sold by Haberstock to Hitler, dated April 2, 1941, includes the Isenbrandt, as Linz 1622, and the Memling, under another attribution, as Linz 1613.

The American

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APPROVED BY: *AM:ARHall*

AM:ARHall:igt 6/20/57

AM:ARHall

CLEARANCES:

GEA: Mr. Harlan WEB: Mr. Cameron
WB: Mr. Beleg

JUN 25 1957 AM

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The American Monuments, Fine Arts, and Archives Officers have reported that Mr. Fritz Gutmann of Heemstede and his wife died in a concentration camp. If the Mr. Gutmann, the French claimant, is in fact, he should apply to the Dutch Government for the recovery of these paintings, under established procedures.

MCCP 7388 was confiscated in France and erroneously restituted to the Netherlands, as already reported by HICOG in despatch No. 2401, March 5, 1954. A Department request for its restoration to France was forwarded to the American Embassy at the Hague, under Department instruction No. A-317, May 6, 1954, and no confirmation of its return has been received.

MCCP 7388 was restituted to the Dutch Government under the mistaken identification as a painting by Jan de Cock or Cook, "Darbringung im Tempel" or "Bibl. Scene" acquired from the Dutch dealer, Goudstikker (No. 3067) for the Goering collection. The identification of its source was made by Hofer, Goering's art agent. The Jan de Cock painting, however, had been given in exchange to Miedt, with over 150 others, for the notorious fake Vermeer and was not in Goering's possession at the end of the war. Hofer must have been well aware that the painting was not the Goudstikker Jan de Cock, as he selected the pictures for the exchange, conducted the negotiations with Miedt and included it in the list of the exchange given in enclosure 16.

The identification of Miedt's 7388 as the one claimed by the French Government on behalf of Mr. Arnold Seitzmann, Place Vendome No. 23, is fully documented and described in the enclosed inventories (prepared at the German Embassy, Paris), of the confiscations by the Einsatzstab Reichsleiter Rosenberg under No. III 105.45: Niederländisch, Am. 16 Jg., "Christus unter der Schriftgelehrten," 38 x 31 cm, and is illustrated in the "French Repertoire", No. 2028.

Enclosures:

MCCP 7522/Vissee 3171

1. Property Card.
2. Photograph.
3. Dutch Receipt, No. 1122, April 29, 1946, with page 4 of Schedule A, Running No. 49.
4. Bill for sale of Painting by F. Gutmann to Haberscock, March 10, 1941.
5. List of paintings acquired (by Hitler) from F. Haberscock, April 2, 1941.
6. GIP #21 Goering Collection, page 65, re: Fritz Gutmann.

7. French

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262.0041/4957

AIR POUCH

1738

April 9, 1957

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FROM: AMEMBASSY, BONN
TO: The Department of State, Washington

REF: Department's Instruction A-623, March 14, 1957
Embassy's Despatch 1549, March 22, 1957

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C-14-12 TR-3 OAP-3 COM-8

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SUBJECT: Restitution of Cultural Properties (Chapter Five, Settlement Convention)

Pursuant to the referenced Instruction the Embassy reports further as follows:

1. The Embassy has received a report from the Federal Agency for External Restitutions on this matter, which sets forth the following:

"This Agency processes the restitution claims in close cooperation with the "Treuhandverwaltung fuer Kulturgut" in Munich. It has based its work on the records in Munich of the former Central Collecting Point Munich, including the microfilms received in 1951 and mentioned in the American Embassy's letter of May 3, 1956. The Agency has observed that these microfilms contain the applications for restitution of cultural properties of the claimant governments originally filed with the American authorities.

Pursuant to the said letter of the American Embassy, the Agency has compared the microfilms of 1951 located at the Treuhandverwaltung, with the microfilms received from the American Embassy in 1956. It has been found that all claims contained in the microfilms of 1956 were already the subject of the microfilms of 1951. It was also ascertained that the applications made by the claimant governments directly to this Agency are largely identical with those contained in the said microfilms.

As far as the claims in the microfilms of 1951 go beyond the claims directly filed with this Agency and beyond those contained in the microfilms of 1956, they concern restitution claims which have already been satisfied or cases in which the investigations of the American agencies were without result and where also the investigation by this Agency is not expected to be successful.

In view of this situation, the claims referred to this Agency by the American Embassy have been included, in the statistical summaries submitted with the quarterly reports of this Agency, in the figures showing the applications directly made (by claimant governments) to this Agency and have thus not been listed separately.

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Page 2 of
Despatch 1738
AMEMBASSY, BONN

The Embassy is prepared to obtain such further information from the said Agency or from the "Treuhandverwaltung" for cultural property in Munich as the Department may desire.

2. According to the referenced Instruction, the Department is considering the desirability of a review of the records in its possession in order to develop additional identification data and to make them available to the German government and the claimant governments. While such operation may be desirable as far as United States claimants are concerned, it seems to us that it may not be necessary with regard to the cases of other claimants. We would think that a review of a case in the latter category would be called for only if the claimant government or the German Agency for External Restitutions should ask the United States authorities for information or other assistance.

For the Charge d'Affaires ad interim:

Elim O'Shaughnessy
Elim O'Shaughnessy
Counselor of Embassy

DISTRIBUTION:

Mr. O'Shaughnessy - 1
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*7/10/59
J.P.F.*

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262.0041/4-2457

April 24, 1957

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AIR POUCH

FROM : AMEMBASSY, BONN
TO : The Department of State, Washington
REF. : Instruction A-600, April 9, 1957

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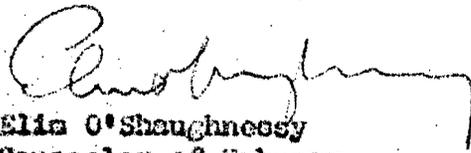
SUBJECT: Restitution of Cultural Properties (Chapter Five, Settlement
Convention)

Pursuant to your referenced instruction, the Embassy transmits here-
with translations of

- (1) and (2) such parts of the reports of the Federal Agency for
External Restitutions of November 6, 1956 and February 7,
1957 as relate to cultural properties;
- (3) such parts of the table attached to the report of Febru-
ary 7, 1957 as relate to cultural properties. Since
this table supersedes those attached to the earlier re-
ports, the latter ones are not submitted.

FOR THE AMBASSADOR:

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Elin O'Shaughnessy
Counselor of Embassy

Attachments:

three, as stated.

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REPRODUCTION OF ORIGINAL ARCHIVES

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Enclosure No. 1 to
Despatch 1874
AMBASSY, BONN
dtd. April 24, 1957

Translation of such part of Report of Federal Agency for External Restitutions of November 6, 1956 as relates to Cultural Properties.

For the period from August 9 through November 5, 1956 the following report is submitted:

Since the submission of the last report, considerable progress was made in the processing of the applications filed.

The collective applications under Articles 1 and 2, Chapter Five Settlement Convention, of the Belgian and French governments were registered and numbered item by item and were included in the attached table. On the basis of the result of the examination so far carried out the French government withdrew 135 restitution applications. The completion of the investigation will take considerable further time.

This Agency has further taken up investigations of a general character, by circular letters to museums and similar institutions, and in particular has made a detailed examination of the relevant collections with a view to the applications filed. These investigations have so far shown small results only.

Due to information received from a person concerned, one painting could fortuitously be found in the possession of a private person and could be identified and sequestered. The restitution claim was allowed in the meantime.

The work of this Agency is rendered difficult by the circumstance that most of the applications under Articles 1 and 2 do not contain the data prescribed in Section 2 of the Annex to Chapter Five.

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Authority MD 969003
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Enclosure No. 2 to
Despatch 1874
AMEMBASSY, BONN
dtd April 24, 1957

Translation of such part of Report of Federal Agency for External Restitutions of February 7, 1957 as relates to Cultural Properties.

For the period from November 6, 1956 through February 5, 1957 the following report is submitted:

I. Applications for restitution under Articles 1 and 2 of Chapter Five of Settlement Convention.

Investigations were continued during the said period. Although the documentation with regard to the various applications was supplemented in the meantime to some extent, there are still lacking in many cases the minimum data prescribed by Section 2 of the Annex to Chapter Five, and this Agency thus has no starting point for an investigation. Frequently there is lacking the description of the facts which resulted in dispossession; the description of the property restitution of which is demanded is frequently so general, especially in the case of jewelry, that investigation and identification is impossible in view of the large number of objects of the same type. Also for cultural properties the description is often not sufficiently unambiguous to permit identification on the basis of such description. Clarification of these matters often results in voluminous and time-consuming correspondences affecting the progress of the work of the Agency.

Until the end of the report period, final decisions were made with regard to five applications for restitution, four of which were allowed while in the fifth case the proceedings were discontinued pursuant to Article 2(2) of Chapter Five. As a result of the Agency's investigations, the number of applications withdrawn rose from 135 to 409.

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Enclosure No. 7
Despatch 1874
AMBASSY, BONN
dtd April 24, 1957

Translation of those parts of Table attached to Report of Federal Agency
for External Restitutions of February 7, 1957 as relate to Cultural Property
(Articles 1 and 2 of Chapter Five, Settlement Convention)

	claims received				total	withdrawn	remain	allowed	denied	discon- tinued	in process	ready for decision
	from claimant govern- ment	by referral										
		from England	from France	from USA								
algeria	1564	-	-	-	1564	100	1464	-	-	-	1464	-
denmark	21	-	-	-	21	-	21	-	-	-	21	21
egypt	76205	-	-	-	76205	300	75905	1	-	-	75904	-
greece	11	-	-	-	11	-	11	-	-	-	6	1
italy	-	-	-	7	7	-	7	-	-	-	7	-
ugoslavia	-	-	-	-	-	-	-	-	-	-	-	-
netherlands	790	-	-	-	790	2	788	1	-	-	787	1
norway	-	-	-	-	-	-	-	-	-	-	-	-
austria	249	-	-	1	250	7	243	-	-	-	243	-
oland	-	-	-	-	-	-	-	-	-	-	-	-
czechoslovakia	24	-	-	1	25	-	25	2	-	1	22	1
USSR	-	-	-	-	-	-	-	-	-	-	-	-
hungary	-	-	-	-	-	-	-	-	-	-	-	-
total:	78864	-	-	9	78873	409	78464	4	-	1	78454	24

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BY: TB NARA Date: 6/19

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DEPARTMENT OF STATE INSTRUCTION

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NO. **A-480 EXEX April 9, 1957**

SUBJECT: **Restitution of Cultural Properties (Chapter Five, Settlement Convention)**

TO: **The American Embassy, EMH**

262-0041/3-2257

Reference is made to Embassy despatch No. 1394, March 22, 1957.

The Department would like to examine as fully as possible the reports of the Federal Agency for External Restitution relating to the cultural claims received for restitution-in-kind and requests the attachments referred to in Embassy despatches No. 1811 of March 1, 1956 and No. 480 of September 6, 1956; the report for period ending November 6, 1956, summarized in Embassy despatch No. 679 of December 3, 1956; and the report for period ending February 5, 1957, summarized in Embassy despatch No. 1469 of March 6, 1957.

EMH:EL, ACTING

262.0041/3-2257

APR 9 1957
 REV. [Signature]
 [Signature]

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APR 9 1957 P.M.

DRAFTED BY: AM: ARHall:ldf 4/5/57

APPROVED BY: Ardella R. Hall:AM [Signature]

CLEARANCES: GEA: Mr. Harlan

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NO.: A-623 March 14, 1957

SUBJECT: Restitution of Cultural Properties (Chapter Five, Settlement Convention)

Document Must Be Returned to
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TO: The American Embassy, BONN.

A cursory examination of records in our possession has revealed that certain cultural properties stored at the Munich Central Collecting Point can be definitely identified as belonging to American, French, Dutch and other claimants. Some objects were transferred to the trusteeship of the Minister-Praesident of Bavaria in 1949 and, in turn to the Federal Republic in 1952 with a provision that the investigation of their source be continued. The identified cultural properties are not, however, all in this category. MCCP property cards and micro-filming of all MCCP records necessary for restitution are in possession of the German Federal Government. Under Article 1, of Chapter 5 of the Settlement Convention the German Federal Republic assumed responsibility for the restitution of such properties. This responsibility runs only in respect of property for which claims were filed prior to May 8, 1956 (Article 2, Para 2). However, prior to that date the United States Government filed with the appropriate agency of the German Government records of all claims in our possession (pursuant to Article 2, para 3).

Under Article 1, para 5 of Chapter 5, the agency of the German Government established for this purpose was to file periodic reports with the Three Powers and also to furnish additional information on request. We are unable to locate in our files any records of such reports or of any information having been furnished. So far as we are aware there has been no return of any of those properties which, according to our records, could be readily identified and returned.

Under the provisions of para 2 of Article 2, the agency of the German Federal Republic may discontinue all activity after May 8, 1957, if it has been unable to locate the rightful claimants to the properties. However, provision is made for restitution after that date if the properties should be subsequently identified.

Before deciding on the course to pursue, under these circumstances we would like to obtain a report from the Embassy based on information presently in its possession on the accomplishments of the German Agency to date, and on the plans of the German Government, so far as they may have been disclosed, for its future activity.

We have

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EUR:GER:GEA:XXXXXX:emc 2/25/57

APPROVED BY: GEA - Daniel F. Margolies

CLEARANCES:
AM - Miss Hall
EUR - Mr. Irving

1400-4798

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By: TB NARA Date: 6/19

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We have been informed that the head of the agency is Dr. Fechner of the Ministry of Finance, who is also the head of the Validation Agency at Bad Homburg. According to information which we have received from the German-American Validation Board of New York, Dr. Fechner plans to visit the United States in the middle of March, primarily for the purpose of discussing a new treaty to deal with the validation of certain securities not covered by the present treaty. We understand he also intends to raise the question of restitution claims.

We would also like the views of the Embassy as to whether the subject should be discussed with the British and French governments with a view to making a joint request for reports of the activity of the agency if such reports have not already in fact been furnished.

In the meantime, the Department is considering the desirability of a careful review of the records in our possession in order to develop identification data which has not been established heretofore. Such data would then be made available to the German Government and the claimant governments concerned. It should be noted in this connection that under the convention American claimants can be satisfied only through intervention of a third country, since the properties in question were looted from such countries and not from the United States (see first sentence of Chapter 5, Article 2, para 1).

As a practical matter a review of the records in the possession of the United States Government cannot be delegated to a private agency. The records are retained by this Government for our own protection, since claims with respect to such properties arise from time to time. In order to refute such claims the records must be available for consultation. Furthermore, vast sums of money are involved in the disposition of these properties, and if unauthorized persons were permitted access to these records it would open up the possibility for the development of fraudulent claims.

Inasmuch as the German Government has in its possession the same data we have, it had been hoped that the German Government would have developed the information which was available, and would have relieved us of the necessity of making such a search. It is possible that the records of the German Government, however, are in some confusion or are under the supervision of persons with inadequate experience in such matters. In this event there may be no alternative, if proper disposition of the properties is to be made, to our undertaking this review. It is for this reason we are desirous of being informed as far as the Embassy is aware of the progress that has been made on the German side.

HERTER, ACTING

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DEPARTMENT OF STATE INSTRUCTION

2840

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PRIORITY

REGISTERED

NO. 1 A-951 April 27, 1956

SUBJECT Transmittal of Cultural Claims to Federal Republic of Germany

TO The American Embassy, Bonn

Cultural claims, which have been filed with an agency of the United States Government, are herewith forwarded by registered air-pouch for immediate transmittal to the Federal Republic of Germany. Twelve reels of microfilm and two copies of an index of the microfilmed cultural claims are enclosed. One copy of the index is for retention by the Embassy. The Officer in Charge is requested to send to the Department a copy of the Embassy's transmittal note and the acknowledgment of the receipt of the microfilm and index by the German Foreign Office.

These claims are being referred by the United States Government to the German restitution agency of the Federal Republic of Germany, pursuant to Chapter 5: "External Restitution," Article 2, paragraph 3 of the Convention on Relations with the Federal Republic of Germany.

For the most part, these claims were filed with the UNESCO headquarters in Berlin and were not microfilmed with the British Central Collecting Point records in 1951. They are, therefore, in addition to the cultural claims microfilmed by HICOG in 1951 and the French and Polish published lists of claims already transmitted to the Federal Republic of Germany.

The Department of State is forwarding to each claimant government a microfilm copy of its cultural claims, microfilmed for transmittal in 1951 and 1956 to the Federal Republic of Germany, in order that each government may be informed of the action taken by the United States.

For Enclosures, see following page.

262.0041/4-2756 CS/W

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APR 27 1956 P.M.

DRAFTED BY: AM:ARHall:lpf 4/27/56

APPROVED BY: AM:ARHall QRH

CLEARANCES: GEA: Mr. [Signature]

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By TB NARA Date 6/19

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Enclosures:

INDEX

1. Twelve Books of Cultural Claims Microfilmed in 1958:

Argentina-Claims (also France) (AR-1 - 12 numbered pages)	
Austria-Claims: A-1 to A-91	415
Belgium-Claims: List and B-1 to B-15	20
Czechoslovakia-Claims: C-1 to C-100	355
Denmark-Claims: D-1 to D-2	5
England-Claims: E-1 to E-25	45
France-Claims: F-1 to F-124; F-1A * F-100A; F-1B * F-100B; F-100 * F-100C	2281
Germany-Claims: GER-1; GER-2; GER-1 to GER-35	157
Greece-Claims: G-1 to G-5	5
Italy-Claims: I-1 to I-51	311
Luxembourg-Claims: L-1 to L-4	10
Netherlands-Claims: N-1 to N-70	375
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Poland-Claims: P-1 to P-51	197
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USSR-Claims: R-015 to R-355 A-551 to A-1-1442	709 1175
Yugoslavia-Claims: Y/A to 1957/A	113

2. Index of Cultural Claims Microfilmed in 1958.

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RECO
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THE DEPARTMENT OF STATE, WASHINGTON 25

May 11, 1956

FROM: AMEMBASSY BONN

REF: Your A-981, April 27, 1956

SUBJECT: Transmittal of Cultural Claims to Federal Republic of
Germany

ACTION

AM-1

INFO

RM/R-2
EUR 4

Pursuant to the referenced instruction, there are transmitted
herewith

1. Copy of our letter to the Federal Agency for External
Restitution of May 5, 1956.
2. Translation of the reply of that Agency dated May 8, 1956.

For the Ambassador:

Enclosures: 2 a/s

Henry F. Waldstein
Chief
Legal Affairs Division

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File	262.0041
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By: TB NARA Date: 6/19

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Enclosure #1 to Despatch 2282
of May 11, 1956.

COPY

Bonn/Bad Godesberg
May 3, 1956

REGISTERED MAIL

Bundesamt fuer aussere Restitutionen,
63 Louisastrasse,
Bad Homburg v.d.H.

Sirs:

Pursuant to paragraph 3 of Article 2 of Chapter Five of the Convention on the Settlement of Matters Arising out of the War and the Occupation, the United States government hereby refers to you the claims listed in the attached schedule, for such action under Article 1 of the said Chapter as may be appropriate.

Documents pertaining to these claims have been microfilmed as far as they are in the possession of the United States Department of State. Twelve reels of such microfilm are being forwarded to you through registered parcel mail by this Embassy.

The Embassy has further received the following information from the Department of State:

"For the most part, these claims were filed with the OMCUS headquarters in Berlin and were not microfilmed with the Munich Central Collecting Point records in 1951. They are, therefore, in addition to the cultural claims microfilmed by NCCO in 1951 and the French and the Polish published lists of claims already transmitted to the Federal Republic of Germany.

The Department of State is forwarding to each claimant government a microfilm copy of its cultural claims, microfilmed for transmittal in 1951 and 1956 to the Federal Republic of Germany, in order that each government may be informed of the action taken by the United States."

You will observe from the foregoing information that other cultural claims received by United States agencies were microfilmed in 1951 and were then transmitted to the Federal Republic of Germany.

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Page 2 of Enclosure #1 to
Despatch 2202 of May 11, 1956.

- 2 -

We believe that the Treuhandverwaltung fuer Kulturgut in the Foreign Office is familiar with this matter. We would ask that the claims thus transmitted in 1951 should also be considered as having been referred to you by the United States government under paragraph 3 of Article 2 of Chapter Five.

We shall appreciate receiving your acknowledgment of the receipt of this letter with its attachment and of the twelve microfilm reels.

Very truly yours,

Henry P. Waldstein
Chief
Legal Affairs Division

Attachments:

Index of Cultural Claims
microfilmed in 1956.

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Authority MD 969003

By TB NARA Date 6/19

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Enclosure #2 to Despatch
2262 of May 11, 1956.

TRANSLATION

Federal Agency for Internal Restitution
I (K) - 1262/56

Bad Homburg v.d.H.
Luisenstrasse 63
May 8, 1956

To: American Embassy
Legal Affairs Division
Bonn/Bad Godesberg.

Re: Restitution of Cultural Properties pursuant to
Articles 1 and 2 of the Settlement Convention

Ref: Your letter of May 3, 1956.

As requested I confirm the receipt of your above-mentioned letter with the enclosed "Index of Cultural Claims microfilmed in 1956" as well as the receipt of the twelve microfilms received by separate mail.

Very truly yours,

(signature)

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Entry COF 1955-59
File 262.0041
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Authority: MD 969003
By TB NARA Date 6/19

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AIR POUCH 1594

FROM: AMEMBASSY BONN

TO: The Department of State, Washington

REF: Department's A-623, March 14, 1957

MAR 25 1957

March 22, 1957.

EUR INDEX
JK

SUBJECT: Restitution of Cultural Properties (Chapter Five, Settlement Convention)

Pursuant to the referenced Instruction the Embassy submits the following report:

1. The Federal Agency for External Restitutions (hereinafter called "the Agency") has currently submitted quarterly reports on its activity, as required by paragraph 5 of Article 1 of Chapter Five of the Settlement Convention. As to each report thus received, the Embassy has reported to the Department what it considered the essential points; see Embassy despatches No. 1242, December 14, 1955; No. 1811, March 1, 1956; No. 2571, June 19, 1956; No. 400, September 6, 1956; No. 879, December 3, 1956; No. 1469, March 6, 1957.

2. As far as the restitution of cultural properties is concerned (Articles 1 and 2 of Chapter Five), a summary of the present status of the work of the Agency appears in our despatch 879, December 3, 1956. We are informed that most of the 80,000 applications filed with the Agency under Articles 1 and 2 relate to properties which have never been found in Germany. These cases are, of course, of a type entirely different from those to which the Department's Instruction relates and which involve properties stored at the Munich Central Collecting Point.

3. Upon receipt of the referenced Instruction, we inquired (in the absence of Mr. Fehner who is at present in Washington) of Dr. Fricke of the Federal Ministry of Finance (which Ministry supervises or directs the work of the Agency) as to the status of restitution claims relating to properties stored at the Munich Central Collecting Point, and also as to the status of those claims globally transferred to the Agency by the Embassy's letter of May 3, 1956 (see Embassy despatch No. 2282, May 11, 1956). Dr. Fricke replied he would promptly obtain a report from the Agency as to the status of these matters and transmit it to us. As soon as this has been received, we shall report further. At the present time, we would like to point out the following only:

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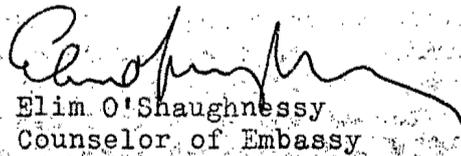
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Page 2 of Despatch
1594 of March 22, 1957

- 2 -

- a. Dr. Fricke said he felt, as we do, that the provision in the third sentence of paragraph 2 of Article 2 of Chapter Five should have no practical importance in the case of applications for the restitution of property which has been found and taken into custody in Germany.
- b. Dr. Fricke said that, according to his present information, most of the properties in the Munich Collecting Point had not been shown to have been removed from occupied territories by the German Forces or authorities.
- c. Our general impression is that the Agency discharges its functions conscientiously and as expeditiously as the circumstances permit. We doubt that the Agency's staff includes cultural officers; Mr. Fechner should be able to give the Department information on this point.
- d. As we understand the referenced Instruction, the Department is concerned with the question whether and in which manner certain records or data in its possession should be made available to the Agency. While we are unfamiliar with the type of records and data here involved and thus cannot make any suggestion at this time, we would like to draw attention to the procedure adopted with regard to a perhaps somewhat similar matter. In processing applications under Article 4 of Chapter Five (compensation for non-cultural property) the Agency frequently finds it necessary to obtain information from the files of the Restitution Control Branch of United States Military Government. To enable the Embassy to provide such information, numerous such files have been returned from the Army Records Center in Kansas City to the Embassy. On the basis of these files, the Embassy provides the necessary information to the Agency. In appropriate cases, the Embassy transmits the file on a loan basis to the Agency upon its undertaking to return it within a stated short period, and such files have always been very promptly returned by the Agency.

For the Charge d'Affaires ad interim:


Elim O'Shaughnessy
Counselor of Embassy

DISTRIBUTION:

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