

LAW OFFICES
LANDIS, COHEN, RUBIN AND SCHWARTZ
1832 JEFFERSON PLACE, N. W.

JAMES M. LANDIS
WALLACE M. COHEN
SEYMOUR J. RUBIN
ABBA P. SCHWARTZ

WASHINGTON 6, D. C.
STERLING 3-5905

EUROPEAN OFFICE
SAUL G. MARIAS
5 RAHNHOFSTRASSE
ZURICH 1, SWITZERLAND

July 13, 1959

Dr. Nehemiah Robinson
World Jewish Congress
15 East 84th Street
New York 28, New York

Dear Nehemiah:

First, I am glad to note that you are back at your desk.

Second, the war claims legislation has been the subject of hearings recently before the Senate Judiciary Committee, Subcommittee on the Trading with the Enemy Act, and the House Interstate and Foreign Commerce Committee, Subcommittee on Finance (these are not yet completed). I would suggest that you write to the clerks to ask for the published transcripts, when these are available.

There are a large number of bills, and I think Kagan has most if not all of them. For your information, I enclose herewith a copy of a recent report by Mr. Ernest Schein, Chairman of a Bar Association Committee, which fairly well summarizes the salient features of each.

The bills are all snarled up. The Senate side wants no claims bills for American claimants except in the context of a return of vested assets; the House side is opposed to return. A number of people have argued for eligibility of all persons who are citizens at the time of the statute; the Administration, and the Senate Subcommittee, oppose this. So action is unlikely.

Third, a Miss Virginia Meekison, in the State Department, Room 305, State Annex 10, is doing some work on restitution, etc. problems in Germany, in connection with a court case in which the Department is apparently being sued. She wanted copies of the Institute Annual. I would appreciate it if you would have sent to her a copy of the Annual for the years '53 - '58 inclusive, with a note telling her that after she decides which of these best suits her purpose, another four

341643

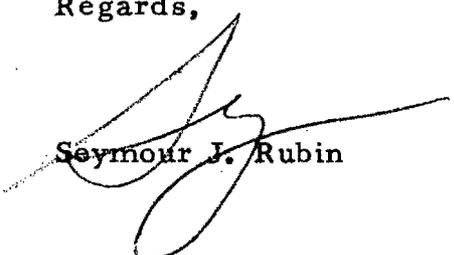
Page - 2 - Dr. Nehemiah Robinson

July 13, 1959

copies of that issue would be available. (She needs five copies for exhibits). I would of course be pleased to receive a copy of whatever note you send her, so as to stay informed.

Janet joins me in sending our best wishes for your very good health.

Regards,



Seymour J. Rubin

SJR:jf

Encl.

34.1643A

Rubin

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EUROPEAN OFFICE
SAUL G. MARIAS
5 BAHNHOFSTRASSE
ZURICH 1, SWITZERLAND

July 24, 1959

Mr. Saul Kagan
Joint Distribution Committee
3 East 54th Street
New York 22, New York

Dear Saul:

I testified today, per the enclosed.

Mack seemed favorable, and recalled that last year the Subcommittee formally reported the bulk settlement bill.

Sincerely,

SJR
Seymour J. Rubin

SJR:jf
Encl.

cc: Mr. Robinson
Dr. Hevesi
Mr. Goldwater

C
O
P
Y

341644

STATEMENT OF SEYMOUR J. RUBIN

My name is Seymour J. Rubin, I am a lawyer with offices in Washington, D. C., and have for many years been deeply interested in the relief and rehabilitation of former victims of Nazi persecution. I appear at this time as Washington Counsel for the Jewish Restitution Successor Organization, a charitable corporation set up under the laws of the State of New York.

The interest of the JRSO is directed toward a proposal now pending before this Subcommittee which would make it possible to carry out the purposes of Section 32(h) of the Trading With the Enemy Act. The bill now pending is H. R. 6462, introduced by Mr. Dollinger. I appear here today to urge both favorable action on H. R. 6462 and, should comprehensive claims legislation be reported by this Committee, that the provisions of H. R. 6462 be included in such legislation.

Similar legislation was before this Committee in the 85th Congress and hearings were conducted on it on March 13, 1958 before this same Subcommittee. At that time, I appeared to urge passage of this legislation. My testimony appears on page 38 of the report of March 13, 1958 hearing. With the indulgence of the Committee, I will at this time make only a few explanatory remarks beyond reference to my previous testimony.

"Heirless assets" consist of property in the United States of people who lived in Germany and who were exterminated by the Nazis. These properties were vested by the Alien Property Custodian.

341045

Immediately after the war, the Congress enacted legislation to provide that persecutees could obtain return of their property. But, as a result of the mass slaughter by the Nazis, many properties remained unclaimed, because the original owner and his entire family had been killed. Recognizing that to retain the properties of such persons would be to profit from slaughter, the Congress, in 1954, enacted Section 32(h) of the Trading With the Enemy Act. That Section provided that these heirless properties or their proceeds, should be used for the relief and rehabilitation, in the United States, of needy surviving persecutees.

The President was authorized by the legislation to designate a "successor organization" to carry out this commendable purpose; and in early 1955, the JRSO was so designated by President Eisenhower.

I may point out that Section 32(h) prohibits payment of legal or administrative costs out of the proceeds and periodic reports as to their use for the statutory purposes must be submitted to the Congress.

The JRSO, as I have said, is a charitable corporation which has no interest beyond that of serving surviving and needy persecutees - the same interest as that established by the statute. It is the same organization which carried out a similar task in the American Zone of Germany, with the high praise of General Clay, Ambassador McCloy, and all others who have known of its work.

The task of the JRSO has been an enormous one. The reason for this is simple. When property is heirless, by definition there is no claimant at hand to provide documentary proof of its existence, of its ownership, etc. Any organization working in this field thus has to work very much in the dark. Nevertheless, over the course of the years since 1955, thousands of claims have been filed by the JRSO, have been worked over in cooperation with the Office of Alien Property, and the results have been digested. Certain conclusions from this work stand out.

First, there is complete unanimity on the part of the United States Government and on the part of the JRSO that there should be a bulk settlement of the Section 32(h) claims. There are so many of these claims, a substantial number of which are so small, that individual processing would impose an intolerable and completely unnecessary burden, wasteful of the taxpayers' money and of the funds of a charitable organization, on both the part of the Office of Alien Property and the JRSO. I can say with complete assurance that a bulk settlement is therefore favored by all - the Administration, any members of Congress who have considered the problem, and the JRSO.

Second, the work in these claims has resulted in an estimate of their value, or, rather, various estimates of their

341047

values. Section 32(h) provided a ceiling of \$3,000,000. The bill considered by this Committee in the 85th Congress provided a bulk settlement of \$1,000,000. The bill now pending here provides a bulk settlement of \$500,000.

The Director of the Office of Alien Property has stated that \$500,000 was a figure which he would support. Less recently, the statement of the Office of Alien Property was that \$500,000 was the limit of claims payable under present "standards of proof". The JRSO, on its side, feels that under present standards of proof the limit is probably around \$750,000 rather than \$500,000. And these are the standards which would have to be met by an individual claimant who had access to records.

For a number of reasons, it is clear that the figure arrived at in this way is very low. For example, these figures do not take into account various contested claims such as the approximately \$250,000 which is now under litigation in the Office of Alien Property and to which the JRSO has laid claim as being the proceeds of looted diamonds.

In addition, no account is taken in these figures of about \$1,000,000 in United States currency which was picked up by the U.S. Army in Berlin, a very substantial part of which was almost certainly looted from the homes and safe deposit boxes

341648

of those who were sent to the Nazi concentration camps.

And finally, no account is taken in these figures of the vast amount included in the so-called "omnibus accounts" - accounts standing in the names of Swiss banks in which it is impossible to identify the individual items, because of Swiss banking secrecy laws.

Thus, the JRSO feels that a bulk settlement in the amount of \$1,000,000 would be well justified. It has subscribed to the proposal obtained in H. R. 6462 - calling for \$500,000 - in the knowledge that time is running out for these people whom the Congress has said it wished these funds to benefit. Remember that Section 32(h) goes back to 1954! There is no point in getting a little more for a former persecutee who is now living on a meager pension than would be available now if the amount which is so obtained is made available after his death.

Thus, the JRSO, in the interest of immediate action, urges the enactment of H. R. 6462, in this Congress and in this session.

I can only add that bulk settlement principle permits a portion of this \$500,000 to be paid to non-Jewish Nazi victims, even though claims have not been filed on their behalf because of the enormous difficulties in the procedure.

Except for that meritorious departure, this is merely a bill authorizing the settlement of claims which are now on file and

341649

Statement of Seymour J. Rubin

Page 6

which are validly filed under existing laws. In other words, there is no question of policy involved here at all, what is involved is merely giving life to a statute enacted in 1954, and which the Congress did not intend to be vetoed by administrative difficulties.

This bill has the support of the National Catholic Welfare Conference, the American Jewish Committee, the American Jewish Congress, and the Church World Services, and its principle has been cleared within the Administration. I solicit your favorable action for it.

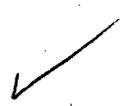
Thank you.

Washington, D. C.

July 25, 1959

341650

count 154



JACOB RADER MARCUS CENTER OF THE
AMERICAN JEWISH ARCHIVES
CINCINNATI, OHIO

Photocopy Request Form

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Signature [Handwritten Signature]

Date 7-13-00

341651

H.P.B.
PL 626

cc: Madan
Kagan
Rubin

XV General Comments H.P.B.

March 19, 1957

Senator Everett M. Dirksen
United States Senate
Washington, D. C.

Att: Mr. W. A. Stevens

Dear Senator Dirksen:

Pursuant to my telephone conversation with your office this morning, I am enclosing another copy of the bill which the American Jewish Congress and the other major Jewish organizations in the United States are interested in having you introduce to implement P.L. 626, 83d Congress, Second Session. I am sure you will be interested in learning that Col. Townsend of the Office of Alien Property, has advised Senator Javits that the Office of Alien Property was prepared to give its support to the proposed measure. Mr. Stevens informs me that you have not heard from Col. Townsend since February 14th when he acknowledged your letter of February 6th. In view of Col. Townsend's affirmative attitude towards the proposed bill, I take the liberty of suggesting that a call at Col. Townsend's office might produce a reply which would encourage you to proceed with the introduction of the bill.

Senator Langer, before he became ill, and Senators Javits and Hennings have expressed an interest in becoming co-sponsors on this measure. You will recall that when I last saw you in Washington, you indicated that you had not as yet made up your mind whether to introduce the bill alone or whether to join as a co-sponsor. Unless you have strong convictions to the contrary, we should like very much to have you join Senators Hennings and Javits as a co-sponsor. Any decision you reach with respect to this matter will, I assure you, be satisfactory with the Jewish organizations interested in this problem.

We have been advised that the first part of April there will be hearings on bills related to war damages, return of enemy assets and cognate ~~activities~~. It would seem that the proposed bill falls within the category of the bills on which the hearings will be held. In view of this, it is essential that the bill be introduced at the earliest possible date if it is to have any chance of being enacted during the current session of Congress.

We are all confident that you will recognize the urgency

341652

of this matter and that you will take whatever steps are necessary to launch the proposed bill towards its enactment into law. Mr. Seymour Rubin, Washington counsel for the American Jewish Committee, has been conferring with Senators Hennings and Javits on the bill. Since he is near at hand and is in full command of all of the facts pertaining to the proposed bill, I have asked him to keep in touch with your office and to supply you with all the information on the measure in which you may be interested.

Mr. Randolph Bohrer called at our office several weeks ago and asked me to extend his warmest regards to you.

Sincerely,

ABH:st

Abraham S. Hyman
Special Counsel to
American Jewish Congress

March 19, 1957

Senator Everett M. Dirksen
United States Senate
Washington, D. C.

Att: Mr. W. A. Stevens

Dear Senator Dirksen:

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Senator Langer, before he became ill, and Senators Javits and Hennings have expressed an interest in becoming co-sponsors on this measure. You will recall that when I last saw you in Washington, you indicated that you had not as yet made up your mind whether to introduce the bill alone or whether to join as a co-sponsor. Unless you have strong convictions to the contrary, we should like very much to have you join Senators Hennings and Javits as a co-sponsor. Any decision you reach with respect to this matter will, I assure you, be satisfactory with the Jewish organizations interested in this problem.

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341653

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Sincerely,

ASH:at

Abraham S. Hyman
Special Counsel to
American Jewish Congress

341653A

EVERETT MCKINLEY DIRKSEN
ILLINOIS

United States Senate
WASHINGTON, D. C.

Y6PB
1L 326

February 6, 1957

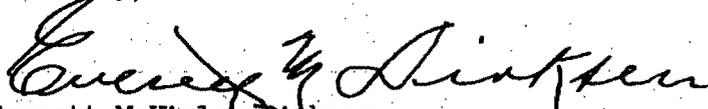
Mr. Abraham S. Hyman
Special Counsel to
American Jewish Congress
15 East 84th Street
New York 28, New York

Dear Mr. Hyman:

In response to your letter of January 28, I shall be glad to submit the new proposal to the appropriate authorities, including the special committee of the Judiciary Committee which has jurisdiction of all matters relating to the Trading with the Enemy Act.

If and when you are Washington, I shall be glad to discuss it with you.

Sincerely,


Everett McKinley Dirksen

341654

PL 626

LAW OFFICES
LANDIS, COHEN, RUBIN AND SCHWARTZ
1832 JEFFERSON PLACE, N. W.
WASHINGTON 6, D. C.
STERLING 3-5905

January 31, 1957

Mr. Abraham S. Hyman
World Jewish Congress
15 East 84th Street
New York 28, New York

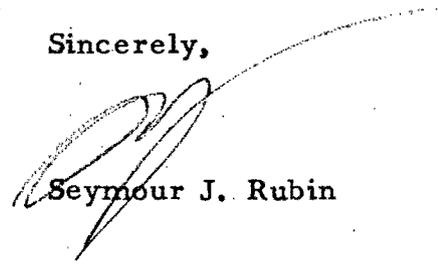
APB

Dear Abe:

Re your letters to Langer and Dirksen.
I've talked to Javits' office, and he is O. K.
I'll also talk to Hennings and, I hope, Neely
or Kefauver. But please call them Democratic
Senators -- not Democrat Senators. That
grates.

Best regards.

Sincerely,



Seymour J. Rubin

CC: Mr. Kagan

341655

H. R. _____

85th Congress
1st Session

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

A BILL

To amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

That section 32 (b) of the Trading With the Enemy Act, as amended, is further amended by adding at the conclusion thereof:

"The President or such officer as he may designate is authorized and directed to pay the sum of \$1,600,000.00 to organizations designated by the President pursuant to the provisions of this subsection, Provided, That (1) any such organization shall have given the assurance required pursuant to this subsection that any sums received by it will be used on the basis of need in the rehabilitation and resettlement of persons in the United States who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivisions (C) and (D) of subsection (a) (2) hereof, as well as the assurances required under subparagraphs (iii) and (iv) of this subsection, and that such organization

341656

is qualified as a nonprofit charitable organization within the meaning of this subsection; (2) such organization shall previous to the effective date of this Act have been designated by the President pursuant to this subsection or, if not previously so designated, shall, not later than three months after the effective date of this legislation, apply for such designation on behalf of categories of persons not within the scope of a prior designation; (3) such sum shall be allocated among designated organizations in the proportions in which the proceeds of heirless property were distributed, pursuant to agreements to which the United States was a party, by the Intergovernmental Committee for Refugees and successor organizations thereto.

The sums necessary to carry out the purposes of this Act are hereby authorized to be paid out of such amounts as may remain, after payment of all authorized claims of United States nationals, in the War Claims Fund, and, if such amounts should not be sufficient, out of such payments as may be received by the United States made by the Federal Republic of Germany under international agreements between the United States and the Federal Republic of Germany relating to settlement of postwar economic aid obligations.

341657

Statement with respect to Heirless Property and Rehabilitation
and Resettlement of Persons in the United
States Who Were Persecuted by the Nazis

The bill to which this statement refers proposes an amendment to the Trading With the Enemy Act, as amended. The bill is necessary in order to attain the objectives established as United States policy by Public Law 626, 83rd Congress, 2nd Session.

Public Law 626 had, in various antecedent Congresses as well as the Congress which passed it, strong bipartisan support. Among Senators who have introduced legislation calling for payment to be made in the United States to surviving victims of Nazi persecution were Senators Taft, McGrath, O'Connor, Dirksen, Langer and Hennings. Similar legislation on the House side has always been introduced by ranking members on both sides of the House Interstate and Foreign Commerce Committee.

The various bills which eventually resulted in Public Law 626 proceeded on the basis that firmly established American policy was that heirless property was to be used for the benefit of surviving and needy persecutees. Heirless property was considered to be the assets of persons who were killed as a result of persecution during the Nazi regime and as to whose property there were no known heirs or claimants. On the basis of experience in Germany and other countries, it was believed that substantial amounts of heirless property existed in the United States, and Public Law 626, as is indicated in House Report No. 2451, 83rd Congress, 2nd Session, strove to make such heirless property available for the relief and rehabilitation of needy persecutees here in the United States.

Needless to say, the legislation was surrounded with numerous safeguards ensuring that all such property would be administered by recognized charitable organizations which were to be designated by the President and which were to render regular reports with respect to their administration of such funds as they might receive. Payment or administrative or legal expenses connected with the filing of claims or the recovery of the heirless property was prohibited under the law.

Immediately after the enactment of Public Law 626, the Jewish Restitution Successor Organization filed an application for designation as the successor organization with respect to Jewish heirless property. This was the organization which had been designated to handle the heirless property problem by the Military Government authorities in the American Zone of Germany and which had a notable and highly efficient record in the administration and discharge of its trust there. Because of the complicated nature of the claims procedure, as well as the fact that the great bulk of heirless property was known to be Jewish, other organizations did not file applications for such designation, despite the fact that in the administration of heirless property by the Intergovernmental Committee for Refugees and successor organizations the proceeds had been distributed on a 90 percent--10 percent basis as between Jewish and non-Jewish persecutees.

In January of 1955, President Eisenhower designated the JRSO under Public Law 626, and the enormous task of compiling information and filing claims then began. Information available to the JRSO was almost entirely limited to such public lists of names of persons from whom property had been vested as were issued by the Office of Alien Property or other authorities. Under such circumstances, it was inevitable that thousands of claims were filed which in the end turned out to be insubstantial, even though the procedure under which they were filed was one agreed upon between the JRSO and the appropriate governmental authorities.

Additional problems which have arisen concern the fact that Public Law 626 is applicable only to vested property, whereas substantial assets in the United States continue to be blocked rather than vested. Undoubtedly properties exist which will eventually escheat to the Government and as to which claims could not be filed because of lack of knowledge. As to thousands of claims, there exists some intimation or indication in the records of an existing heir or possible claimant, but without any real knowledge as to whether the claim for the return of such property will ever be successfully prosecuted. To further complicate the issue and to add to its magnitude, there is the fact that there exist in the United States, vested or blocked by the Office of Alien Property, large so-called omnibus accounts in which there is undoubtedly a substantial persecutee interest. These are accounts held in the name of a foreign bank, generally a Swiss bank, as to which the name of the beneficial owner or owners is not known.

The results of these facts have been both an enormous administrative burden and a completely uncertain future with respect to the real objective of Public Law 626 - that is, to make available a relatively small sum for the needs of surviving persecutees who are here in the United States. As pointed out above, the complexity of the procedure made necessary by the Act has been such as effectively to prevent non-Jewish organizations from asking for designation or from filing claims. Such organizations, in fact, would be even more greatly handicapped by lack of information than is the Jewish organization which has been designated by President Eisenhower.

The bill which is being introduced now proposes a just remedy for these difficulties and an efficient means, without interminable administrative difficulties, of attaining the objectives of Public Law 626. It is clear that whatever returns would have been made under Public Law 626 would, to the extent of such returns, diminish the funds available to the Office of Alien Property for payment into the War Claims Fund. For this reason, indeed, the limit of \$3 million was imposed upon the total amount of such returns, despite numerous legal and administrative difficulties which would have arisen had claims in excess of that limit been adjudicated. What is now proposed is to short-out the elaborate, costly and inefficient method of proceeding by individual claims and to provide for a lump-sum payment of \$3 million the amount mentioned in Public Law 626 - out of surpluses existing in the War Claims Fund, or out of amounts received pursuant to post-war agreements with the Federal Republic of Germany.

341659

This procedure will, for the first time, ensure that the intended beneficiaries will receive some relief in the reasonably near future. It will eliminate endless administrative costs which must be borne by charitable organizations out of other funds, and the substantial administrative burden on agencies of the United States Government. Equally important perhaps is the fact that the lump-sum approach will for the first time make it possible for all persecutees - regardless of whether persecution was based on race, religion or political beliefs - to receive an equitable share of such funds. The bill thus proposes that the distribution formula already approved by the United States and applied pursuant to international agreements by the Intergovernmental Committee on Refugees and successor organizations, will be applicable to the funds to be made available under the present bill. A Jewish successor organization has already been designated, as above stated, by President Eisenhower. The bill, however, provides for applications to be received for a period of three months after enactment of the bill by organizations which can act on behalf of non-Jewish persecutees who meet the other requirements of being in the United States and being in need.

It should be mentioned in this connection that action very similar to that proposed by the bill has already been taken in Great Britain. There, too, the problem of return of heirless property was considered, and after full consideration the British authorities decided - as it now seems very intelligently - that the method of filing individual claims, of holding hearings on these claims, etc., was in the circumstances neither necessary nor justified. The British Government, therefore, has announced that the sum of £ 750,000 will be made available to victims of Nazi persecution, and has thus avoided the pitfalls of a laborious and essentially unproductive procedure based upon individual claims. Clearly, what the British government feels able to do, even in the light of the substantially smaller amount of assets available to it in the equivalent of its war claims fund, the United States can aspire to better.

In summary, a bill providing for a lump-sum payment to approved and designated organizations of the sum of \$1.5 million will short-cut the elaborate machinery of administration of thousands of individual claims and will, for the first time, provide a reasonable prospect of funds being made available to needy persecutees, be they Catholic, Protestant or Jewish, who are in the United States and who have waited for many years for such meager recognition of their needs. In eliminating the discrimination which resulted from the complex administrative difficulties between Jewish and non-Jewish persecutees, the bill also recognizes the universality of the humanitarian principles which are embodied in Public Law 626.

341660

PL 626

January 28, 1957

Senator Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator:

In view of your sustained interest in the heirless property bill (PL 626, 85rd Congress), I am taking the liberty of again enlisting your support in behalf of a draft bill which my colleagues and I feel would represent a just implementation of the provisions of PL 626. I am enclosing a copy of the draft bill I had in mind together with a statement in support of it, prepared by Mr. Seymour Rubin.

In brief, the bill provides for a lump sum payment of \$1,500,000 in full discharge of the claims filed pursuant to PL 626, to be divided in accordance with the formula applicable to the division of heirless property administered by the Intergovernmental Committee for Refugees. As you will see from the statement, the proceeds from this property were distributed on a 60% - 10% basis as between Jewish and non-Jewish persecutees. In this connection, I would draw your attention to the fact that thus far, no non-Jewish organization has applied for designation as successor organization under PL 626. However, it may well be that when the proposed bill is passed, some non-Jewish organization or organizations may apply for and qualify as successor organizations. I am sure that you appreciate that by virtue of the very nature of the problem, heirless assets are in the main assets of Jewish persecutees who died heirless.

I would appreciate it very much if you would examine the draft bill as well as the statement. I should like to come to Washington and talk to you personally about this bill, but may not be able to do so for some time. As an alternative, I should like to call you towards the end of this week, and if you are favorably disposed towards the bill, I will suggest that Mr. Seymour Rubin call at your office and discuss the bill with you. We should very

341661

much like to have this bill a bi-partisan measure. It is certain that Mr. Rubin will secure the support of several Democrat Senators, and I am writing to you and to Senator Langer.

I am confident that we can count on your cooperation in this matter.

With highest esteem, I am

Sincerely,

ASW:ist

Abraham S. Hyman
Special Counsel to
American Jewish Congress

HPB

CC:

Mr. Kagan
Dr. Hevesi
Mr. Hyman

August 30, 1956

The Honorable
Arthur G. Klein
House of Representatives
Washington 25, D. C.

Dear Mr. Klein:

Thanks for your letter of August 28, re drafting of a revised bill on heirless property.

I should like to consult with some of the other interested persons, and then do a draft. If I may, I would like to put it into your hands sometime in late September or in October -- which ought be plenty of time. Having in mind the usual end-of-term problems, though, I think it would be useful to start matters rolling early in the next session.

Again, many thanks both to you and to your extremely helpful staff.

Best regards,

Seymour J. Rubin

341662

Jewish Restitution Successor Organization

270 MADISON AVENUE

New York 16, N. Y.

MOVED TO
3 EAST 54th ST.
NEW YORK 22, N. Y.
Telephone 5-5600

August 30, 1956

FROM: SAUL KAGAN

TO :

Mr. Maurice Berkstein
Mr. Monroe Goldwater
Dr. Eugene Hevesi
Mr. Abraham Hyman
Mr. Moses Leavitt
Dr. Mahemiah Robinson
Mr. Seymour J. Rubin

This will confirm that we shall meet on September 11th at 4:30 P.M. at this office to review the status of the JRSO claims under Public Law #626, and further steps that should be taken in implementation of our Bulk Settlement claims efforts.

I have transmitted to you a copy of Mr. Myron's letter to Congressman Klein which contains in its closing paragraph at last a suggestion of a new approach towards a lump sum payment on account of our Public Law #626 claims.

Meanwhile, the Office of Alien Property is exerting us to withdraw a large number of claims. In this connection I am enclosing for your ready reference a copy of the March 6, 1956 analysis of 2206 JRSO claims. Mr. Rubin, who met with Mr. Myron and his associates, will review the specific problems in withdrawal of claims under the various categories set forth in the attached memo.

You will have to decide upon the nature of a specific reply to the OAP demand for mass withdrawal.

341663

MEMBER ORGANIZATIONS

AMERICAN JEWISH COMMITTEE . AGUDAS ISRAEL WORLD ORGANIZATION . WORLD JEWISH CONGRESS . COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY . BOARD OF DEPUTIES OF BRITISH JEWS . CONSEIL REPRESENTATIF DES JUIFS DE FRANCE . CENTRAL BRITISH FUND . JEWISH AGENCY FOR PALESTINE . AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. . JEWISH CULTURAL RECONSTRUCTION, INC. . INTERESSENVERTRETUNG ISRAELITISCHER KULTUSGEMEINDEN IN THE U.S. ZONE OF GERMANY . ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

JEWISH AGENCY FOR PALESTINE . AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. . JEWISH CULTURAL RECONSTRUCTION, INC.

COPY

TO: Paul V. Myron, Deputy Director
Office of Alien Property

FROM: Arthur R. Schor
Chief, Claims Section

March 6, 1956

JRSO Claims

The following is an analysis which covers 2,206 accounts, including almost all of the accounts over \$500, against which JRSO has filed claims.

- 80 of cases*
1. 73 accounts against which there are direct conflicting claims - \$542,835.57.
 2. 104 accounts against which there are indirect claims - \$348,834.52.
 3. 949 accounts where there are known heirs of the vestees - \$2,955,177.19.
 4. 664 accounts where the vestee is alive - \$3,706,293.31.
 5. 346 accounts where there is no information concerning vestee or heirs - \$780,012.00.
 - 5a. 9 accounts where it appears JRSO may be successor - \$24,190.54.
 6. 57 accounts where vestee is not Jewish - \$238,838.27.
 7. 4 accounts where vestee is business enterprise - \$11,501.63.

The total amount in all of the above 2,206 accounts is \$8,607,629.03. This is more than 93 per cent of the total amount in the accounts which are being checked. Groups 5 and 5a, listed above, which consist of 355 accounts, appear to be the only categories against which JRSO may be successful in establishing succession. The total amount in groups 5 and 5a is less than 9½ per cent of the total amount in all the accounts which have been checked thus far.

Based upon the above figures, it appears that the total amount in groups 5 and 5a will probably be in the neighborhood of \$865,000. Even if we accept the argument of JRSO that it is entitled to 50 per cent of the amount, it falls far short of the amount they are suggesting in the proposed legislation.

341664

MEMORANDUM

August 30, 1956

**TO: Dr. Hevesi
Dr. Robinson
Mr. Hyman**

FROM: Seymour J. Rubin

I had proposed to discuss the enclosed draft with Saul and the other interested persons on August 30. In view of the fact that the meeting was cancelled for the 30th, and in anticipation of a meeting during the week of September 10, I am sending you the enclosed for consideration.

Enclosure:

Draft letter to Mr. Myron

341665

Draft

Mr. Paul Myron
Deputy Director
Office of Alien Property
Department of Justice
Washington 25, D. C.

Dear Mr. Myron:

I refer again to our conversation of August 20, 1956, during which we discussed possible withdrawal of certain claims filed with the Office of Alien Property by the Jewish Restitution Successor Organization. In this connection, I refer to the memorandum dated March 6, 1956, addressed by Mr. Schor to you, on the subject of JRSO claims, a copy of which was kindly furnished to the JRSO.

The listing contained in the reference memorandum would appear to indicate that only the accounts included in categories 5 and 5 (a) are in fact accounts to which the JRSO might have a valid claim under the statute. On the other hand, certain of the accounts which are included in these categories may conceivably be accounts in which the JRSO may in fact have a valid claim. For example, it is not inconceivable that in certain of the accounts included in category 3 -- which is incidentally the largest category by number of accounts involved -- heirs of a persecutee-vestee may in fact not file claims, may turn out upon the filing of claims or further investigation to be putative but not real heirs, or may themselves be found not to have been alive as of the date of the filing of the JRSO claim or other appropriate date under the statute. Similarly, it is my understanding that in category 4, the information, while the latest available to the

341666

Office

Office of Alien Property, may not in fact be entirely up to date.

Having in mind the administrative desirability from the point of view of the Office of Alien Property of disposing of these claims promptly and, to the extent possible, in broad categories, with a minimum of administrative inconvenience, and having in mind the interest of the JRSO and the spirit of the statute that assets be preserved for charitable purposes if they are available, it is my suggestion, which I make after consultation with the JRSO, that the following procedure be employed.

1. In those cases in which there are direct conflicting claims (category 1), action be taken by the Office of Alien Property in accordance with the terms of my letter of _____

2. In category 2 claims, which also is a category of conflicting claims, the terms of my letter of _____ again be applied.

3. In categories 6 and 7, the claims be dismissed on the ground that the claim is not in compliance with the statute.

Aside from categories 5 and 5 (a)

4. This would leave the claims in categories 3 and 4. In these cases, it is our suggestion that individual orders of dismissal for the present be entered in those cases in which material in the Office of Alien Property files indicates that the Office of Alien Property would make return to an individual claimant, had a timely claim been filed and were there not a statutory bar -- such as the fact that the claimant is an ordinary German citizen -- to such return.

73- #154, 835

104- 834 #3481

Indirect Conflicting Claims

4.41, 501.63 - business enterprise

9-24, 190.54 JRSO may be sub-assess

346 - 780, 012 - no information enclosing with or lists

949 # 955.177.19
Kramer
Lueder
Muller

664-3, 706, 293.31
I believe
vested alien

341667

I believe that this will take care of the vast bulk of the claims with which we are concerned, and I trust that this action on the part of the JRSO will expedite and assist in a fair and full settlement looking toward implementation of the objectives of Public Law 626.

Sincerely yours,

Seymour J. Rubin

August 28, 1956

341068

Jewish Restitution Successor Organization

270 MADISON AVENUE

New York 16, N. Y.

August 24, 1956

To: Mr. Abraham Hyman
From: Saul Kagan

I am enclosing a letter from Mr. Paul V. Myron, Deputy Director of the Office of Alien Property, to Congressman Klein on the subject of a possible lump-sum settlement of JRSO's claims under Public Law 626. I believe that it will be necessary for us to get together in the very near future to decide whether we should modify our approach and press for legislation which would provide a specific payment to the JRSO on account of heirless Jewish property without it being tied to any specific claims. Preparation in that direction will have to start soon after Labor Day. We are safe in assuming that most of the key people in Congress, whose help we will require, will be returning after November.

I will be in touch with you concerning a convenient date for a meeting on this subject.

Sincerely yours,



Saul Kagan

SK:mc
enc.

341669

MEMBER ORGANIZATIONS

AMERICAN JEWISH COMMITTEE . AGUDAS ISRAEL WORLD ORGANIZATION . WORLD JEWISH CONGRESS . COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY . BOARD OF DEPUTIES OF BRITISH JEWS . CONSEIL REPRESENTATIF DES JUIFS DE FRANCE . CENTRAL BRITISH FUND . JEWISH AGENCY FOR PALESTINE . AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. . JEWISH CULTURAL RECONSTRUCTION, INC. . INTERESSENVERTRETUNG ISRAELITISCHER KULTUSGEMEINDEN IN THE U. S. ZONE OF GERMANY . ANGLO-JEWISH ASSOCIATION

OPERATING AGENTS

JEWISH AGENCY FOR PALESTINE . AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE, INC. . JEWISH CULTURAL RECONSTRUCTION, INC.

C O P Y

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

August 15, 1956

Seymour J. Rubin, Esquire
1832 Jefferson Place, N. W.
Washington 6, D. C.

Dear Mr. Rubin:

I enclose herewith copy of a letter received from
Paul V. Myron, Deputy Director of the Office of Alien Property
in reply to my letter of July 11 addressed to Dallas S. Townsend.

I would appreciate your comments, if any.

With kind regards, I am

Sincerely yours,

/s/ Arthur G. Klein
Arthur G. Klein
Member of Congress

AGK:em/af
Encl.

341670

C O P Y

August 10, 1956

Honorable Arthur G. Klein
House of Representatives
Washington, D. C.

Dear Congressman Klein:

In the absence of Col. Townsend, I am replying to your letter of July 11, 1956, with regard to the heirless property claims filed with this Office by the Jewish Restitution Successor Organization (JRSO). I very much regret the delay in responding to your letter. It has been occasioned by our attempt to obtain data on which to base an estimate of the amount of funds which JRSO will obtain under the provisions of Public Law 626, 83d Congress.

The legislative history of Public Law 626 begins with a bill generally embodying its provisions (S. 2764) which passed the Senate in the 80th Congress. That bill contained no limitation on the amount of returns of heirless assets which could be made under its provisions. A similar bill (S. 603) passed the Senate in the 81st Congress. The committee report which recommended its passage stated that there was no definite information as to the amount of vested property which would be affected but estimated that it would range between \$500,000 and \$2,000,000. The House Committee on Interstate and Foreign Commerce reported S. 603 favorably with an amendment limiting the amount of returns to \$3,000,000. In the 82d Congress a bill (S. 1748) containing the \$3,000,000 limitation was reported to the Senate but was not acted upon. S. 2420, 83d Congress (which became P. L. 626) was passed by the Senate without the \$3,000,000 limit. That figure was again added by the House Committee on Interstate and Foreign Commerce and was accepted by both houses of Congress.

At no time during the consideration of the various measures described above did there appear any definite information in regard to the amount of vested property which might prove to be heirless. Furthermore, there appears to be no basis for the use of a \$3,000,000 figure other than the fact that it was deemed beyond question to be in excess of the amount of heirless vested property.

After the enactment of an amendment to the Trading with the Enemy Act in 1946 authorizing the return of vested assets to persecutees of the Nazi regime despite their technical enemy status, this Office took great pains to avoid vesting the property of such persons. As a result, it has always been apparent to this Office that the amount of property subject to the provisions of heirless assets legislation would be quite small. This Office has so informed representatives of JRSO from time to time beginning with the earliest discussions looking to the designation of JRSO as a successor organization after the enactment of Public Law 626.

Originally JRSO filed a total of approximately 7,000 claims with this Office. Subsequently that organization filed a list of those of the claims which it asserted to be within the non-adverse or non-conflicting category. This list, as modified slightly, contained only 4,137 names. This Office has made a careful survey of its files with respect to these particular claims. As a result of this survey it was determined that in only 15 cases did it affirmatively appear that JRSO's claims might be allowable. In another 793 cases there was no information concerning the person whose property was vested or his heirs. In all but these two categories of 808 cases, favorable action on JRSO's claims appears to be completely ruled out. The 808 cases involve assets worth approximately \$866,000.

341671

This Office has referred the list of 808 cases to its Overseas Section in Germany with instructions to attempt to determine whether the prevesting owners are alive and if not whether (1) they were persecutees, and (2) they left heirs. In 407 of the cases the last known address on our records is in West German territory. The Overseas Section transmitted the names of these 407 cases to the International Tracing Service in Germany which has fairly complete records on persons who were in concentration camps. That organization was able to make tentative identifications in only 35 of the cases. In two of these 35 cases the identifications are fairly positive, in five others, possible, and in the remaining 26 even less certain.

In another 33 of the cases the last known address is in Berlin. An investigator of the Overseas Section in that city has identified 12 of the 33 vestees as being alive. He has located the heirs of nine deceased vestees. He has found a Nazi party membership record for another of the vestees and has learned that still another left Germany for Guatemala before World War II. His investigation in another case has developed no information. He is continuing his investigations in the remaining nine cases. I might add that similar investigations will be made as rapidly as possible by the Overseas Section in the above mentioned 407 cases with West German addresses.

It is obvious from the data already obtained in Germany that only a handful of the JRSO claims under Public Law 626 will ultimately prove allowable and that only a relatively insignificant amount of money will be payable to that organization. Accordingly, you will appreciate the fact that this Office cannot, by any administrative determination which is based on available evidence, make a "substantial payment" of the nature indicated in the first of the two questions set forth in your letter.

In response to your second question, please be advised that a transfer to JRSO of \$750,000 would seem to be a matter of policy for the Congress to consider. This Office would have no objection to legislation providing for the payment of this sum if it were not related to section 32 of the Trading with the Enemy Act and tied to the assets of specific vestees, as is the case with Public Law 626. In this connection you may wish to consider the War Claims Fund as a source for the funds to finance such a payment.

Sincerely yours,

Paul V. Myron
Deputy Director
Office of Alien Property

341672

August 24, 1956

Mr. Saul Kagan
Jewish Restitution Successor Organization
3 East 54th Street
New York 22, New York

Dear Saul:

I refer to my letter of August 21
describing my conference with Myron and
Schor, and I enclose herewith a copy of a
proposed letter to Myron along the lines of
that conversation. We can discuss this when
we meet next in New York.

Sincerely,

Seymour J. Rubin

CC: Dr. Hevesi
Dr. Robinson
Mr. Hyman

341673

Draft

Mr. Paul Myron
Deputy Director
Office of Alien Property
Department of Justice
Washington 25, D. C.

Dear Mr. Myron:

Subsequent to my recent conversation with you and Mr. Schor, I have talked with officials of the Jewish Restitution Successor Organization, and I am authorized to state on behalf of that organization that it will, and hereby does, consent to the automatic dismissal of claims filed by it pursuant to Public Law 626 in cases in which a conflicting title claim has been filed by an individual or other qualified claimant, and in which the Office of Alien Property has either (a) upheld the validity of the claim conflicting with the claim of the JRSO and ordered the return of the property in question to the other claimant; or (b) has found as a result of action on the claim conflicting with the claim of the JRSO that the other claimant would be entitled to the property in question were it not for disqualification by reason of enemy status or other statutory disqualification not related to ownership.

It is our understanding that this will enable the Office of Alien Property to dispose of a very substantial number of cases in which the JRSO has filed claims, without any delay whatsoever as a result of the existence of the JRSO claim.

Sincerely yours,

Seymour J. Rubin

341674

3 East 54th Street

August 30, 1956

FROM: SAUL KAGAN

TO : DR. EUGENE HEVESI
MR. ABRAHAM HYMAN
MR. MOSES LEVITT
DR. JEREMIAH ROBINSON
MR. SEYMOUR J. RUBIN
DR. SIMON SEGAL

This will confirm that we shall meet on Tuesday, September 11th at 3 P.M. at this office to discuss further steps in connection with the 8 power demarche.

341675

COPY

CONGRESS OF THE UNITED STATES
House of Representatives
Washington, D. C.

August 15, 1956

Seymour J. Rubin, Esquire
1832 Jefferson Place, N. W.
Washington 6, D. C.

Dear Mr. Rubin:

I enclose herewith copy of a letter received from
Paul V. Myron, Deputy Director of the Office of Alien Property
in reply to my letter of July 11 addressed to Dallas S. Townsend.

I would appreciate your comments, if any.

With kind regards, I am

Sincerely yours,

/s/ Arthur G. Klein
Arthur G. Klein
Member of Congress

AGK:em
Encl.

341676

COPY

Honorable Arthur G. Klein
House of Representatives
Washington, D. C.

August 10, 1956

Dear Congressman Klein:

In the absence of Col. Townsend, I am replying to your letter of July 11, 1956, with regard to the heirless property claims filed with this Office by the Jewish Restitution Successor Organization (JRSO). I very much regret the delay in responding to your letter. It has been occasioned by our attempt to obtain data on which to base an estimate of the amount of funds which JRSO will obtain under the provisions of Public Law 626, 83d Congress.

The legislative history of Public Law 626 begins with a bill generally embodying its provisions (S. 2764) which passed the Senate in the 80th Congress. That bill contained no limitation on the amount of returns of heirless assets which could be made under its provisions. A similar bill (S. 603) passed the Senate in the 81st Congress. The committee report which recommended its passage stated that there was no definite information as to the amount of vested property which would be affected but estimated that it would range between \$500,000 and \$2,000,000. The House Committee on Interstate and Foreign Commerce reported S. 603 favorably with an amendment limiting the amount of returns to \$3,000,000. In the 82d Congress a bill (S. 1748) containing the \$3,000,000 limitation was reported to the Senate but was not acted upon. S. 2420, 83d Congress (which became P. L. 626) was passed by the Senate without the \$3,000,000 limit. That figure was again added by the House Committee on Interstate and Foreign Commerce and was accepted by both houses of Congress.

At no time during the consideration of the various measures described above did there appear any definite information in regard to the amount of vested property which might prove to be heirless. Furthermore, there appears to be no basis for the use of a \$3,000,000 figure other than the fact that it was deemed beyond question to be in excess of the amount of heirless vested property.

After the enactment of an amendment to the Trading with the Enemy Act in 1946 authorizing the return of vested assets to persecutees of the Nazi regime despite their technical enemy status, this Office took great pains to avoid vesting the property of such persons. As a result, it has always been apparent to this Office that the amount of property subject to the provisions of heirless assets legislation would be quite small. This Office has so informed representatives of JRSO

341677

from time to time beginning with the earliest discussions looking to the designation of JRSO as a successor organization after the enactment of Public Law 626.

Originally JRSO filed a total of approximately 7,000 claims with this Office. Subsequently that organization filed a list of those of the claims which it asserted to be within the non-adverse or non-conflicting category. This list, as modified slightly, contained only 4,137 names. This Office has made a careful survey of its files with respect to these particular claims. As a result of this survey it was determined that in only 15 cases did it affirmatively appear that JRSO's claims might be allowable. In another 793 cases there was no information concerning the person whose property was vested or his heirs. In all but these two categories of 808 cases, favorable action on JRSO's claims appears to be completely ruled out. The 808 cases involve assets worth approximately \$866,000.

This Office has referred the list of 808 cases to its Overseas Section in Germany with instructions to attempt to determine whether the pre-vesting owners are alive and if not whether (1) they were persecutees, and (2) they left heirs. In 407 of the cases the last known address on our records is in West German territory. The Overseas Section transmitted the names of these 407 cases to the International Tracing Service in Germany which has fairly complete records on persons who were in concentration camps. That organization was able to make tentative identifications in only 35 of the cases. In two of these 35 cases the identifications are fairly positive, in five others, possible, and in the remaining 26 even less certain.

In another 33 of the cases the last known address is in Berlin. An investigator of the Overseas Section in that city has identified 12 of the 33 vestees as being alive. He has located the heirs of nine deceased vestees. He has found a Nazi party membership record for another of the vestees and has learned that still another left Germany for Guatemala before World War II. His investigation in another case has developed no information. He is continuing his investigations in the remaining nine cases. I might add that similar investigations will be made as rapidly as possible by the Overseas Section in the above mentioned 407 cases with West German addresses.

It is obvious from the data already obtained in Germany that only a handful of the JRSO claims under Public Law 626 will ultimately prove allowable and that only a relatively insignificant amount of money will be payable to that organization. Accordingly, you will appreciate the fact that this Office cannot, by any administrative determination which is based

341678

on available evidence, make a "substantial payment" of the nature indicated in the first of the two questions set forth in your letter.

In response to your second question, please be advised that a transfer to JRSO of \$750,000 would seem to be a matter of policy for the Congress to consider. This Office would have no objection to legislation providing for the payment of this sum if it were not related to section 32 of the Trading with the Enemy Act and tied to the assets of specific vestees, as is the case with Public Law 626. In this connection you may wish to consider the War Claims Fund as a source for the funds to finance such a payment.

Sincerely yours,

Paul V. Myron
Deputy Director
Office of Alien Property

*Back
attachment*

CC: Mr. Kagan
Dr. Robinson
Mr. Hyman
Dr. Hevesi

August 22, 1956

**The Honorable
Arthur G. Klein
House of Representatives
Washington 25, D. C.**

Dear Mr. Klein:

Thank you very much for your letter of August 15 and the enclosed copy of the letter of August 10 from Mr. Myron to yourself on the subject of heirless assets problems here in the United States.

I have had some brief discussions with Mr. Myron since receiving your letter and its enclosure, and the Jewish Restitution Successor Organization is at present in the process of trying to work out a few administrative arrangements which will clear up the situation of at least some of the JRSO claims. I hope also within the next week or so to discuss the situation comprehensively with representatives of the JRSO in New York. If I may, I would like to postpone specific comments and suggestions until that time.

I take it that there is no immediate rush, since no action can, of course, be taken with respect to legislation until next January. On the other hand, I think that a revision of the legislation previously introduced by you would be in order, and that it would be desirable to prepare a draft of such legislation and to try to obtain support from the Executive Branch of the Government prior to the end of this year, so that such legislation could be introduced with Administration support at the beginning of the next Congress.

I should like to express my very heartfelt thanks for your great assistance in all of these matters. Should you be in Washington during the period before the next Congressional session, and should you have a few free moments, I would very much appreciate your letting me know and giving me a few minutes of your time.

With best personal regards, I am

Sincerely yours,

Seymour J. Rubin

341679

HPB

DEPARTMENT OF JUSTICE
Office of Alien Property
Washington 25, D. C.

793

March 27, 1956

Honorable Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator Dirksen:

This letter supplements my reply of February 9, 1956, to your letter of January 31, 1956, concerning an amendment to Public Law 626, 83rd Congress, which is being proposed by the Jewish Restitution Successor Organization (JRSO).

This office has completed the examination of its files referred to in my letter of February 9. Originally, 7,000 claims were filed by JRSO. The list of claims thereafter furnished this Office by JRSO which it asserts to be within the non-adverse or non-conflicting category contained only 4,138 names. Two names were deleted with JRSO's knowledge and one added at its request, with the result that the list was reduced to 4,137. The examination of the files was made with respect to these 4,137 claims.

Set forth below are the results of the examination:

3/6/56
2,206
Accounts
VS
84,137
non-accounts
non-conflicting
500
50

| | Number | Value of claimed property |
|--|--------------|------------------------------|
| 1. Cases in which there are claims on file conflicting directly with JRSO claims | 106 8 | \$ 556,161.14 54,835.57 |
| 2. Cases in which there are claims on file conflicting indirectly with JRSO claims | 148 104 | 411,668.34 348,834.55 ✓ |
| 3. Cases in which the vestee is alive | 970 664 | 3,963,508.34 3,706,293.31 |
| 4. Cases in which there are known heirs of the vestee | 2,016 949 | 3,160,851.79 2,955,177.19 |
| 5. Cases in which the vestee is not Jewish | 83 57 | 245,763.91 238,838.27 |
| 6. Cases in which the vestee is a business enterprise and therefore ineligible | 6 4 | 11,697.92 11,501.63 |
| 7. Cases in which it appears JRSO may be successor under Public 626 | 15 9 | 24,608.77 24,190.54 |
| 8. Cases in which there is no information concerning the vestee or his heirs | 793 346 | 841,325.16 780,012.00 |

Groups 7 and 8, comprising 808 cases, appear to be the only two groups in which there will be found any significant number of cases of "heirless" assets returnable to JRSO as a successor organization under Public Law 626. The total value of the property involved in these two groups is \$865,933.93. Assuming that as high a figure as half of this total should prove to be

returnable under Public Law 626, JRSO would receive only approximately \$435,000. Accordingly, the proposed amendment authorizing a bulk settlement of not less than \$2,000,000 and not more than \$3,000,000 is wholly unrealistic. The amendment would result in JRSO's acquisition of assets which were not owned by percecutees of the Nazi government, and thus would be contrary to the intention of Congress in enacting Public Law 626.

Sincerely yours,

Paul V. Myron
Deputy Director
Office of Alien Property

341.680A

Originally 7000 claims

Aug 10, 1945
L.H. Myers

Subsequently reduced to 4,137 names
"non-adversarial non-conflicting"

appealed number of these claims:

15 apparently sound allowable -
993 no information concerning vesting

Includes

In all but these 2 categories of
cases (808) amounting to
\$866,000, 1,150 claims deemed
ruled out.

Referred 808 cases to Overseas Section which
referred

407 cases to I TS in Germany,
made detour investigations on only 35 cases.
2 - positive
5 - possible
26 - less certain
33

- 33 Berlin - 1 of 33 are ^{vested} alien
- 9 He located heirs of 9 ^{vested}
- 1 Nazi party membership provided ^{vested}
- 1 left in Guatemala before WWII
- 1 In latter case no information
- 9 Investigation continues

341681

July 14, 1956

Mr. Saul Kagan
Jewish Restitution Successor Organization
3 East 54th Street
New York 22, New York

Dear Saul:

I spent an hour today with Congressman Klein, mostly talking about heirless assets and German assets -- the latter at his instance, the former at mine. I also talked to Kurt Borchardt.

I think there is no prospect of passage of any of the bills. Klein has apparently been toying with the idea of reporting out his bill on heirless assets, even though he knows of OAP opposition, without hearings. Borchardt thinks that would be a great mistake, would do us no good, and would diminish chances of ultimate success. He also indicates that OAP will probably be opposed even to the Dirksen bill, apparently on the ground that the bill is merely an effort to negotiate a settlement in the amount of some \$800,000.

I suggested to Klein that he send the letter a copy of which is enclosed. I believe that he will do so.

Best regards,

Seymour J. Rubin

CC: Dr. Robinson
Dr. Hevesi
Mr. Hyman

341682

Draft

The Honorable
Dallas S. Townsend
Director, Office of Alien Property
Department of Justice
Washington 25, D. C.

Dear Colonel Townsend:

I write in connection with the problem of heirless property vested by the Office of Alien Property.

On March 13 of this year, Congressman Welverton and I introduced identical bills which proposed a method of expediting the claims filed with the Office of Alien Property by the successor organization designated by the President in accordance with Section 32 (h) of the Trading With the Enemy Act -- the Jewish Restitution Successor Organization. The bills introduced by Mr. Welverton and myself proposed that the amount to be paid in settlement of the JRSO claims be not less than \$2 million nor more than \$3 million.

It is my understanding that investigation subsequent to March 15 has indicated that the amount of heirless property actually involved is substantially smaller than the amounts mentioned in these bills. Testimony on this point has been adduced before a subcommittee of the Senate Judiciary Committee, and on June 13 of this year Senator Dirksen (with, I understand, the support of other Senators) introduced S. 4046, a bill which provides a procedure for the settlement of the JRSO claims.

My

39341683

My attention has now been drawn to a statement in the British Parliament, made on June 26 of this year. It was there stated that: "The Government has decided that it is right to make some provision to help in cases of real suffering caused by this persecution. It is proposed, therefore, to allocate future accruals up to a total of £ 250,000 to an appropriate charity for the purpose of relieving suffering occasioned as a result of racial, religious or political persecution by the Nazis in Germany and those countries in which the German Nazi influence predominated . . . An Order in Council is necessary to give effect to these proposals and will be made in due course."

These developments, the prospect of early adjournment of the Congress, and the pressing need of those victims of Nazi persecution who are the intended beneficiaries of Public Law 626, 83rd Congress, prompt me to ask the following questions:

1. Would it not be possible for the Office of Alien Property to take administrative action to carry out the intent of the Congress as expressed in Public Law 626, that some substantial payment be made for the benefit of needy victims of Nazi persecution now resident in the United States, whether by prompt and generous settlement on an over-all basis of the claims of the JRSO, or, in those cases in which claims have been filed and no adverse information has been adduced, by findings that the JRSO is entitled to return of the property claimed?

2. Would

2. Would the Administration not be prepared to propose legislation which would cut through the endless red tape of claims and hearings in situations in which, by definition, evidence and proofs are almost impossible to come by, and adopt a solution similar to that which is being put into effect by the British Government? It is my understanding that the amount of German assets in Britain is much smaller than that in the United States, and, of course, British losses of various sorts were substantially higher, certainly in proportion to the German property involved, than would be the case in the United States. Would it not, therefore, be the part of wisdom, justice and administrative convenience, in the spirit of Public Law 626, for the Administration to propose allocation out of residual vested enemy assets of a sum in the approximate amount of \$750,000 to the designated successor organization? This amount would be roughly equivalent to the amount allocated by the British Government.

I should appreciate your prompt consideration of these suggestions.

Sincerely yours,

Arthur G. Klein

341685

PL 626

July 12, 1956

Mr. Randolph Bohrer
Glory B Ranch
St. Ignace, Montana

Dear Randy:

Thanks much for your letter. You are wasting some real talent. Instead of having lumber, you should be writing literature. I cannot say that I was pleased with your description of you-know-who, but I must tell you that it read well and unfortunately contained a great deal of truth. Let's discuss this further when we meet again.

I am enclosing a letter which Mr. Goldwater, in his capacity as president of the Jewish Restitution Successor Organization, sent to Dinksen. You will recall that Goldwater is the man in his seventies who looks about fifty. I am sure that you will let me know the results of your telephone conversation with Dinksen.

Sincerely,

Abraham S. Hyman

ASH:af1
Enc.

341686

52227

cc: Saul Ryan
Rosen

July 2, 1950

Senator William Langer
United States Senate
Washington, D. C.

Dear Senator:

I am most grateful to you for your letter of June 26th. I know we can rely upon you to give your full and very important support to S.4048 both at the Committee hearing and on the Senate floor.

I am in full accord with you that it would serve no useful purpose for you to introduce a similar bill. However, I believe it would be of help if, at the appropriate time, you joined with Senator Jennings in a statement in support of the measure.

I wish you a very pleasant summer.

Sincerely,

ASH:st

Abraham S. Hyman
Executive Secretary

341087

JAMES O. EASTLAND, MISS., CHAIRMAN
ESTES KEPAUVER, TENN.
OLIN D. JOHNSTON, S. C.
THOMAS C. HENNINGB, JR., MO.
JOHN L. MCCLELLAN, ARK.
PRICE DANIEL, TEX.
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MATTHEW M. NEELY, W. VA.
ALEXANDER WILEY, WIS.
WILLIAM LANGER, N. DAK.
WILLIAM E. JENNER, IND.
ARTHUR V. WATKINS, UTAH
EVERETT MCKINLEY DIRKSEN, ILL.
HERMAN WELKER, IDAHO
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WILLIAM E. JENNER, IND.
ELEANOR C. GUTHRIDGE, GENERAL COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE TO INVESTIGATE PROBLEMS CONNECTED WITH
EMIGRATION OF REFUGEES AND ESCAPEES
(PURSUANT TO S. RES. 168, 84TH CONGRESS)

125 SENATE OFFICE BUILDING
WASHINGTON, D. C.

June 26, 1956

Hon. Abraham S. Hyman, Executive Secretary
World Jewish Congress
15 East 84th Street
New York 28, N. Y.

Dear Mr. Hyman:

This will acknowledge and thank you for your letter of June 21st, with reference to S. 4046 concerning the settlement of claims filed by the Jewish Restitution Successor Organization.

Since the bill has already been introduced in the Senate, a similar bill by me would serve no useful purpose. I shall, however, give it my careful consideration when the bill, S. 4046, is taken up in the Subcommittee and on the floor of the Senate.

Thanking you for calling this matter to my attention and with kindest regards, I am

Sincerely,

W. L. Langer
WLL:svb
Senator Langer to Mr.

341688

EVERETT MCKINLEY DIRKSEN
ILLINOIS

JL

United States Senate
WASHINGTON, D. C.

June 25, 1956

Mr. Abraham Hyman, Esquire
15 East 84th Street
New York 24, New York

Dear Mr. Hyman:

At the request of Mr. Sanford H.

Bolz, we are enclosing a copy of

S. 4046.

Sincerely,



Everett McKinley Dirksen

Enclosure

341689

84TH CONGRESS
2D SESSION

S. 4046

IN THE SENATE OF THE UNITED STATES

JUNE 13 (legislative day, JUNE 11), 1956

Mr. DIRKSEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Trading With the Enemy Act, as amended, so as to provide for allowance of certain claims by successor organizations to heirless or unclaimed property.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 32 (h) of the Trading With the Enemy Act,
4 as amended, is further amended by adding at the conclusion
5 thereof:

6 “The President or such officer as he may designate is
7 authorized and directed to allow claims for return of property
8 or interests presented pursuant to this subsection by a suc-
9 cessor organization previously designated by the President:
10 *Provided, That (1) such claims have been timely filed by*

1 such successor organization; (2) no other claim for the
2 return of the property or interest having prima facie validity
3 is pending; and (3) after such investigation as is feasible
4 prior to July 1, 1956, the President or such officer has not
5 adduced information reasonably showing the ownership by
6 another claimant of such property or interest: *And provided*
7 *further,* That returns under this subsection shall be made
8 not later than six months from the effective date of this
9 subsection.

84TH CONGRESS
2D SESSION

S. 4046

A BILL

To amend the Trading With the Enemy Act, as amended, so as to provide for allowance of certain claims by successor organizations to heirless or unclaimed property.

By Mr. DIRSEN

JUNE 13 (legislative day, JUNE 11), 1956
Read twice and referred to the Committee on the
Judiciary

341691A

Cl. Kagan
Luhm
52227
Mason

June 21, 1968

Senator William Langer
United States Senate
Washington, D. C.

Dear Senator:

For the past several days I have tried in vain to get in touch with you by phone. I assume that in these hectic days you will continue to be unavailable for a phone conversation and am therefore taking the liberty of writing you briefly about two matters which I wanted to discuss with you.

You will surely recall that several months ago I discussed with you in your office the matter of introducing a bill in the Senate regarding the bulk settlement of the claims filed by the Jewish Restitution Successor Organization (JRSO) in the enactment of which you were so helpful. The bill we contemplated was one which would authorize the Office of Alien Property to settle the JRSO claims for a sum no more than three million dollars and no less than two million dollars. When I spoke to you, you graciously indicated your readiness to be a co-sponsor of this measure along with Senators Hennings and Dickson, who had expressed interest in acting as co-sponsors along with you.

Since my conversation with you, a number of us interested in the JRSO claims have assessed the prospects of securing the enactment of a measure embodying essentially the provisions I have discussed with you, and have reached the conclusion that there would be strenuous opposition to such measure from sources whose support we regarded as indispensable in the ultimate enactment of the measure. At the same time, we explored alternative approaches to the problem of getting at least part of the claims filed by the JRSO settled with the minimum of delay. The alternative upon which there is general agreement, including concurrence on the part of those who would have opposed the measure I have discussed with you, is reflected in S. 4040, introduced the other day by Senator Dickson. This bill provides in substance, that the Office of Alien Property may settle the JRSO claims where there is affirmative evidence that the JRSO may establish its claim to the property in question, or where, lacking such affirmative evidence, there is nevertheless no evidence which would

341692

challenge the entitlement of the JNSO to the property in question. Mr. Seymour Rubin, Washington counsel for the JNSO, tried to get in touch with you and Mr. Hennings to ask you to serve as co-sponsors of the bill introduced by Senator Dirksen. Apparently, Mr. Rubin did not succeed in getting in touch with either of you and consequently, Senator Dirksen introduced the measure alone.

I am given to understand that it is contrary to the practice of the Senate to have its members introduce separate identical bills. In view of this, it would appear that it is too late at this juncture to ask you to duplicate the effort of Senator Dirksen. It is felt, however, among the constituent organizations of the JNSO that it would be extremely helpful if you and Senator Hennings joined in a statement on the Senate floor in which you would associate yourself with the Dirksen bill. Senator Hennings has expressed an interest in joining with you in such a statement. The statement in question is being prepared by Mr. Rubin (1682 Jefferson Place, Sterling 3-5908). If on the basis of the foregoing, you are interested in seeing a copy of the statement for the purpose of determining whether you are prepared to support it, will you please have a member of your staff either call me, charges reversed (TRafalgar 9-4600), or call Mr. Rubin in Washington directly. I sincerely hope that your decision on this matter will be an affirmative one.

The other matter that I wanted to discuss with you relates to the sponsorship of a Senate resolution on Arab discrimination against American Jews. I am sure that you are an opponent of the steps taken by the Arab countries, acting in concert, to boycott American firms in which there is either Jewish direction or ownership, and of the practice of these Arab countries to deny American citizens of the Jewish faith the right to travel in their countries and the right of American soldiers of the Jewish faith to serve in the U. S. armed forces at American installations in those countries. This action on the part of the Arab countries, to which our government has to this date yielded, has embittered the whole of American Jewry. We all feel that American capitulation to the Arab practices not only encourages Arab intransigence and thus places peace in the Middle East in greater jeopardy, but denies Americans of the Jewish faith the full rights and privileges of American citizens. In any event, there is a strong feeling among American Jews that the cause of peace and justice would be served if the Senate adopted a resolution expressing its opposition to the discrimination practiced by the Arab countries against American Jews. I understand that you have been requested by Senator Lehman to join in sponsoring a bi-partisan resolution to this effect. I hope that you will agree to do so and can so advise me.

With warmest regards and highest esteem, I am

Sincerely,

ASH:58

Abraham S. Hyman
Executive Secretary

341693

*Cl. Baker
Kaplan
Rushman*

June 19, 1950

Senator Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator Dirksen:

I am most grateful to you for your letter of June 9th. Upon receipt of this letter, I communicated its contents to the constituent organizations of the Jewish Restitution Successor Organization. They were all impressed by the sincerity of your offer to sponsor the legislation in further implementation of PL 320.

This morning I learned that you had introduced S. 4046, which is the text recommended by the JRSO. We all feel indebted to you for the despatch with which you handled this matter, and are confident you will do all you can to secure a hearing on this bill before Congress adjourns for the summer.

With warmest regards and highest esteem, I am

Sincerely,

ASH:st

Abraham S. Hyman
Executive Secretary

CC: Mr. Randolph Bohrer

341694

PL 626

June 14, 1956

Mr. Kagan called to say that he had word from Mr. Rubin who heard from Senator Dirksen and Hennings' office that they are ready to introduce the legislation at once. Mr. Rubin wrote to Senator Langer but could not reach him.

Mr. Kagan asked you, in view of your good relations with Senator Langer, to call him and tell him that Dirksen and Hennings are ready to introduce the bill and that you would like Sen. Langer to join in that sponsorship in order to have the original sponsors of the legislation. If he agrees, he could get in touch with Mr. Rubin or Sen. Dirksen's Administrative Assistant.

6/18/56

Dirksen introduced S 4046

S 4046

341695

June 13, 1956

Mr. Saul Kagan
Jewish Restitution Successor Organization
270 Madison Avenue
New York 16, New York

Dear Saul:

I saw Dirksen and Langdon West in Hennings' office yesterday afternoon and handed them copies of the enclosed memorandum (there are attached hereto only the covering memorandum and the draft of the bill, since you already have a copy of my testimony and of Klein's remarks in the House).

After some conversation about the attitude of the Office of Alien Property, Dirksen indicated that he "saw no reason why we could not introduce the bill in the next few days". I had suggested to him that there again be the Hennings-Dirksen-Langer line-up that we previously had had, and I assume the "we" referred to this. In any case, I talked with Gomien on the way out and reminded him that cooperation with Hennings and Langer would be in order. I then visited Langdon West in Hennings' office, left a copy of the documents with him, told him about my Dirksen visit, and obtained his promise to look into the matter and to cooperate with the other Senators. He was interested in the progress of the bill in the House, and I told him that nothing had happened there, largely because we had subsequently been engaged in negotiation and in clarifying the situation.

I was not able to see Langer. In view of Abe's close relationship with him, perhaps Abe might want to call him on the 'phone. I will be glad to try to see him otherwise, and I will send him a copy of the memorandum today.

Best regards,

Seymour J. Rubin

CC: Dr. Hevesi
Mr. Hyman

Enclosure

341696

MEMORANDUM

Proposed Legislation Dealing with Heirless Assets

There are attached hereto:

1. A proposed bill to be introduced in the Senate; and
2. A statement made on April 19, 1956, before the Subcommittee on the Trading With the Enemy Act of the Senate Committee on the Judiciary.

In addition, there is attached the text of a statement made in the House of Representatives by Arthur Klein of New York, on behalf of himself and Mr. Wolverton, on the occasion of the introduction of a similar bill in the House of Representatives on March 15, 1956.

The proposed bill has been extensively discussed with the Office of Alien Property and with other governmental offices. It is believed that it is necessary to carry out the purposes of Public Law 626, which resulted from a bill introduced by Senator Hennings on behalf of himself, and Senators Langer and Dirksen, and from bills given similar bipartisan support in the House of Representatives in the 83rd Congress. Although the time before the end of the session is short, it is believed that introduction of the bill at this time will expedite comments by the interested Government agencies; that the bill may, despite the shortness of time, be susceptible of passage in the present session of the Congress; and that in any case present introduction will expedite later consideration.

Seymour J. Rubin

Attachments

341697

IN THE SENATE OF THE UNITED STATES

A BILL

To amend the Trading with the Enemy Act, as amended, so as to provide for allowance of certain claims by successor organizations to heirless or unclaimed property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Section 32(h) of the Trading with the Enemy Act, as amended, is further amended by adding at the conclusion thereof:

"The President or such officer as he may designate is authorized and directed to allow claims for return of property or interests presented pursuant to this subsection by a successor organization previously designated by the President, provided that 1) such claims have been timely filed by such successor organization; 2) no other claim for the return of the property or interest having prima facie validity is pending; and 3) after such investigation as is feasible prior to July 1, 1956, the President or such officer has not adduced information reasonably showing the ownership by another claimant of such property or interest; and

Provided, that returns under this subsection shall be made not later than six months from the effective date of this subsection.

June 11, 1956

341698

COPY

June 13, 1956

The Honorable
William Langer
United States Senate
Washington 25, D. C.

Dear Senator:

You will recall our discussions of some months ago with respect to implementation of Public Law 626, the legislation dealing with so-called heirless property. This legislation, as you will recall, was the result of a bill introduced in the 83rd Congress by Senator Hennings, on behalf of yourself, Senator Dirksen, and Senator Hennings.

Enclose herewith a copy of a memorandum dealing with the present situation, which has been left with Senators Dirksen and Hennings. You were engaged at the time I visited your colleagues, or I should have hoped to have discussed the matter with you personally. I hope, on behalf of the Jewish Restitution Successor Organization, and the American Jewish organizations which are constituent members of the JRSO, that this legislation can be introduced in the same manner as was the bill leading to Public Law 626. It is my understanding that Senators Dirksen and Hennings are sympathetically examining this memorandum and may take steps for its introduction shortly.

Sincerely yours,

Seymour J. Rubin

Enclosures

341699

COPY

UNITED STATES SENATE
Washington, D. C.

June 9, 1956

Mr. Abraham S. Hyman
Executive Secretary
World Jewish Congress
15 East 84th Street
New York 28, N. Y.

Dear Mr. Hyman:

If and when you come to Washington I shall be delighted to discuss with you further the implementation of Public Law 628 and I shall be glad also to co-sponsor any measure to this effect as suggested in your letter of June 4.

The time is getting short and action is necessary soon if it is to be consummated before the present session adjourns.

I will be delighted to see Mr. Rubin at any time.

Sincerely,

Everett McKinley Dirksen

341700

EVERETT MCKINLEY DIRKSEN
ILLINOIS

United States Senate

WASHINGTON, D. C.

June 9, 1956

Mr. Abraham S. Hyman
Executive Secretary
World Jewish Congress
15 East 84th Street
New York 28, New York

Dear Mr. Hyman:

If and when you come to Washington I shall be delighted to discuss with you further the implementation of Public Law 626 and I shall be glad also to co-sponsor any measure to this effect as suggested in your letter of June 4.

The time is getting short and action is necessary soon if it is to be consummated before the present session adjourns.

I will be delighted to see Mr. Rubin at any time.

Sincerely,



Everett McKinley Dirksen

341701

COPY

cc: Kagan
Rubin

UNITED STATES SENATE
Washington, D. C.

June 9, 1956

Mr. Abraham S. Hyman
Executive Secretary
World Jewish Congress
15 East 84th Street
New York 28, N. Y.

Dear Mr. Hyman:

If and when you come to Washington I shall be delighted to discuss with you further the implementation of Public Law 628 and I shall be glad also to co-sponsor any measure to this effect as suggested in your letter of June 4.

The time is getting short and action is necessary soon if it is to be consummated before the present session adjourns.

I will be delighted to see Mr. Rubin at any time.

Sincerely,

Everett McKinley Dirksen

341702

C. C. Bahren
Rubin
Kaplan

June 4, 1958

Senator Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator Dirksen:

Thanks much for your letter of May 21st with reference to the implementation of Public Law 858.

I am most grateful to you for the interest you have shown in securing an administrative settlement of the JRSO claims, particularly the category 7 and 8 claims described in Mr. Myron's letter of March 27th. Although I am morally persuaded, as I indicated in my letter to you of May 9th, that the Office of Alien Property has the plenary authority under Public Law 858 to pay the JRSO the value of the property in the category 7 and 8 claims, I am now equally convinced that it would be futile to try to get the Office of Alien Property to accept this point of view. Conversations I have had within the past three weeks with people in touch with the Office of Alien Property lead me to believe that the Office of Alien Property will remain resolute in its decision that it needs legislative authority to settle the category 7 and 8 claims. These are the realities which the JRSO, in spite though it is to you for your willingness to champion the administrative solution of our problem, cannot ignore.

In view of the foregoing conclusion, which I assure you I reached with reluctance, it will be necessary to introduce the bill which has been the subject of discussion between Mr. Rubin and Mr. Myron and others in the Office of Alien Property. In this connection, it is relevant to point out that all of the arguments expressed in my letter of May 9th can be used in support of the projected bill. Of course, since it is our decision to yield to the point of view of the Office of Alien Property, it will not be necessary to send Mr. Myron a copy of my letter of May 9th.

The problem presently confronting the JRSO is the matter of getting sponsorship for the projected measure. Although I

341703

have not discussed the problem recently with Senator Langer, I assume it will not be difficult to enlist his active interest in such a bill. I hope that in view of the sustained interest you have shown in this problem, you too will agree to become a co-sponsor of the bill.

I should like very much to talk to you personally about the whole problem, including the matter of introducing the bill, but find that I shall not be able to get away from New York for some time. Consequently, I have asked Mr. Rubin to get in touch with you. He is well informed on every facet of the problem and is authorized to speak for all the constituent organizations of the Jewish Restitution Successor Organization.

With warmest regards and highest esteem, I am

Sincerely,

ASH:ac

Abraham S. Hyman
Executive Secretary

cc: Mr. Randolph Scherer

341703A

2227

FROM THE OFFICE OF
MILTON R. YOUNG
U. S. SENATOR - NORTH DAKOTA

84TH CONGRESS
2D SESSION

S. 3707

IN THE SENATE OF THE UNITED STATES

APRIL 23 (legislative day, APRIL 9), 1956

Mr. YOUNG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Trading With the Enemy Act, as amended, and the War Claims Act of 1948, as amended.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 That section 39 of the Trading With the Enemy Act, as amended, is amended to read as follows:

5 "SEC. 39. No property or interest therein of Germany, Japan, or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this Act, shall be returned to former owners thereof or their successors in interest (and the United States shall not pay compensation for any such property or interest

① Full return
② not only but also profits, dividends, interest, etc. Corp
③ Nationalization
China will as
Widening claim
only as per
mentioned in
S 2227
④ Citizen at time of enactment of law - eligible
⑤ Direct action
in courts
Judicial appeal from Communism

341704

1 therein), except to the extent and in the manner provided
2 in sections 32, 40, and 42 of this Act. The net proceeds
3 remaining upon the completion of the administration, liquida-
4 tion, and disposition pursuant to the provisions of this Act
5 of any such property or interest therein shall be covered
6 into the Treasury at the earliest practicable date. Nothing
7 in this section shall be construed to repeal or otherwise affect
8 the operation of the Philippine Property Act of 1946.”

9 SEC. 2. The Trading With the Enemy Act, as amended,
10 is further amended by adding the following sections:

11 “SEC. 40. (a) If the Attorney General shall determine
12 that any vested property which has not been returned, dis-
13 bursed in payment of debt claims, or otherwise disposed of
14 under this Act, except—

15 “(1) securities, or the net proceeds thereof, or the
16 debts or other obligations evidenced thereby, which are
17 subject to return to the Government of the Netherlands
18 or its nationals under the Memorandum of Understand-
19 ing of January 19, 1951, between the Government
20 of the United States and the Government of the Nether-
21 lands regarding claims by the Government of the Nether-
22 lands to looted securities;

23 “(2) copyrights, claims of copyrights, rights to
24 copyrights, rights to copyright renewals, and those rights
25 or interests arising out of prevesting contracts entered

341705

1 into with respect to any of the foregoing other than
2 royalties or other income received by or accrued in
3 favor of the Alien Property Custodian or the Attorney
4 General under such contracts;

5 “(3) prints of motion pictures;

6 “(4) patents, unpatented inventions, rights or in-
7 terests in patents and unpatented inventions, and those
8 rights or interests arising out of prevesting contracts
9 entered into with respect to patents and unpatented in-
10 ventions other than royalties or other income received by
11 or accrued in favor of the Alien Property Custodian or
12 the Attorney General under such contracts;

13 “(5) property which is subject to transfer to the
14 Republic of the Philippines under the Philippine Prop-
15 erty Act of 1946, as amended; and

16 “(6) property which the Attorney General is obli-
17 gated to release to a foreign government or governments
18 under agreement relating to the resolution of intercusto-
19 dial conflicts involving enemy property heretofore entered
20 into by the United States with a foreign government or
21 governments pursuant to Public Law 857, Eighty-first
22 Congress, and property which the Attorney General
23 has received or may be entitled to retain or to receive
24 from a foreign government or governments under such
25 agreements.

1 was owned immediately prior to its vesting in or transfer
2 to the Alien Property Custodian or the Attorney General
3 by a natural person, then such vested property shall be
4 returned as a matter of grace to such natural person, or
5 his legal representative (whether or not appointed by a
6 court in the United States), or to his successors in interest
7 by inheritance, devise, or bequest, as their interests may
8 appear. Unless specifically provided to the contrary returns
9 under this section shall be subject to the provisions of sub-
10 section (m) hereof.

11 “(b) Trademarks, trade names, and those rights or
12 interests arising out of contracts entered into with respect
13 to trademarks or trade names other than royalties or other
14 income received by or accrued in favor of the Alien Prop-
15 erty Custodian or the Attorney General under such con-
16 tracts shall be deemed to have no value for the purposes
17 of subsection (a) and subdivision 2 of subsection (m) of
18 this section. Corporations, partnerships, associations, and
19 other unincorporated bodies, or their successors in interest,
20 shall be eligible under this section for the return of trade-
21 marks, trade names, and those rights or interests arising
22 out of contracts entered into with respect to trademarks
23 or trade names other than royalties or other income received
24 by or accrued in favor of the Alien Property Custodian or
25 the Attorney General under such contracts: *Provided*, That

341707

1 no return shall be made of trademarks, trade names, or
2 rights or interests arising out of contracts entered into with
3 respect to trademarks or trade names vested by the follow-
4 ing vesting orders: Vesting Orders 284, as amended (7
5 Fed. Reg. 9754; 9 Fed. Reg. 1038), 678 (8 Fed. Reg.
6 3680), 2354 (8 Fed. Reg. 14635), 4751 (10 Fed. Reg.
7 4273), 4819 (10 Fed. Reg. 6407), 5592 (11 Fed. Reg.
8 1675), 5593 (11 Fed. Reg. 1676), 18805 (17 Fed. Reg.
9 4364), and 18905 (17 Fed. Reg. 5745): *Provided fur-*
10 *ther*, That in any case in which the owner prior to vesting
11 of a trademark, trade name, or rights or interests arising
12 out of a contract entered into with respect to trademarks
13 or trade names was a resident of or had its sole or primary
14 seat in an area of Germany now in the Soviet Zone of
15 Occupation of Germany or in the Soviet sector of Berlin
16 or in German territory under provisional Polish or Soviet
17 administration, return may be made to a person residing
18 or having its sole or primary seat in the Federal Republic
19 of Germany or in the western sectors of Berlin upon cer-
20 tification by a competent agency of the Federal Republic
21 of Germany that an equivalent trademark or equivalent
22 trade name has been registered for such person in the Fed-
23 eral Republic of Germany. The return of trademarks under
24 this or the next preceding subsection shall be subject to the
25 rights of licensees under licenses issued by the Alien Prop-

1 erty Custodian or the Attorney General in respect of such
2 trademarks.

3 (c) Corporations, associations, and other unincorporated
4 bodies, whether public or private, determined by the Attor-
5 ney General to be nonprofit organizations operated for
6 charitable, religious, or educational purposes shall be eligible
7 for the return of vested property under this section without
8 regard to its value. Returns to such organizations shall not
9 be subject to retention or recovery by the Attorney General
10 of the amount of the administrative expenses provided for
11 by subdivision (2) of subsection (m) hereof.

12 “(d) No return of vested property shall be made
13 pursuant to this section to—

14 “(1) any person who, or whose predecessor in
15 interest, has made claim to such property, or brought
16 suit for the return thereof, and who has entered into an
17 agreement with the United States, the Alien Property
18 Custodian or the Attorney General in settlement or
19 compromise of such claim or suit;

20 “(2) any natural person who on January 1, 1955,
21 or at any time thereafter maintained his principal dwell-
22 ing place, or any corporation, partnership, association,
23 or other unincorporated body having its sole or primary
24 seat, in the Soviet Zone of Occupation of Germany, in
25 the Soviet sector of Berlin, in German territory under

341709

1 provisional Polish or Soviet administration, or in Albania,
2 Bulgaria, Communist China, Czechoslovakia, Estonia,
3 Hungary, Latvia, Lithuania, North Korea, Poland,
4 Rumania, or the Union of Soviet Socialist Republics,
5 or in any other nation or area which the Secretary of
6 State advises the Attorney General is dominated or
7 controlled by the foreign government or foreign organi-
8 zation controlling the world Communist movement; or

9 “(3) any person convicted of war crimes.

10 “(e) Notwithstanding the provisions of subdivision (2)
11 of subsection (a) of this section, no return shall be made
12 under this section of any royalties or other income derived
13 from the property or interests vested by the following vest-
14 ing orders: Vesting Orders 128 (7 Fed. Reg. 7578), 13111
15 (14 Fed. Reg. 1730), 14349 (15 Fed. Reg. 1575), 17366
16 (16 Fed. Reg. 2483), and 17952 (16 Fed. Reg. 6162).
17 Notwithstanding any provisions to the contrary in subsection
18 (a) of this section, no return shall be made of any property
19 or interests vested by Vesting Order 17952 (16 Fed. Reg.
20 6162).

21 “(f) Notwithstanding the provisions of subdivision (4)
22 of subsection (a) of this section, no return shall be made
23 under this section of (1) any royalties or other income
24 received by or accrued in favor of the Alien Property
25 Custodian or the Attorney General as a result of the enforce-

1 ment of vested rights or interests in patent licensing con-
2 tracts determined by either of them to be violative of any
3 antitrust laws of the United States, or (2) any royalties or
4 other income received by or accrued in favor of the Alien
5 Property Custodian or the Attorney General arising out of
6 the use on or prior to December 31, 1945, of any patent
7 or unpatented invention.

8 “(g) If any person shall claim vested property under
9 this section on the basis of ownership of shares of stock or
10 other beneficial interest in a corporation, partnership, asso-
11 ciation, or other unincorporated body which was or claimed
12 to be the owner of such property immediately prior to the
13 vesting thereof, then such person, or his predecessor in in-
14 terest, shall be deemed not to have been the owner of such
15 property prior to vesting and he shall not receive a return
16 thereof. If any person, corporation, association, or other
17 entity shall claim an interest in vested property on the basis
18 of ownership of shares of stock or other beneficial interest in
19 a corporation, partnership, association, or other entity which
20 was or claimed to be the owner of such property immediately
21 prior to the vesting thereof, and such person, corporation,
22 association, or other entity claiming such interest, in com-
23 mon control with other enemy aliens, holds or has held con-
24 trolling interest in any corporation organized under the
25 laws of the United States, and which latter corporation has

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1 been charged by the United States with any violation of
2 the Federal Antitrust Laws, jurisdiction is hereby conferred
3 upon the district court of the United States which has juris-
4 diction over the corporations involved, or the United States
5 Court of Claims, to hear and determine suits by United
6 States citizens, corporations, or associations who claim to
7 have been damaged as a result of such alleged violations of
8 the Federal antitrust laws by such alien controlled corpora-
9 tions or entities, providing such suits are filed within one
10 year after the passage of this Act, without regard to any
11 previous applicable limitations of such actions; and such
12 vested property of such a corporation or entity or the
13 liquidated proceeds, dividends, or other increment thereof
14 shall be set aside and held in trust by the custodian thereof
15 and so much thereof as may be necessary shall be applied to
16 the satisfaction and payment of any judgment awarded or
17 entered by the said United States district court or the said
18 United States Court of Claims.

19 “(h) Except as otherwise provided herein, and except
20 to the extent that the Attorney General may otherwise deter-
21 mine, any person to whom return is made hereunder shall
22 have all rights, privileges, and obligations in respect to the
23 property or interest returned or the proceeds of which are
24 returned which would have existed if the property or interest

1 had not vested in the Alien Property Custodian or the Attor-
2 ney General, but no cause of action shall accrue to such
3 person in respect of any deduction or retention of any part of
4 the property or interest or proceeds by the Alien Property
5 Custodian or the Attorney General for the purpose of paying
6 taxes, costs, or expenses in connection with such property or
7 interest or proceeds: *Provided*, That no person to whom a
8 return is made pursuant to this section, nor the legal repre-
9 sentative or successors in interest of such person, shall acquire
10 or have any claim or right of action against the United States
11 or any department, establishment, or agency thereof, or cor-
12 poration owned thereby, or against any person authorized or
13 licensed by the United States, founded upon the retention,
14 sale, or other disposition, or use, during the period it was
15 vested in the Alien Property Custodian or the Attorney
16 General, of the returned property, interest, or proceeds.
17 Any notice to the Attorney General in respect of any prop-
18 erty or interest or proceeds shall constitute notice to the
19 person to whom such property or interest or proceeds is
20 returned and such person shall succeed to all burdens and
21 obligations in respect of such property or interest or proceeds
22 which accrued during the time of retention by the Alien
23 Property Custodian or the Attorney General, but the period
24 during which the property or interest or proceeds returned
25 were vested in the Alien Property Custodian or the Attorney

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1 General shall not be included for the purpose of determining
2 the application of any statute of limitations to the assertion
3 of any rights by such person in respect of such property or
4 interest or proceeds.

5 “(i) No return under this section shall bar the prosecu-
6 tion of any suit at law or in equity against a person to whom
7 return has been made, to establish any right, title, or interest
8 which may exist or which may have existed at the time
9 of vesting in or to the property or interest or proceeds re-
10 turned, but no such suit may be prosecuted by any person
11 ineligible to receive a return under this section. With re-
12 spect to any such suit, the period during which the property
13 or interest or proceeds returned were vested in the Alien
14 Property Custodian or the Attorney General shall not be
15 included for the purpose of determining the application of
16 any statute of limitations.

17 “(j) Every person desiring to claim return pursuant
18 to this section shall file a notice of claim with the Attorney
19 General within one year from the enactment hereof in such
20 form and manner as may be prescribed by the Attorney
21 General: *Provided, however,* That if, prior to the enactment
22 of this section, a claimant has filed such a claim with the
23 Attorney General or with the Office of Alien Property or
24 with any legal predecessor of either, no additional claim

1 need be filed herein unless a claimant should desire to supple-
2 ment or amend such claim as previously filed.

3 “(k) Nothing in this section shall affect the right of a
4 claimant to pursue remedies under sections 9 (a), 32 or 34
5 of this Act: *Provided*, That no person claiming vested prop-
6 erty under sections 9 (a) or 32 may receive a return under
7 this section unless he files a written waiver, on behalf of
8 himself, his heirs, and successors, renouncing his claim under
9 sections 9 (a) or 32 to the amount retained or recovered by
10 the Attorney General under subsection (m) of this section.
11 The Attorney General shall make no return under this section
12 of vested property which is the subject of a suit under section
13 9 (a) or of an administrative claim under section 9 (a) or
14 section 32 to any person other than the plaintiff in such
15 suit or the claimant in such claim unless and until the suit
16 or claim has been finally disposed of adversely to the
17 plaintiff or claimant.

18 “(1) Without limitation by or upon any other existing
19 provision of law with respect to the payment of expenses,
20 taxes, or debt claims by the Attorney General, he shall
21 retain or recover from any vested property returnable
22 pursuant to this section—

23 “(1) an amount not exceeding that expended or
24 incurred for the conservation, preservation, or mainte-
25 nance of such property,

1 “(2) an amount covering expenses of administra-
2 tion, which amount shall be computed on a percentage
3 basis determined by the Attorney General and uniformly
4 applicable to all such property,

5 “(3) a reserve sufficient to insure the payment of
6 taxes in connection with such property, as provided for
7 in section 36 of this Act, and

8 “(4) a reserve sufficient to insure the payment of
9 pending debt claims payable from such property: *Pro-*
10 *vided*, That, if the Attorney General holds additional
11 property vested from the owner immediately prior to
12 vesting under any specific vesting order, the amounts
13 of such expenses and reserves shall, to the extent pos-
14 sible, be retained or recovered from such additional prior
15 vested property: *Provided further*, That the balance of
16 a reserve, remaining after the payment of taxes or debt
17 claims, shall become available for return under this
18 section to the same extent as though it had never been
19 made a part of such reserve: *And provided further*,
20 That the persons entitled to the return of vested property
21 under this section shall be permitted to pay the amount
22 of expenses or reserves in lieu of the liquidation of such
23 property to provide funds therefor.

24 “(m) Any vested property returned pursuant to this

1 section shall be subject to any applicable restrictions imposed
2 by regulations issued pursuant to section 5 (b) of this Act.

3 “(n) Determinations of the Attorney General with
4 respect to claims under this section, including the allowance
5 or disallowance thereof, shall not be final and shall be subject
6 to judicial review as provided in section 1009 (a) of the
7 Administrative Procedure Act and in the same manner as is
8 specifically provided in section 210 hereof with respect to
9 decisions and awards of the Foreign Claims Settlement
10 Commission.

11 “(o) As used in this section—

12 “(1) ‘Vested property’ means property or interests
13 vested in or transferred to the Alien Property Custodian
14 or the Attorney General pursuant to this Act after December
15 17, 1941, or the net proceeds thereof, including, except
16 where specifically provided to the contrary, dividends, inter-
17 est, rent, royalties, or other income or accretions in respect
18 of such property or interests; and

19 “(2) ‘Convicted of war crimes’ means the entry of
20 judgment against any person who has been convicted per-
21 sonally and by name, by such courts as may be designated
22 by the Secretary of State, of murder or ill treatment or
23 deportation for slave labor of prisoners of war, political
24 opponents, hostages, or civilian population in occupied terri-
25 tories, or of murder or ill treatment of military or naval

1 persons, or of plunder or wanton destruction without justified
2 military necessity.

3 "SEC. 41. (a) If the Attorney General shall at any
4 time determine that the vested property then remaining in
5 his hands will not be immediately available, or will prove
6 insufficient, for the purpose of making returns under section
7 40 of this Act, he shall request the Secretary of State to
8 obtain funds in the currency of the Federal Republic of
9 Germany, to be used to satisfy the claims under section 40 of
10 persons in the Federal Republic and the western sectors of
11 Berlin, which funds can be made available pursuant to article
12 IV of the agreement between the United States and the
13 Federal Republic, dated February 27, 1953, regarding the
14 settlement of the obligation of the latter to the United States
15 for surplus property. The Secretary of State shall as soon
16 as practicable thereafter undertake to have such currency
17 made available by the Federal Republic and the Attorney
18 General is hereby authorized to use such currency for the
19 satisfaction of claims under section 40 of persons in the
20 Federal Republic and the western sectors of Berlin without
21 dollar reimbursement from any appropriation, any provisions
22 of law to the contrary notwithstanding. In such cases satis-
23 faction of claims shall be made by payment in the currency
24 of the Federal Republic at the then prevailing rate of
25 exchange.

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1 “(b) At such time subsequent to January 1, 1955, as
2 the United States and Japan enter into an agreement for
3 payment by Japan for surplus property received from the
4 United States, the procedures of subsection (a) of this
5 section are hereby authorized, to the extent necessary and
6 possible, for the purpose of making yen available to satisfy
7 the claims under section 40 of persons in Japan.

8 “SEC. 42. (a) As used in this section the word ‘copy-
9 rights’ includes copyrights, claims of copyrights, rights to
10 copyrights, and rights to copyright renewals.

11 “(b) All copyrights vested in the Alien Property
12 Custodian or the Attorney General under the provisions
13 of this Act subsequent to December 17, 1941, which have
14 not been returned or otherwise disposed of under this Act,
15 except copyrights vested by Vesting Orders 128 (7 Fed.
16 Reg. 7578), 13111 (14 Fed. Reg. 1730), 14349 (15
17 Fed. Reg. 1575), 17366 (16 Fed. Reg. 2483), and 17952
18 (16 Fed. Reg. 6162), and copyrights vested with respect
19 to the motion picture listed last in exhibit A of Vesting
20 Order 11803, as amended (13 Fed. Reg. 5167; 15 Fed.
21 Reg. 1626), are hereby divested as a matter of grace, ef-
22 fective the ninety-first day after the enactment of this section,
23 and the persons entitled thereto shall on that day succeed
24 to the rights, privileges, and obligations arising out of such
25 copyrights, subject, however, to—

1 “(1) the rights of licensees under licenses issued
2 by the Alien Property Custodian or the Attorney Gen-
3 eral in respect of such copyrights; and

4 “(2) the rights of assignees under assignments by
5 the Alien Property Custodian or the Attorney General
6 of interests in such licenses.

7 The rights and interests remaining in the Attorney General
8 under licenses issued by him or by the Alien Property Cus-
9 todian in respect to copyrights divested hereunder are hereby
10 transferred, effective the day of divestment, to the persons
11 entitled to such copyrights: *Provided*, That all unpaid
12 royalties or other income accrued in favor of the Attorney
13 General under such licenses prior to the day of divestment
14 shall be paid by the licensees to the Attorney General.

15 “(c) All rights or interests vested in the Alien Prop-
16 erty Custodian or the Attorney General under the provisions
17 of this Act subsequent to December 17, 1941, arising out
18 of prevesting contracts entered into with respect to copy-
19 rights, except—

20 “(1) royalties or other income received by or
21 accrued in favor of the Alien Property Custodian or
22 the Attorney General under such contracts;

23 “(2) rights or interests which have been returned
24 or otherwise disposed of under this Act; and

1 “(3) rights or interests vested by Vesting Orders
2 128 (7 Fed. Reg. 7578), 13111 (14 Fed. Reg. 1730),
3 14349 (15 Fed. Reg. 1575) and 17366 (16 Fed. Reg.
4 2483),

5 are hereby divested as a matter of grace, effective the ninety-
6 first day after the enactment of this section, and the persons
7 entitled to such rights or interests shall succeed thereto,
8 subject to the right of the Attorney General to collect and
9 receive all unpaid royalties or other income accrued in his
10 favor under such prevesting contracts prior to the day of
11 divestment.

12 “(d) Nothing in this section shall be construed to trans-
13 fer to a person entitled to a copyright divested hereunder
14 the right of the Attorney General to sue for the infringement
15 of such copyright during the period between (1) the vesting
16 thereof or the vesting of rights and interests in a contract
17 entered into with respect thereto, and (2) the day of
18 divestment. The right to sue for such infringement shall
19 remain in the Attorney General.

20 “SEC. 43. The Attorney General is hereby authorized
21 to transfer to the Library of Congress all prints of motion
22 pictures vested in or transferred to the Alien Property Cus-
23 todian or the Attorney General pursuant to this Act after
24 December 17, 1941, except prints of motion pictures which
25 are the subject of suits or claims under section 9 (a) or

1 section 32 of this Act. The Library of Congress shall have
2 complete discretion to retain such prints for its own purposes
3 or to dispose of any of them in any manner it deems
4 proper.”

5 SEC. 3. Public Law 626, Eighty-third Congress, adding
6 section 32 (h) to the Trading With the Enemy Act, as
7 amended, is amended by striking “section 32” wherever
8 it appears and inserting in lieu thereof “section 32 or 40”.

9 SEC. 4. Section 9 (a) of the Trading With the Enemy
10 Act, as amended, is amended by striking out the period at
11 the end thereof and inserting in lieu thereof a colon and the
12 following: “*Provided further*, That, upon a determination
13 made by the President in time of war or during any national
14 emergency declared by the President that the interest and
15 welfare of the United States require the sale of any prop-
16 erty or interest or any part thereof claimed in any suit filed
17 under this subsection and pending on or after the date of
18 enactment of this proviso, the Attorney General may sell
19 such property or interest or part thereof, in conformity with
20 law applicable to sales of property by him, at any time
21 prior to the entry of final judgment in such suit. No such
22 sale shall be made until thirty days have passed after the
23 publication of notice in the Federal Register of the intention
24 to sell. The proceeds of any such sale shall be deposited
25 in an account which is hereby established in the Treasury.

1 and such proceeds are hereby appropriated to carry out the
2 purposes of this proviso and shall be held in trust by the
3 Secretary of the Treasury pending the entry of final judg-
4 ment in such suit. Any recovery of any claimant in any
5 such suit in respect of the property or interest or part there-
6 of so sold shall be limited to the net proceeds of such sale,
7 or, if more than one claimant, then to each claimant's pro-
8 portionate share of the net proceeds of such sale, unless such
9 claimant, within sixty days after receipt of notice of the
10 amount of the net proceeds of sale, or, if more than one
11 claimant, then notice of the amount of claimant's asserted
12 proportionate share of the net proceeds of sale, serves upon
13 the Attorney General and files with the court an election to
14 waive all claims to the net proceeds and to claim just com-
15 pensation instead. If the court finds that the claimant has
16 established an interest, right, or title in any property in
17 respect of which such an election has been served and filed,
18 it shall proceed to determine the amount which will consti-
19 tute just compensation for such interest, right, or title, and
20 shall order payment to the claimant of the amount so de-
21 termined. An order for the payment of just compensation
22 hereunder shall be a judgment against the United States
23 and shall be payable first from the net proceeds of the sale
24 in an amount not to exceed the amount the claimant would
25 have received had he elected to accept his proportionate part

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1 of the net proceeds of the sale and the balance, if any, shall
2 be payable in the same manner as are judgments in cases
3 arising under section 1346 of title 28, United States Code.
4 The Attorney General shall, immediately upon the entry of
5 final judgment, notify the Secretary of the Treasury of the
6 determination by final judgment of the claimant's interest
7 and right to the proportionate part of the net proceeds from
8 the sale, and the final determination by judgment of the
9 amount of just compensation in the event the claimant has
10 elected to recover just compensation for the interest in the
11 property he claimed."

12 SEC. 5. The War Claims Act of 1948, as amended, is
13 further amended by inserting after 1 thereof, the following:

14 "TITLE I"

15 SEC. 6. The word "Act", wherever it appears in title I
16 in reference to the War Claims Act of 1948, as amended, is
17 amended to read "title".

18 SEC. 7. The War Claims Act of 1948, as amended, is
19 further amended by adding at the end thereof:

20 "TITLE II"

21 "GERMAN CLAIMS FUND"

22 "SEC. 201. As used in this title the term or terms—

23 "(a) 'Albania', 'Austria', 'Czechoslovakia', 'Germany',
24 'Greece', 'Poland', and 'Yugoslavia', when used in their

1 respective geographical senses, mean the territorial limits of
2 each such country in continental Europe as such limits existed
3 on December 1, 1937.

4 “(b) ‘Commission’ means the Foreign Claims Settle-
5 ment Commission of the United States, established pursuant
6 to Reorganization Plan Numbered 1 of 1954 (68 Stat.
7 1279).

8 “SEC. 202. (a) There is hereby created in the Treas-
9 ury of the United States a fund to be known as the German
10 Claims Fund. The Secretary of the Treasury is authorized
11 and directed to cover into this fund all moneys heretofore
12 paid to or hereafter payable to the United States as here-
13 inafter specified.

14 “(b) There shall be deducted from the German Claims
15 Fund 5 per centum thereof as reimbursement to the Gov-
16 ernment of the United States for the expenses incurred by
17 the Commission and the Treasury Department in the admin-
18 istration of this title. All amounts so deducted shall be
19 covered into the Treasury to the credit of miscellaneous
20 receipts.

21 “SEC. 203. The Commission is authorized and directed
22 to receive and to determine according to the provisions of
23 this title the validity and principal amount of all claims by
24 citizens and/or nationals of the United States for:

25 “(a) Loss or dispossession or destruction of or damage

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1 to property, real or personal, owned by citizens or nationals
2 of the United States, or their legal predecessors in title, or
3 in which such citizens or nationals had a beneficial or insur-
4 able interest, and loss of income normally derived from such
5 property, which was located or situated within the geo-
6 graphical boundaries of Albania, Austria, Czechoslovakia,
7 Germany, Greece, Poland or Yugoslavia, as such boundaries
8 existed on December 1, 1937, provided such property dam-
9 age claims arose:

10 "1. As a direct consequence of military operations of
11 war during the period beginning September 1, 1939, and
12 ending May 8, 1945, or of conduct casually connected with
13 the existence of such hostilities, or of special measures
14 directed against property during the war because of the
15 enemy or alleged enemy character of the owner, which
16 property was owned, directly or indirectly, by the claimant
17 at the time of such loss, damage or destruction, or

18 "2. As a consequence of confiscation, dispossession, lar-
19 ceny, or duress (with or without violence) by the forces
20 or authorities of Germany or its allies or by their individual
21 members or by any individual national or nationals of Ger-
22 many or its allies (whether or not pursuant to orders) at
23 any time after January 1, 1933; or

24 "3. As a consequence of nationalization (hereafter de-
25 fined) of such property of citizens or nationals of the United

1 States without actual and adequate compensation having
2 been paid therefor to the owners of such property.

3 "The sale, transfer, or assignment of such property sub-
4 sequent to such damage, loss, or destruction shall not operate
5 to extinguish any claim of the transferor otherwise compen-
6 sable under this subsection. If a claim otherwise compen-
7 sable under this subsection has been assigned for value, the
8 assignee shall be the party entitled to file a claim under this
9 subsection.

10 "Such claims shall be fully paid and compensated for
11 on a replacement cost basis as of the date of award or judg-
12 ment therefor as the latter are hereinafter defined.

13 "(b) The term 'citizens or nationals of the United
14 States' shall be deemed to embrace: (1) All persons who
15 are presently under applicable law, as of the date of passage
16 of this law, citizens of the United States or who, though
17 not citizens of the United States, owe permanent allegiance
18 to the United States; (2) such term shall also be deemed
19 to signify and include a legal or juridical person, organization,
20 firm, trust, association, or corporation: *Provided*, That such
21 legal or juridical person was duly organized or incorporated
22 under the laws of the United States or of any State or
23 Territory thereof, or under the laws of the District of Colum-
24 bia: *And provided further*, That natural citizens or nationals
25 of the United States as above defined possessed bona fide

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1 beneficial ownership in excess of a 50 per centum interest
2 therein in the aggregate both as of the date when said
3 property losses or damages occurred and as of the date of
4 passage of this Act.

5 “(c) The term ‘nationalization’ shall be deemed to sig-
6 nify any purported taking, seizure, or confiscation by pur-
7 ported governmental decree or process, of any property
8 which, at the date of its said taking, seizure, or confiscation,
9 was the property of any citizen or national of the United
10 States as the latter are herein defined, and which was or
11 is located or situated within the geographical boundaries of
12 Germany as they existed as of December 7, 1941.

13 “(d) Any doubt as to the right of a United States
14 citizen or national to compensation for property so lost,
15 confiscated, dispossessed, nationalized, destroyed, or damaged
16 shall be resolved in favor of the claimant if such claimant
17 can establish possession or bona fide legal or equitable title
18 thereto at any date subsequent to the first day of January
19 in the year 1933, subject, however, to the provision in sub-
20 paragraph (b) hereof as to bona fide ownership and con-
21 trol thereof by natural citizens or nationals of the United
22 States in the case of any claim filed by a legal or juridical
23 person, organization, firm, trust, association, or corporation.

24 “(e) Damage to, or loss or destruction of, ships or
25 ship cargoes directly or indirectly owned by the claimant

1 at the time such damage, loss, or destruction occurred, which
2 was a direct consequence of military action by Germany
3 during the period beginning September 1, 1939, and end-
4 ing May 8, 1945. The sale, transfer, or assignment of such
5 ships or ship cargoes subsequent to such damage, loss, or
6 destruction, shall not operate to extinguish any claim other-
7 wise compensable under this subsection. If a claim other-
8 wise compensable under this subsection has been assigned,
9 the assignee shall be the party entitled to file a claim under
10 this subsection. No award shall be made under this sub-
11 section in favor of any insurer or reinsurer as assignee or
12 otherwise as successor in interest to the right of the insured.

13 “(f) Net losses by insurance companies under war-
14 risk insurance or reinsurance policies, or contracts, incurred
15 in the settlement of claims for insured losses of ships or ship
16 cargoes, owned (1) by natural persons who were nationals
17 of the United States at the time of the loss, damage, or
18 destruction of such ships or ship cargoes and at the time
19 of settlement of such claims, or (2) by corporations, part-
20 nerships, associations, unincorporated bodies, or other entities
21 in which at least 50 per centum of the outstanding capital
22 stock or other proprietary interest therein was beneficially
23 owned, directly or indirectly, by nationals of the United
24 States at the time of such loss, damage, or destruction and
25 at the time of the settlement of such claims, which insured

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1 losses were a direct consequence of military action by
2 Germany during the period beginning September 1, 1939,
3 and ending May 8, 1945. Such net losses shall be deter-
4 mined by deducting from the aggregate of all payments
5 made in the settlement of such insured losses the aggregate
6 of all amounts received by any such insurance com-
7 panies on all policies or contracts under which the insured
8 was a national of the United States or, in the case of an
9 insured corporation, partnership, association, unincorporated
10 body or other entity, at least 50 per centum of the outstand-
11 ing capital stock or other proprietary interest therein was
12 beneficially owned, directly or indirectly, by nationals of the
13 United States.

14 “(g) Loss or damage on account of the death or injury
15 of any person who, being then a civilian national of the
16 United States and a passenger on any vessel engaged in com-
17 merce on the high seas, was injured or killed as a result
18 of military action by Germany during the period beginning
19 September 1, 1939, and ending December 11, 1941, or for
20 the loss of, or damage to the property of any civilian na-
21 tional of the United States, passenger on such vessel, during
22 such period, resulting as a direct consequence of such action.
23 Awards under this subsection on account of the death or
24 disability of any one person shall not exceed \$7,500. An

1 award on account of the death of any such person shall be
2 made only to or for the benefit of the following persons:

3 “(1) Widow or husband if there is no child or children
4 of the deceased;

5 “(2) Widow or husband and child or children of the
6 deceased, one-half to the widow or husband and the other
7 half to the child or children of the deceased in equal shares;

8 “(3) Child or children of the deceased (in equal shares)
9 if there is no widow or husband; and

10 “(4) Parents (in equal shares) if there is no widow,
11 husband, or child.

12 “An award on account of disability shall be made only
13 to the person so disabled, or, in the event of his death at
14 any time prior to the making of the award, to the persons
15 specified in paragraphs (1) through (4) of this subsection
16 in the order so specified.

17 “(h) Losses resulting from the removal of industrial
18 or other capital equipment in Germany owned directly or
19 indirectly by the claimant on May 8, 1945, and removed
20 for the purpose of reparations including losses from any
21 destruction of property in connection with such removal. If
22 a claim which could otherwise be allowed under this sub-
23 section has been assigned for value, the assignee shall be
24 the party entitled to claim hereunder.

25 “SEC. 204. Within sixty days after the enactment of

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1 this title or of legislation making appropriations to the Com-
2 mission for payment of administrative expenses incurred in
3 carrying out its functions under this title, whichever date
4 is later, the Commission shall give public notice by publica-
5 tion in the Federal Register of the time when, and the
6 limit of time within which, claims may be filed, which limit
7 shall be eighteen months after such publication.

8 "SEC. 205. The amount of any award based on a claim
9 of a national of the United States other than the national
10 of the United States by whom the loss was originally sus-
11 tained shall not exceed the amount of the actual consider-
12 ation last paid for such claim prior to January 1, 1953.

13 "SEC. 206. The Commission shall have jurisdiction to
14 receive, examine, adjudicate, and render awards and de-
15 cisions with respect to all of the foregoing claims hereinbefore
16 specified. In passing upon the validity of such claims the
17 Commission shall comply with all of the provisions of the
18 Administrative Procedure Act of 1946 and shall also comply
19 with the procedural and equitable principles and rules here-
20 inafter specifically enumerated. The Commission shall, as
21 soon as possible, and in the order of making such awards,
22 certify to the Secretary of the Treasury, in terms of United
23 States currency, each award made pursuant to section 203.

24 "SEC. 207. Persons desiring to claim pursuant to sec-
25 tion 203 of this Act shall file notice of claim with the Com

1 mission within eighteen months after the publication by the
2 Commission of public notice thereof of the Federal Register,
3 such claim to be in such form and manner as may be deter-
4 mined by regulations to be duly promulgated and published
5 by the Commission: *Provided, however,* That if, prior to
6 the enactment of this section, a claimant has filed with such
7 Commission or with the International Claims Commission or
8 with the War Claims Commission or with the Department of
9 State of the United States a claim for loss or destruction of
10 or taking of or damage to property as specified in section 203
11 of this Act, no additional claim need be filed unless a claimant
12 should desire to supplement or amend such claim as previ-
13 ously filed.

14 "SEC. 208. In the process of receiving, considering, and
15 adjudicating said claims, the Commission shall be guided and
16 controlled at all times, in the exercise of its said functions,
17 by the following procedural and equitable principles and
18 rules:

19 "(a) Preference in the processing and adjudication of
20 said claims shall be given to natural persons as claimants
21 who (1) are over sixty years of age or (2) have not been
22 able to take full advantage of section 127 of the Internal
23 Revenue Code, as it was in force and effect during the year
24 1953, in deducting war losses from their Federal income
25 taxes;

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1 “(b) In determining the facts with respect to any
2 particular claim, including the issue as to replacement cost,
3 no evidence shall be received by the Commission from
4 any of the governments, forces, authorities, organizations,
5 or persons, or their employees or agents, who were parties
6 to or who were in any respect responsible for the loss or
7 taking or dispossession of or damage to such property un-
8 less the claimant in such case shall consent in writing in
9 advance to the consideration by said Commission of any
10 such evidence;

11 “(c) The Commission shall not solicit, request, or ac-
12 cept, from any foreign government or from any official,
13 agent, or employee thereof, any representation or any ex-
14 pression of views whatsoever as to the alleged merits or
15 demerits or as to the validity of any such claim unless the
16 claimant involved shall expressly consent in writing in ad-
17 vance to the consideration of such material in the process
18 of adjudication of his or its claim: *Provided, however, That*
19 *any claimant may at his or its option submit for the considera-*
20 *tion of the Commission documents which have been duly*
21 *authenticated by a foreign government or by the authorities*
22 *or officials thereof, and in such event such evidence shall*
23 *be considered by the Commission in passing upon the merits*
24 *of such claim; and*

25 “(d) In the processing and adjudication of the claims

1 mentioned in section 203 of this Act, the Commission shall
2 at all times be guided by, and shall give full recognition
3 to, those fundamental equitable principles of fair play and
4 justice which will insure the reasonableness and adequacy
5 of the compensation to be awarded to citizens and nationals
6 of the United States, and such equitable considerations shall
7 in all cases prevail over any prior decisions by any com-
8 mission, agency, or court irrespective as to whether such
9 decisions were rendered within or without the United States.

10 "SEC. 209. All claimants whose claims are not proc-
11 essed, adjudicated, and paid within two years after the
12 claims shall have been filed as herein provided, or within
13 two years after passage of this Act, whichever is the later,
14 may institute a civil action de novo in the District Court
15 of the United States for the District of Columbia or in the
16 Court of Claims within one year after the expiration of said
17 two-year period in which said Commission has failed to act
18 upon said claim as above provided, in which suit the United
19 States shall be made a party defendant, through service of
20 process upon the Attorney General, to establish the loss
21 or damage sustained by the claimant through loss or destruc-
22 tion of or damage to his property as hereinabove specified,
23 and if so established in accordance with the equitable tenets
24 and principles herein enumerated the said district court or
25 the said Court of Claims shall forthwith order, adjudge, or

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1 decree the payment of adequate and just compensation to
2 the claimant in the judgment to be entered by it in such
3 action. Copies of the summons or other process in such
4 suits shall be served upon the Attorney General of the
5 United States and the Chairman of the Commission. Any
6 claimant who is aggrieved with any decision of the said
7 district court in the adjudication of his claim or in the denial
8 of his claims, shall have the right to have full judicial review
9 of the final decision, order, or judgment of the district court
10 in such case in the same manner as is now provided under
11 applicable law in the case of any other civil action which
12 has been properly instituted in the District Court of the
13 United States for the District of Columbia. Any claimant
14 who is aggrieved with any decision of the said Court of
15 Claims in the adjudication of his claim or in the denial of
16 his claims, shall have the right to have full judicial review
17 of the final decision, order or judgment of the Court of Claims
18 in such case in the same manner as is now provided under
19 applicable law (28 U. S. C. A. 1255).

20 "SEC. 210. (a) Any claimant who is aggrieved with
21 any final decision, award, or order of the Commission in the
22 adjudication of his or its claim or in the denial of his or its
23 claim may appeal from such decisions, awards, and orders of
24 the Commission to the United States Court of Appeals for
25 the District of Columbia to obtain a complete judicial review

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1 of said decisions, awards, and orders, as provided by the
2 Administrative Procedure Act.

3 “(b) Such appeal shall be taken by filing a notice of
4 appeal with the court within thirty days from the date when
5 the claimant has been duly notified by the Commission by
6 registered mail (return receipt requested) of the entry or fil-
7 ing by it of the decision, award, or order complained of.
8 Such notice of appeal shall contain a concise statement of the
9 nature of the proceedings as to which the appeal is taken; a
10 concise statement of the reasons on which the appellant
11 intends to rely, separately stated and numbered; and proof
12 of service of a true copy of said notice and statement upon
13 the Commission. Upon filing of such notice, the court shall
14 have jurisdiction of the proceedings and of the questions
15 determined therein.

16 “(c) Upon the filing of any such notice of appeal the
17 Commission shall, not later than five days after the date of
18 service upon it, notify each person shown by the records
19 of the Commission to be interested in said appeal, of the
20 filing and pendency of the same and shall thereafter permit
21 any such person to inspect and make copies of said notice
22 and statement of reasons therefor at the office of the Com-
23 mission in the city of Washington. Within thirty days after
24 the filing of an appeal, the Commission shall file with the
25 court a copy of the decision, award, or order complained of,

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1 a full statement in writing of the facts and grounds relied
2 upon by it in support of the order, award, or decision in-
3 volved upon said appeal, and the originals of or certified
4 copies of all papers and evidence presented to and considered
5 by it in entering said order, award, or decision.

6 “(d) The record and briefs upon which any such appeal
7 shall be heard and determined by the court shall contain
8 such information and material, and shall be prepared within
9 such time and in such manner as the court may by rule
10 prescribe.

11 “(e) Such proceedings in the court shall be given
12 preference over other cases pending therein and shall be
13 in every way expedited. At the earliest convenient time
14 the court shall hear and determine the appeal upon the
15 record before it in the manner prescribed by section 10 of
16 the Administrative Procedure Act (title 5, U. S. C. A.
17 1009).

18 “(f) In the event that the court shall render a decision
19 and enter an order reversing the order of the Commission,
20 it shall remand the case to the Commission to carry out the
21 judgment of the court and it shall be the duty of the Com-
22 mission (in the absence of proceedings to review such
23 judgment as hereinafter provided) to forthwith give effect
24 thereto, and unless otherwise ordered by the court, to do so
25 upon the basis of the proceedings already had and the record

1 upon which said appeal was heard and determined. If the
2 claimant-appellant shall apply to the court for leave to
3 adduce additional evidence, and shall show to the satisfac-
4 tion of the court that such additional evidence is material
5 and relevant, and that there were reasonable grounds for
6 the failure to adduce such evidence in the proceeding before
7 the Commission, the court may order such additional evi-
8 dence to be taken before the Commission and to be adduced
9 upon such further hearing in such manner and upon such
10 terms and conditions as to the court may seem proper.

11 “(g) The court’s judgment shall be final, subject, how-
12 ever, to review by the Supreme Court of the United States
13 upon writ of certiorari on petition therefor under section
14 1254 of title 28, United States Code Annotated, by the
15 appellant, by the Commission, or by certification by the
16 court pursuant to the provisions of that section.

17 “SEC. 211. All moneys required for the processing and
18 payment of said claims and awards and judgments thereon
19 shall be provided and covered into said German Claims
20 Fund by the Secretary of the Treasury from the following
21 sources:

22 “(1) Moneys received or to be received by the United
23 States from the Federal Republic of Germany under and
24 pursuant to article I of the agreement between the United
25 States of America and the Federal Republic of Germany

1 regarding the settlement of the claim of the United States
2 for postwar economic assistance (other than surplus prop-
3 erty) to Germany dated February 27, 1953, totaling the
4 sum of \$1,000,000,000, and the Secretary of the Treasury
5 is authorized and directed to cover said installment pay-
6 ments into the German Claims Fund.

7 “(2) Moneys deposited into the Treasury of the United
8 States by the War Damage Corporation, representing the
9 profits of its operations, in the aggregate amount of
10 \$210,598,722.38.

11 “(3) Moneys paid into the Treasury of the United
12 States representing the net amount of cash received by the
13 United States by way of reparations under the terms of the
14 so-called Eighteen Power Paris Agreement on Repara-
15 tion from Germany dated January 14, 1946, resulting from
16 the Paris Conference on Reparation, such moneys amount-
17 ing to the aggregate sum of \$27,717,380.57.

18 “(4) Out of prior appropriations by the Congress to the
19 Foreign Operations Administration or its predecessors not
20 actually expended or obligated at the date of passage of this
21 Act, such allocation, however, not to exceed the sum of
22 \$1,000,000,000.

23 “(5) Moneys payable to the United States of America
24 under and pursuant to any future treaty or agreement be-
25 tween the United States and the Federal Republic of Ger-

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1 many or moneys payable to the United States under and
2 pursuant to any future treaty or agreement between the
3 United States and the Government of a unified Germany
4 in the event that such treaties or agreements, or any of
5 them, provide for the payment of any war-damage compen-
6 sation, as defined in section 48 of this Act, to citizens or
7 nationals of the United States.

8 "In the event that the sums hereinabove mentioned
9 to be provided for payment of such claims are insufficient for
10 such purpose for any reason whatsoever, then in such event
11 any additional amounts of money necessary to pay the
12 awards or judgments granted claimants are hereby expressly
13 appropriated for such purpose.

14 "SEC. 212. All payments authorized under section 207
15 of this title shall be disbursed exclusively from the German
16 Claims Fund and all amounts covered into the Treasury to
17 the credit of such fund are permanently appropriated for
18 the making of the payments authorized under this Act.

19 "SEC. 213. The property damage claims of citizens or
20 nationals of the United States shall be fully paid and com-
21 pensated for as herein provided and the amount of any
22 award or judgment shall be paid in full forthwith upon the
23 entry of said final award or judgment and no payment
24 thereof may be adjudicated or made on an installment basis
25 or for a lesser amount than the full face amount of damages

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1 adjudicated in the final judgment or award entered as herein
2 provided. With respect to any claim which, at the time of
3 the award, is vested in persons other than the person by
4 whom the loss was sustained the Commission may issue a
5 consolidated award in favor of all claimants then entitled
6 thereto, which award shall indicate the respective interests
7 of such claimants therein; and all such claimants shall par-
8 ticipate in proportion to their indicated interests, in the pay-
9 ments provided by this section, in all respects as if the award
10 had been in favor of a single person.

11 "SEC. 214. The program of payment of property damage
12 claims of citizens or nationals of the United States as herein
13 provided shall be effectuated as rapidly as return of vested
14 assets of nationals of Germany as herein provided, namely,
15 the return of vested assets of German nationals in any given
16 calendar year shall not exceed in aggregate amount in such
17 calendar year the aggregate of actual payments in such
18 calendar year of war damage claims of citizens or nationals of
19 the United States as herein specified.

20 "SEC. 215. (a) The Secretary of the Treasury is author-
21 ized and directed to adhere to the following procedures in
22 making payments for awards of the Commission:

23 "(1) Payment in full of the principal amount of all
24 awards made pursuant to section 203 should the claimant 341742
25 elect to receive such award.

1 “(2) In the event that the claimant elects not to receive
2 an award of the Commission and has availed himself or
3 itself of the procedure for judicial review of the decision or
4 award of the Commission as hereinbefore provided, or in
5 the event that a claimant has not had his claim processed
6 and adjudicated by the Commission within two years after
7 the passage of this Act, whichever is the later date, and
8 has availed himself or itself of the privilege of instituting
9 a civil action in the District Court of the United States for
10 the District of Columbia or in the Court of Claims as herein-
11 above provided, then in such event the Secretary of the
12 Treasury is authorized and directed to create an adequate
13 reserve out of the German Claims Fund for the payment
14 of such claim should the claimant be ultimately successful,
15 in whole or in part, in pursuing his said judicial remedies;
16 and thereupon payments may be and shall be made on
17 account of all other awards as above provided, in all respects
18 as if payments of awards had been made on account of
19 the claims as to which judicial remedies are being availed of,
20 to the end that there shall be no delay in the payment of
21 awards accepted by claimants.

22 “SEC. 216. There is authorized to be appropriated such
23 sums as may be necessary to enable the Commission and the
24 Treasury Department to pay their administrative expenses
25 incurred in carrying out their functions under this title.

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1 "SEC. 217. No remuneration on account of services
2 rendered on behalf of any claimant pursuant to the provi-
3 sions of this Act shall exceed 10 per centum of the total
4 amount of any award or judgment and any agreement to
5 the contrary shall be unlawful and void: *Provided, however,*
6 That any agent, attorney at law or in fact, or representa-
7 tive, believing that the aggregate of the fees should be in
8 excess of such 10 per centum, may petition the district
9 court of the United States for the district in which he resides
10 for an order authorizing fees in excess of 10 per centum and
11 shall name the United States as respondent by service of a
12 copy of the said petition upon the Attorney General of the
13 United States or upon the United States attorney in such
14 district. The court hearing such petition or a court awarding
15 any judgment in respect of any such claim shall approve an
16 aggregate of fees in excess of 10 per centum of the amount
17 of such award or judgment only upon a finding that there
18 exist special circumstances of unusual hardship which require
19 the payment of such excess.

20 "SEC. 218. If any person to whom any payment is to
21 be made pursuant to this title is deceased or is under a legal
22 disability, payment shall be made to his legal representative,
23 except that if any payment to be made is not over \$1,000
24 and there is no qualified executor or administrator, payment
25 may be made to the person or persons found by the Comp-

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1 troller General to be entitled thereto, without the necessity
2 of compliance with the requirements of law with respect to
3 the administration of estates.

4 "SEC. 219. No award shall be made under this title
5 to or for the benefit of any individual who voluntarily,
6 knowingly, and without duress, gave aid to or collaborated
7 with or in any manner served any government hostile to
8 the United States during World War II.

9 "SEC. 220. The Commission shall complete its affairs
10 in connection with the settlement of claims pursuant to this
11 title not later than five years following the enactment of
12 legislation making appropriations to the Commission for
13 payment of administrative expenses incurred in carrying out
14 its functions under this title. Nothing in this provision shall
15 be construed to limit the life of the Commission, or its
16 authority to act with respect to other categories of claims
17 which may be effected under the provisions of this Act.

18 "SEC. 221. The Secretary of State is authorized and
19 directed to transfer or otherwise make available to the Com-
20 mission such records and documents relating to claims author-
21 ized by this Act as may be required by the Commission in
22 carrying out its functions under this Act.

23 "SEC. 222. To the extent that they are not inconsistent
24 with any provisions of this title, the following provisions of
25 the International Claims Settlement Act of 1949 shall be

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1 applicable to this title: Subsections (c), (d) of section 7.

2 "SEC. 223. Payment of any award or judgment pursu-
3 ant to this title shall not, unless such payment is for the
4 full amount of the claim, extinguish such claim, or be con-
5 strued to have divested any claimant, or the United States on
6 his behalf, of any rights against any foreign government for
7 the unpaid balance of his claim."

8 SEC. 8. If any provision of this Act, or the application
9 thereof to any person or circumstances, shall be held in-
10 valid, the remainder of the Act, or the application of such
11 provision to other persons or circumstances, shall not be
12 affected.

84TH CONGRESS
2D SESSION

S. 3707

A BILL

To amend the Trading With the Enemy Act, a
amended, and the War Claims Act of 1948
as amended.

By Mr. YOUNG

APRIL 23 (legislative day, APRIL 9), 1956
Read twice and referred to the Committee on the
Judiciary

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James
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84TH CONGRESS
1ST SESSION

H. R. 6970

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1955

Mr. BOSCH introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Trading With the Enemy Act, as amended, and the War Claims Act of 1948, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 39 of the Trading With the Enemy Act, as
4 amended, is amended to read as follows:

5 "SEC. 39. No property or interest therein of Germany,
6 Japan, or any national of either such country vested in or
7 transferred to any officer or agency of the Government at
8 any time after December 17, 1941, pursuant to the pro-
9 visions of this Act, shall be returned to former owners
10 thereof or their successors in interest (and the United
11 States shall not pay compensation for any such property or

1 interest therein), except to the extent and in the manner
2 provided in sections 32, 40, and 42 of this Act. The net
3 proceeds remaining upon the completion of administration,
4 liquidation, and disposition pursuant to the provisions of this
5 Act of any such property or interest therein shall be covered
6 into the Treasury at the earliest practicable date. Nothing
7 in this section shall be construed to repeal or otherwise affect
8 the operation of the Philippine Property Act of 1946.”

9 SEC. 2. The Trading With the Enemy Act, as amended,
10 is further amended by adding the following sections:

11 “SEC. 40. (a) If the Attorney General shall determine
12 that any vested property which has not been returned, dis-
13 bursed in payment of debt claims, or otherwise disposed of
14 under this Act, except—

15 “(1) securities, or the net proceeds thereof, or the
16 debts or other obligations evidenced thereby, which are
17 subject to return to the Government of the Netherlands
18 or its nationals under the Memorandum of Understand-
19 ing of January 19, 1951, between the Government of the
20 United States and the Government of the Netherlands
21 regarding claims by the Government of the Netherlands
22 to looted securities;

23 “(2) copyrights, claims of copyrights, rights to
24 copyrights, rights to copyright renewals, and those rights
25 or interests arising out of prevesting contracts entered

1 into with respect to any of the foregoing other than
2 royalties or other income received by or accrued in favor
3 of the Alien Property Custodian or the Attorney General
4 under such contracts;

5 “(3) prints of motion pictures;

6 “(4) patents, unpatented inventions, rights or in-
7 terests in patents and unpatented inventions, and those
8 rights or interests arising out of prevesting contracts
9 entered into with respect to patents and unpatented
10 inventions other than royalties or other income received
11 by or accrued in favor of the Alien Property Custodian
12 or the Attorney General under such contracts;

13 “(5) property which is subject to transfer to the
14 Republic of the Philippines under the Philippine Prop-
15 erty Act of 1946, as amended; and

16 “(6) property which the Attorney General is ob-
17 ligated to release to a foreign government or govern-
18 ments under agreements relating to the resolution of
19 intercustodial conflicts involving enemy property hereto-
20 fore entered into by the United States with a foreign
21 government or governments pursuant to Public Law
22 857, Eighty-first Congress, and property which the
23 Attorney General has received or may be entitled to
24 retain or to receive from a foreign government or
25 governments under such agreements,

1 was owned immediately prior to its vesting in or transfer to
2 the Alien Property Custodian or the Attorney General by a
3 natural person and that the aggregate of such vested property
4 formerly owned by such person does not have a value at the
5 time of his determination in excess of \$10,000 or, although
6 having a value in excess of \$10,000 at such time, is never-
7 theless susceptible of division into a portion thereof having a
8 value of \$10,000, then such vested property or such portion
9 thereof shall be returned as a matter of grace to such natural
10 person, or his legal representative (whether or not appointed
11 by a court in the United States), or to his successors in
12 interest by inheritance, devise or bequest, as their interests
13 may appear. If the Attorney General shall determine that
14 such vested property has an aggregate value in excess of
15 \$10,000 and is not susceptible of division into a portion
16 thereof having a value equal to that sum, then return shall
17 consist of a lesser portion, if practicable, augmented by a
18 supplemental return after further liquidation of the vested
19 property. Unless specifically provided to the contrary re-
20 turns under this section shall be subject to the provisions of
21 subsection (m) hereof.

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22 “(b) Trademarks, trade names, and those rights or inter-
23 ests arising out of contracts entered into with respect to trade-
24 marks or trade names other than royalties or other income
25 received by or accrued in favor of the Alien Property Cus-

1 todian or the Attorney General under such contracts shall be
2 deemed to have no value for the purposes of subsections
3 (a) and (d) and subdivision (2) of subsection (m) of
4 this section. Corporations, partnerships, associations, and
5 other unincorporated bodies, or their successors in interest,
6 shall be eligible under this section for the return of trade-
7 marks, trade names, and those rights or interests arising out
8 of contracts entered into with respect to trademarks or trade
9 names other than royalties or other income received by or
10 accrued in favor of the Alien Property Custodian or the At-
11 torney General under such contracts: *Provided*, That no
12 return shall be made of trademarks, trade names, or rights
13 or interests arising out of contracts entered into with respect
14 to trademarks or trade names vested by the following vesting
15 orders: Vesting orders 284, as amended (7 F. R. 9754;
16 9 F. R. 1038), 678 (8 F. R. 3680), 2354 (8 F. R. 14635),
17 4751 (10 F. R. 4273), 4819 (10 F. R. 6407), 5592 (11
18 F. R. 1675), 5593 (11 F. R. 1676), 18805 (17 F. R.
19 4364), and 18905 (17 F. R. 5745): *Provided further*,
20 That in any case in which the owner prior to vesting of a
21 trademark, trade name, or rights or interests arising out of
22 a contract entered into with respect to trademarks or trade
23 names was a resident of or had its sole or primary seat in an
24 area of Germany now in the Soviet Zone of Occupation of
25 Germany or in the Soviet sector of Berlin or in German terri-

1 tory under provisional Polish or Soviet administration, re-
2 turn may be made to a person residing or having its sole or
3 primary seat in the Federal Republic of Germany or in the
4 western sectors of Berlin upon certification by a competent
5 agency of the Federal Republic of Germany that an equiva-
6 lent trademark or equivalent trade name has been registered
7 for such person in the Federal Republic of Germany. The
8 return of trademarks under this or the next preceding sub-
9 section shall be subject to the rights of licensees under licenses
10 issued by the Alien Property Custodian or the Attorney Gen-
11 eral in respect of such trademarks.

12 “(c) Corporations, associations, and other unincor-
13 porated bodies, whether public or private, determined by the
14 Attorney General to be nonprofit organizations operated for
15 charitable, religious, or educational purposes shall be eligible
16 for the return of vested property under this section without
17 regard to its value. Returns to such organizations shall not
18 be subject to retention or recovery by the Attorney General
19 of the amount of the administrative expenses provided for
20 by subdivision (2) of subsection (m) hereof.

21 “(d) The aggregate value of the vested property to be
22 returned under this section to the legal representative or suc-
23 cessors in interest of a natural person who was the owner
24 thereof immediately prior to its vesting in or transfer to the

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1 Alien Property Custodian or the Attorney General shall in
2 no event exceed \$10,000. The aggregate value of the vested
3 property to be returned under this section to any natural
4 person shall in no event exceed \$10,000.

5 “(e) No return of vested property shall be made pur-
6 suant to this section to—

7 “(1) any person who, or whose predecessor in in-
8 terest, has made claim to such property, or brought suit
9 for the return thereof, and who has entered into an
10 agreement with the United States, the Alien Property
11 Custodian or the Attorney General in settlement or
12 compromise of such claim or suit;

13 “(2) any natural person who on January 1, 1955,
14 or at any time thereafter maintained his principal dwell-
15 ing place, or any corporation, partnership, association,
16 or other unincorporated body having its sole or primary
17 seat, in the Soviet Zone of Occupation of Germany, in
18 the Soviet sector of Berlin, in German territory under
19 provisional Polish or Soviet administration, or in Al-
20 bania, Bulgaria, Communist China, Czechoslovakia,
21 Estonia, Hungary, Latvia, Lithuania, North Korea,
22 Poland, Rumania, or the Union of Soviet Socialist Re-
23 publics, or in any other nation or area which the Secre-
24 tary of State advises the Attorney General is dominated

1 or controlled by the foreign government or foreign or-
2 ganization controlling the world Communist movement;
3 or

4 “(3) any person convicted of war crimes.

5 “(f) Notwithstanding the provisions of subdivision (2)
6 of subsection (a) of this section, no return shall be made
7 under this section of any royalties or other income derived
8 from the property or interests vested by the following vesting
9 orders: Vesting orders 128 (7 F. R. 7578), 13111 (14
10 F. R. 1730), 14349 (15 F. R. 1575), 17366 (16 F. R.
11 2483), and 17952 (16 F. R. 6162). Notwithstanding any
12 provisions to the contrary in subsection (a) of this section,
13 no return shall be made of any property or interests vested
14 by vesting order 17952 (16 F. R. 6162).

15 “(g) Notwithstanding the provisions of subdivision (4)
16 of subsection (a) of this section, no return shall be made
17 under this section of (1) any royalties or other income
18 received by or accrued in favor of the Alien Property Custodian or the Attorney General as a result of the enforce-
19 ment of vested rights or interests in patent licensing con-
20 tracts determined by either of them to be violative of any
21 antitrust laws of the United States, or (2) any royalties
22 or other income received by or accrued in favor of the
23 Alien Property Custodian or the Attorney General arising
24

1 out of the use on or prior to December 31, 1945, of any
2 patent or unpatented invention.

3 “(h) If any person shall claim vested property under
4 this section on the basis of ownership of shares of stock
5 or other beneficial interest in a corporation, partnership, asso-
6 ciation or other unincorporated body which was or claimed
7 to be the owner of such property immediately prior to the
8 vesting thereof, then such person, or his predecessor in in-
9 terest, shall be deemed not to have been the owner of such
10 property prior to vesting and he shall not receive a return
11 thereof.

12 “(i) Except as otherwise provided herein, and except
13 to the extent that the Attorney General may otherwise
14 determine, any person to whom return is made hereunder
15 shall have all rights, privileges, and obligations in respect
16 to the property or interest returned or the proceeds of which
17 are returned which would have existed if the property or
18 interest had not vested in the Alien Property Custodian or
19 the Attorney General, but no cause of action shall accrue
20 to such person in respect of any deduction or retention of
21 any part of the property or interest or proceeds by the Alien
22 Property Custodian or the Attorney General for the purpose
23 of paying taxes, costs or expenses in connection with such

1 property or interest or proceeds: *Provided*, That no person
2 to whom a return is made pursuant to this section, nor the
3 legal representative or successors in interest of such person,
4 shall acquire or have any claim or right of action against
5 the United States or any department, establishment, or
6 agency thereof, or corporation owned thereby, or against
7 any person authorized or licensed by the United States,
8 founded upon the retention, sale, or other disposition, or use,
9 during the period it was vested in the Alien Property
10 Custodian or the Attorney General, of the returned property,
11 interest or proceeds. Any notice to the Attorney General
12 in respect of any property or interest or proceeds shall con-
13 stitute notice to the person to whom such property or interest
14 or proceeds is returned and such person shall succeed to all
15 burdens and obligations in respect of such property or inter-
16 est or proceeds which accrued during the time of retention
17 by the Alien Property Custodian or the Attorney General,
18 but the period during which the property or interest or
19 proceeds returned were vested in the Alien Property Cus-
20 todian or the Attorney General shall not be included for the
21 purpose of determining the application of any statute of
22 limitations to the assertion of any rights by such person in
23 respect of such property or interest or proceeds.

24 " (j). No return under this section shall bar the prosecu-
25 tion of any suit at law or in equity against a person to

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1 whom return has been made, to establish any right, title,
2 or interest which may exist or which may have existed at
3 the time of vesting in or to the property or interest or
4 proceeds returned, but no such suit may be prosecuted by
5 any person ineligible to receive a return under this section.
6 With respect to any such suit, the period during which the
7 property or interest or proceeds returned were vested in
8 the Alien Property Custodian or the Attorney General shall
9 not be included for the purpose of determining the appli-
10 cation of any statute of limitations.

11 “(k) Every person desiring to claim return pursuant to
12 this section shall file a notice of claim with the Attorney
13 General within one year from the enactment hereof in such
14 form and manner as may be prescribed by the Attorney
15 General. Such notice of claim shall be required notwith-
16 standing the filing of a notice of claim by such person under
17 any other section of this Act.

18 “(l) Nothing in this section shall affect the right of a
19 claimant to pursue remedies under section 9 (a), 32, or
20 34 of this Act: *Provided*, That no person claiming vested
21 property under section 9 (a) or 32 may receive a return
22 under this section unless he files a written waiver, on behalf
23 of himself, his heirs and successors, renouncing his claim
24 under section 9 (a) or 32 to the amount retained or recov-

1 ered by the Attorney General under subsection (m) of this
2 section. The Attorney General shall make no return under
3 this section of vested property which is the subject of a suit
4 under section 9 (a) or of an administrative claim under
5 section 9 (a) or section 32 to any person other than the
6 plaintiff in such suit or the claimant in such claim unless and
7 until the suit or claim has been finally disposed of adversely
8 to the plaintiff or claimant.

9 “(m) Without limitation by or upon any other exist-
10 ing provision of law with respect to the payment of ex-
11 penses, taxes, or debt claims by the Attorney General, he
12 shall retain or recover from any vested property returnable
13 pursuant to this section—

14 “(1) an amount not exceeding that expended or
15 incurred for the conservation, preservation, or mainte-
16 nance of such property;

17 “(2) an amount covering expenses of administra-
18 tion, which amount shall be computed on a percentage
19 basis determined by the Attorney General and uniformly
20 applicable to all such property;

21 “(3) a reserve sufficient to insure the payment of
22 taxes in connection with such property, as provided for
23 in section 36 of this Act; and

24 “(4) a reserve sufficient to insure the payment of
25 pending debt claims payable from such property:

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1 *Provided*, That if the Attorney General holds additional prop-
2 erty vested from the owner immediately prior to vesting,
3 the amounts of such expenses and reserves shall, to the
4 extent possible, be retained or recovered from such additional
5 vested property: *Provided further*, That the balance of a
6 reserve remaining after the payment of taxes or debt claims
7 shall become available for return under this section to the
8 same extent as though it had never been made a part of
9 such reserve: *And provided further*, That the persons en-
10 titled to the return of vested property under this section
11 shall be permitted to pay the amount of expenses or reserves
12 in lieu of the liquidation of such property to provide funds
13 therefor.

14 “(n) Any vested property returned pursuant to this
15 section shall be subject to any applicable restrictions imposed
16 by Regulations issued pursuant to section 5 (b) of this Act.

17 “(o) Determinations of the Attorney General with re-
18 spect to claims under this section, including the allowance or
19 disallowance thereof, shall be final and shall not be subject
20 to review by any court.

21 “(p) As used in this section—

22 “(1) ‘Vested property’ means property or interests
23 vested in or transferred to the Alien Property Custodian
24 or the Attorney General pursuant to this Act after De-
25 cember 17, 1941, or the net proceeds thereof, including

1 except where specifically provided to the contrary, divi-
2 dends, interest, rent, royalties, or other income or accre-
3 tions in respect of such property or interests; and

4 “(2) ‘Convicted of war crimes’ means the entry of
5 judgment against any person who has been convicted
6 personally and by name by such courts as may be desig-
7 nated by the Secretary of State, of murder or ill treat-
8 ment or deportation for slave labor of prisoners of war,
9 political opponents, hostages, or civilian population in
10 occupied territories, or of murder or ill treatment of
11 military or naval persons, or of plunder or wanton
12 destruction without justified military necessity.

13 “SEC. 41. (a) If the Attorney General shall at any
14 time determine that the vested property then remaining in
15 his hands will not be immediately available, or will prove
16 insufficient, for the purpose of making returns under section
17 40 of this Act, he shall request the Secretary of State to
18 obtain funds in the currency of the Federal Republic of
19 Germany, to be used to satisfy the claims under section 40
20 of persons in the Federal Republic and the Western Sectors
21 of Berlin, which funds can be made available pursuant to
22 Article IV of the Agreement between the United States and
23 the Federal Republic, dated February 27, 1953, regarding
24 the settlement of the obligation of the latter to the United
25 States for surplus property. The Secretary of State shall as

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1 soon as practicable thereafter undertake to have such cur-
2 rency made available by the Federal Republic and the
3 Attorney General is hereby authorized to use such currency
4 for the satisfaction of claims under section 40 of persons in
5 the Federal Republic and the Western Sectors of Berlin
6 without dollar reimbursement from any appropriation, any
7 provisions of law to the contrary notwithstanding. In such
8 cases satisfaction of claims shall be made by payment in the
9 currency of the Federal Republic at the then prevailing
10 rate of exchange.

11 “(b) At such time subsequent to January 1, 1955, as the
12 United States and Japan enter into an agreement for pay-
13 ment by Japan for surplus property received from the United
14 States, the procedures of subsection (a) of this section are
15 hereby authorized, to the extent necessary and possible, for
16 the purpose of making yen available to satisfy the claims
17 under section 40 of persons in Japan.

18 “SEC. 42. (a) As used in this section the word ‘copy-
19 rights’ includes copyrights, claims of copyrights, rights to
20 copyrights, and rights to copyright renewals.

21 “(b) All copyrights vested in the Alien Property Cus-
22 todian or the Attorney General under the provisions of this
23 Act subsequent to December 17, 1941, which have not been
24 returned or otherwise disposed of under this Act, except
25 copyrights vested by vesting orders 128 (7 F. R. 7578),

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1 13111 (14 F. R. 1730), 14349 (15 F. R. 1575), 17366
2 (16 F. R. 2483) and 17952 (16 F. R. 6162) and copy-
3 rights vested with respect to the motion picture listed last in
4 exhibit A of vesting order 11803, as amended (13 F. R.
5 5167; 15 F. R. 1626), are hereby divested as a matter of
6 grace, effective the ninety-first day after the enactment of
7 this section, and the persons entitled thereto shall on that
8 day succeed to the rights, privileges, and obligations arising
9 out of such copyrights, subject, however, to—

10 “(1) the rights of licensees under licenses issued
11 by the Alien Property Custodian or the Attorney Gen-
12 eral in respect of such copyrights, and

13 “(2) the rights of assignees under assignments by
14 the Alien Property Custodian or the Attorney General
15 of interests in such licenses.

16 The rights and interests remaining in the Attorney General
17 under licenses issued by him or by the Alien Property Custodian
18 in respect of copyrights divested hereunder are hereby
19 transferred, effective the day of divestment, to the persons
20 entitled to such copyrights: *Provided*, That all unpaid roy-
21 alties or other income accrued in favor of the Attorney
22 General under such licenses prior to the day of divestment
23 shall be paid by the licensees to the Attorney General.

24 “(c) All rights or interests vested in the Alien Property
25 Custodian or the Attorney General under the provisions of

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1 this Act subsequent to December 17, 1941, arising out of
2 prevesting contracts entered into with respect to copyrights,
3 except—

4 “(1) royalties or other income received by or ac-
5 crued in favor of the Alien Property Custodian or the
6 Attorney General under such contracts;

7 “(2) rights or interests which have been returned
8 or otherwise disposed of under this Act; and

9 “(3) rights or interests vested by vesting orders
10 128 (7 F. R. 7578), 13111 (14 F. R. 1730), 14349
11 (15 F. R. 1575), and 17366 (16 F. R. 2483),

12 are hereby divested as a matter of grace, effective the
13 ninety-first day after the enactment of this section, and the
14 persons entitled to such rights or interests shall succeed
15 thereto, subject to the right of the Attorney General to col-
16 lect and receive all unpaid royalties or other income accrued
17 in his favor under such prevesting contracts prior to the
18 day of divestment.

19 “(d) Nothing in this section shall be construed to
20 transfer to a person entitled to a copyright divested here-
21 under the right of the Attorney General to sue for the in-
22 fringement of such copyright during the period between
23 (1) the vesting thereof or the vesting of rights and interests
24 in a contract entered into with respect thereto and (2) the

1 day of divestment. The right to sue for such infringement
2 shall remain in the Attorney General.

3 "SEC. 43. The Attorney General is hereby authorized
4 to transfer to the Library of Congress all prints of motion
5 pictures vested in or transferred to the Alien Property Cus-
6 todian or the Attorney General pursuant to this Act after
7 December 17, 1941, except prints of motion pictures which
8 are the subject of suits or claims under section 9 (a) or
9 section 32 of this Act. The Library of Congress shall have
10 complete discretion to retain such prints for its own purposes
11 or to dispose of any of them in any manner it deems proper."

12 SEC. 3. Public Law 626, Eighty-third Congress, adding
13 section 32 (h) to the Trading With the Enemy Act, as
14 amended, is amended by striking "section 32" wherever it
15 appears and inserting in lieu thereof "section 32 or 40".

16 SEC. 4. Section 9 (a) of the Trading With the Enemy
17 Act, as amended, is amended by striking out the period at
18 the end thereof and inserting in lieu thereof a colon and
19 the following: "*Provided further*, That upon a determina-
20 tion made by the President, in time of war or during any
21 national emergency declared by the President, that the in-
22 terest and welfare of the United States requires the sale
23 of any property or interest or any part thereof claimed in
24 any suit filed under this subsection and pending on or after
25 the date of enactment of this proviso, the Attorney General

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1 may sell such property or interest or part thereof, in con-
2 formity with law applicable to sales of property by him,
3 at any time prior to the entry of final judgment in such suit.
4 No such sale shall be made until thirty days have passed
5 after the publication of notice in the Federal Register of the
6 intention to sell. The proceeds of any such sale shall be
7 deposited in an account which is hereby established in the
8 Treasury, and such proceeds are hereby appropriated to
9 carry out the purposes of this proviso and shall be held
10 in trust by the Secretary of the Treasury pending the entry
11 of final judgment in such suit. Any recovery of any claim-
12 ant in any such suit in respect of the property or interest or
13 part thereof so sold shall be limited to the net proceeds
14 of such sale, or, if more than one claimant, then to each
15 claimant's proportionate share of the net proceeds of such
16 sale, unless such claimant, within sixty days after receipt
17 of notice of the amount of the net proceeds of sale, or, if
18 more than one claimant, then notice of the amount of claim-
19 ant's asserted proportionate share of the net proceeds of
20 sale, serves upon the Attorney General and files with the
21 court an election to waive all claims to the net proceeds
22 and to claim just compensation instead. If the court finds
23 that the claimant has established an interest, right, or title
24 in any property in respect of which such an election has
25 been served and filed, it shall proceed to determine the

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1 amount which will constitute just compensation for such
2 interest, right, or title, and shall order payment to the claim-
3 ant of the amount so determined. An order for the pay-
4 ment of just compensation hereunder shall be a judgment
5 against the United States and shall be payable first from
6 the net proceeds of the sale in an amount not to exceed
7 the amount the claimant would have received had he elected
8 to accept his proportionate part of the net proceeds of
9 the sale, and the balance, if any, shall be payable in the
10 same manner as are judgments in cases arising under sec-
11 tion 1346 of title 28, United States Code. The Attorney
12 General shall, immediately upon the entry of final judg-
13 ment, notify the Secretary of the Treasury of the determina-
14 tion by final judgment of the claimant's interest and right
15 to the proportionate part of the net proceeds from the sale,
16 and the final determination by judgment of the amount of
17 just compensation in the event the claimant has elected
18 to recover just compensation for the interest in the property
19 he claimed."

20 SEC. 5. The War Claims Act of 1948, as amended, is
21 further amended by inserting after section 1 thereof, the
22 following: "TITLE I".

23 SEC. 6. The word "Act", wherever it appears in title I
24 in reference to the War Claims Act of 1948, as amended, is
25 amended to read "title".

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1 SEC. 7. The War Claims Act of 1948, as amended, is
2 further amended by adding at the end thereof the following:

3 “TITLE II

4 “GERMAN CLAIMS FUND

5 “SEC. 201. As used in this title the term or terms—

6 “(a) ‘Albania’, ‘Austria’, ‘Czechoslovakia’, ‘Germany’,
7 ‘Greece’, ‘Poland,’ and ‘Yugoslavia’, when used in their
8 respective geographical senses, mean the territorial limits
9 of each such country in continental Europe as such limits
10 existed on December 1, 1937.

11 “(b) ‘Commission’ means the Foreign Claims Settle-
12 ment Commission of the United States, established pursuant
13 to Reorganization Plan Numbered 1 of 1954 (68 Stat.
14 1279).

15 “(c) The term ‘national of the United States’ includes
16 (1) persons who are citizens of the United States and (2)
17 persons who, though not citizens of the United States, owe
18 permanent allegiance to the United States. It does not
19 include aliens.

20 “SEC. 202. (a) There is hereby created in the Treasury
21 of the United States a fund to be known as the German
22 Claims Fund. The Secretary of the Treasury is authorized
23 and directed to cover into this fund \$100,000,000 from any
24 payments, which, after the enactment of this title, are
25 received by the United States through the Export-Import

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1 Bank of Washington, or otherwise, from the Federal Republic
2 of Germany under article I of the agreement between the
3 United States of America and the Federal Republic of Ger-
4 many regarding the settlement of the claim of the United
5 States of America for post-war economic assistance (other
6 than surplus property) to Germany, dated February 27,
7 1953.

8 “(b) There shall be deducted from the German Claims
9 Fund 5 per centum thereof as reimbursement to the Gov-
10 ernment of the United States for the expenses incurred by
11 the Commission and the Treasury Department in the admin-
12 istration of this title. All amounts so deducted shall be
13 covered into the Treasury to the credit of miscellaneous
14 receipts.

15 “SEC. 203. The Commission is authorized and directed
16 to receive and to determine according to the provisions of
17 this title the validity and principal amount of claims for:

18 “(a) Physical damage to, or physical loss or destruc-
19 tion of property located in Albania, Austria, Czechoslovakia,
20 Germany, Greece, Poland, or Yugoslavia which occurred
21 during the period beginning September 1, 1939, and ending
22 May 8, 1945, as a direct consequence of military operations
23 of war, or of special measures directed against property
24 during the war because of the enemy or alleged enemy char-
25 acter of the owner, which property was owned, directly or

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1 indirectly, by the claimant at the time of such loss, damage
2 or destruction. The sale, transfer or assignment of such
3 property subsequent to such damage, loss or destruction shall
4 not operate to extinguish any claim of the transferor other-
5 wise compensable under this subsection. If a claim other-
6 wise compensable under this subsection has been assigned
7 for value the assignee shall be the party entitled to file a
8 claim under this subsection.

9 “(b) Damage to, or loss or destruction of, ships or ship
10 cargoes directly or indirectly owned by the claimant at the
11 time such damage, loss, or destruction occurred, which was a
12 direct consequence of military action by Germany during
13 the period beginning September 1, 1939, and ending May
14 8, 1945. The sale, transfer, or assignment of such ships
15 or ship cargoes subsequent to such damage, loss, or destruc-
16 tion, shall not operate to extinguish any claim otherwise
17 compensable under this subsection. If a claim otherwise
18 compensable under this subsection has been assigned the
19 assignee shall be the party entitled to file a claim under
20 this subsection. No award shall be made under this sub-
21 section in favor of any insurer, or reinsurer as assignee or
22 otherwise as successor in interest to the right of the insured.

23 “(c) Net losses by insurance companies under war-risk
24 insurance or reinsurance policies or contracts, incurred in
25 the settlement of claims for insured losses of ships or ship

1 cargoes, owned, (1) by natural persons who were nationals
2 of the United States at the time of the loss, damage, or
3 destruction of such ships or ship cargoes and at the time of
4 the settlement of such claims, or (2) by corporations,
5 partnerships, associations, unincorporated bodies, or other
6 entities in which at least 50 per centum of the outstanding
7 capital stock or other proprietary interest therein was benefi-
8 cially owned, directly or indirectly, by nationals of the
9 United States at the time of such loss, damage, or destruc-
10 tion and at the time of the settlement of such claims, which
11 insured losses were a direct consequence of military action
12 by Germany during the period beginning September 1, 1939,
13 and ending May 8, 1945. Such net losses shall be deter-
14 mined by deducting from the aggregate of all payments made
15 in the settlement of such insured losses the aggregate of all
16 amounts received by any such insurance companies on all
17 policies or contracts under which the insured was a national
18 of the United States or, in the case of an insured corpora-
19 tion, partnership, association, unincorporated body, or other
20 entity, at least 50 per centum of the outstanding capital
21 stock or other proprietary interest therein was beneficially
22 owned, directly or indirectly, by nationals of the United
23 States.

24 “(d) Loss or damage on account of the death or injury
25 of any person who, being then a civilian national of the

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1 United States and a passenger on any vessel engaged in
2 commerce on the high seas, was injured or killed as a result
3 of military action by Germany during the period beginning
4 September 1, 1939, and ending December 11, 1941, or for
5 the loss of, or damage to the property of any civilian national
6 of the United States, passenger on such vessel, during such
7 period, resulting as a direct consequence of such action.
8 Awards under this subsection on account of the death or dis-
9 ability of any one person shall not exceed \$7,500. An award
10 on account of the death of any such person shall be made only
11 to or for the benefit of the following persons:

12 " (1) Widow or husband if there is no child or children
13 of the deceased;

14 " (2) Widow or husband and child or children of the
15 deceased, one-half to the widow or husband and the other
16 half to the child or children of the deceased in equal shares;

17 " (3) Child or children of the deceased (in equal shares)
18 if there is no widow or husband; and

19 " (4) Parents (in equal shares) if there is no widow,
20 husband, or child. An award on account of disability shall
21 be made only to the person so disabled, or, in the event of
22 his death at any time prior to the making of the award, to
23 the persons specified in paragraphs (1) through (4) of this
24 subsection in the order so specified.

25 " (e) Losses resulting from the removal of industrial or

1 other capital equipment in Germany owned directly or indi-
2 rectly by the claimant on May 8, 1945, and removed for
3 the purpose of reparations including losses from any destruc-
4 tion of property in connection with such removal. If a claim
5 which could otherwise be allowed under this subsection has
6 been assigned for value, the assignee shall be the party
7 entitled to claim hereunder.

8 "SEC. 204. (a) No awards shall be made pursuant to
9 section 203 with respect to the following classes of property:

10 "(1) Accounts receivable, bills receivable, records, files,
11 plans, drawings, formulas, currency, deeds, evidences of debt,
12 securities, money, bullion, furs, jewelry, stamps, precious
13 securities, money, bullion, furs, jewelry, stamps, precious and
14 semiprecious stones, works of art, antiques, stamp and coin
15 collections, manuscripts, books and printed publications more
16 than fifty years old, models, curiosities, objects of historical or
17 scientific interest, and pleasure watercraft and pleasure air-
18 craft, except that awards may be made with respect to such of
19 the foregoing items of property as may have constituted
20 inventories, supplies or equipment for carrying on a trade
21 or business.

22 "(2) Intangible property.

23 "(b) In determining the amount of an award there
24 shall be credited all amounts the claimant has received or is

1 entitled to receive from any source on account of the loss
2 or losses with respect to which the award is made.

3 "SEC. 205. No claims shall be allowed under this title
4 unless the claimant and all predecessors in interest were—

5 " (a) in the case of a natural person, one who, on
6 the date of loss, damage, destruction, or removal and
7 continuously thereafter until the date of filing his claim
8 with the Commission pursuant to this title, was a na-
9 tional of the United States, including any person, who,
10 having lost United States citizenship solely by reason
11 of marriage to a citizen or subject of a foreign country,
12 reacquired such citizenship prior to the date of enact-
13 ment of this title if such individual, but for such mar-
14 riage, would have been a national of the United States
15 at all times on and after the date of such loss, damage,
16 destruction, or removal until the filing of his claim; and

17 " (b) in the case of a corporation, partnership, as-
18 sociation, unincorporated body, or other entity, one
19 which on the date of loss, damage, destruction, or re-
20 moval and continuously thereafter until the date of pres-
21 entation of its claim was incorporated or otherwise
22 organized under the laws of the United States or of any
23 State or Territory thereof, or of the District of Columbia,
24 and with respect to which, at all times between the date

1 of such loss, damage, destruction, or removal and the
2 date of presentation of its claim, at least 50 per centum
3 of the outstanding capital stock or other proprietary inter-
4 est in such entity was beneficially owned, directly or
5 indirectly, by natural persons who could qualify as indi-
6 vidual claimants under subsection (a) of this section.

7 "SEC. 206. (a) A claim based upon an interest, direct
8 or indirect, in a corporation or other entity which could
9 qualify as a claimant under the provisions of section 205
10 shall not be allowed.

11 "(b) A claim based upon an interest, direct or indirect,
12 in a corporation or other entity which could not qualify as
13 a claimant under the provisions of section 205 shall not
14 be allowed unless at least 25 per centum of the outstanding
15 capital stock or other proprietary interest in such entity
16 has been owned, directly or indirectly, at all times between
17 the date of such loss, damage, destruction, or removal and
18 the date of presentation of the claim, by natural persons or
19 corporations or other entities which themselves would qualify
20 as claimants under the provisions of section 205. Any award
21 under this subsection shall be limited to that proportion of
22 the total loss that the capital stock and proprietary interest
23 owned by qualified claimants in such entity at the time
24 of the loss, damage, destruction, or removal bears to the
25 total capital stock and proprietary interests. For the pur-

1 poses of this subsection the fact that subsequent to the loss,
2 damage, destruction, or removal of the property there has
3 been nationalization, confiscation, or other governmental
4 seizure of title of the capital stock or other proprietary in-
5 terest in the entity directly owning such property shall not
6 be deemed to have affected the claimant's ownership, direct
7 or indirect, of such capital stock or other proprietary interest.

8 "SEC. 207. Within sixty days after the enactment of
9 this title or of legislation making appropriations to the Com-
10 mission for payment of administrative expenses incurred in
11 carrying out its functions under this title, whichever date
12 is later, the Commission shall give public notice by publica-
13 tion in the Federal Register of the time when, and the limit
14 of time within which claims may be filed, which limit shall
15 be eighteen months after such publication.

16 "SEC. 208. The amount of any award based on a claim of
17 a national of the United States other than the national of the
18 United States by whom the loss was originally sustained
19 shall not exceed the amount of the actual consideration last
20 paid for such claim prior to January 1, 1953.

21 "SEC. 209. The Commission shall as soon as possible,
22 and in the order of the making of such awards, certify to the
23 Secretary of the Treasury, in terms of United States cur-
24 rency, each award made pursuant to section 203.

25 "SEC. 210. All payments authorized under section 211

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1 of this title shall be disbursed exclusively from the German
2 Claims Fund and all amounts covered into the Treasury to
3 the credit of such fund are permanently appropriated for
4 the making of the payments authorized under section 211
5 of this title.

6 "SEC. 211. (a) The Secretary of the Treasury is author-
7 ized and directed, out of the sums covered into the fund
8 created pursuant to section 202 (a) of this title, after making
9 the deduction provided for in section 202 (b) of this title, to
10 make payments on account of awards certified by the Com-
11 mission pursuant to this title as follows and in the following
12 order of priority:

13 "(1) Payment in full of the principal amount of awards
14 made pursuant to section 203 (d).

15 "(2) Thereafter, payment in the amount of \$1,000
16 or in the principal amount of the award whichever is less on
17 account of the other awards made pursuant to section 203.

18 "(3) Thereafter, payments from time to time on ac-
19 count of the unpaid principal of the remaining awards made
20 pursuant to section 203 in an amount which shall be the same
21 for each award or in the amount of the unpaid principal of
22 the award whichever is less. The total payments made pur-
23 suant to paragraph (2) and this paragraph on account of
24 any award shall not exceed \$10,000.

25 "(4) Thereafter, payments from time to time on ac-

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1 count of the unpaid principal of each remaining award made
2 pursuant to section 203 which shall bear to such unpaid
3 principal the same proportion as the total amount in the
4 fund available for distribution at the time such payments
5 are made bears to the aggregate unpaid principal of all such
6 awards.

7 " (b) Such payments, and applications for such pay-
8 ments, shall be made in accordance with such regulations
9 as the Secretary of the Treasury shall prescribe.

10 " (c) For the purpose of making any such payments,
11 other than under section 211 (a) (1), an 'award' shall be
12 deemed to mean the aggregate of all awards certified in favor
13 of the same claimant.

14 " (d) With respect to any claim which, at the time of
15 the award, is vested in persons other than the person by
16 whom the loss was sustained, the Commission may issue a
17 consolidated award in favor of all claimants then entitled
18 thereto, which award shall indicate the respective interests
19 of such claimants therein; and all such claimants shall par-
20 ticipate, in proportion to their indicated interests, in the pay-
21 ments provided by this section in all respects as if the award
22 had been in favor of a single person.

23 " (e) If, with respect to any award certified, the Sec-
24 retary of the Treasury deems it necessary or desirable to
25 defer any payment on account thereof, he is authorized to

1 defer such payment upon the creation of an adequate reserve
2 therefor; and thereupon payments may be made on account
3 of all other awards as above provided, in all respects as if
4 such deferred payment had been made.

5 "SEC. 212. Payment of any award pursuant to this title
6 shall not, unless such payment is for the full amount of the
7 claim, as determined by the Commission to be valid, with
8 respect to which the award is made, extinguish such claim,
9 or be construed to have divested any claimant, or the United
10 States on his behalf, of any rights against any foreign gov-
11 ernment for the unpaid balance of his claim.

12 "SEC. 213. The action of the Commission in allowing
13 or denying any claim under this title shall be final and con-
14 clusive as to all questions of law and fact and not subject to
15 review by any other official of the United States or by any
16 court by mandamus or otherwise, and the Comptroller Gen-
17 eral is authorized and directed to allow credit in the accounts
18 of any certifying or disbursing officer for payments in accord-
19 ance with such action.

20 "SEC. 214. There is authorized to be appropriated such
21 sums as may be necessary to enable the Commission and the
22 Treasury Department to pay their administrative expenses
23 incurred in carrying out their functions under this title.

24 "SEC. 215. No remuneration on account of services
25 rendered on behalf of any claimant in connection with any

1 claim filed with the Commission under this title shall exceed
2 10 per centum of the total amount paid pursuant to an
3 award certified under the provisions of this title on account
4 of such claim. Any agreement to the contrary shall be un-
5 lawful and void. Whoever, in the United States or else-
6 where, demands or receives, on account of services so ren-
7 dered, any remuneration in excess of the maximum per-
8 mitted by this section, shall be guilty of a misdemeanor,
9 and, upon conviction thereof, shall be fined not more than
10 \$5,000 or imprisoned not more than twelve months, or both.

11 "SEC. 216. If any person to whom any payment is
12 to be made pursuant to this title is deceased or is under a
13 legal disability, payment shall be made to his legal repre-
14 sentative, except that if any payment to be made is not
15 over \$1,000 and there is no qualified executor or adminis-
16 trator, payment may be made to the person or persons found
17 by the Comptroller General to be entitled thereto, without
18 the necessity of compliance with the requirements of law
19 with respect to the administration of estates.

20 "SEC. 217. No award shall be made under this title to
21 or for the benefit of any individual who voluntarily, know-
22 ingly, and without duress, gave aid to or collaborated with
23 or in any manner served any government hostile to the
24 United States during World War II.

25 "SEC. 218. To the extent that they are not inconsistent

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1 with any provisions of this title, the following provisions
2 of title I shall be applicable to this title: The first two sen-
3 tences of subsection (b) of section 2; subsection (c) of
4 section 2; and section 11.

5 "SEC. 219. The Commission shall complete its affairs
6 in connection with the settlement of claims pursuant to this
7 title not later than five years following the enactment of
8 legislation making appropriations to the Commission for
9 payment of administrative expenses incurred in carrying out
10 its functions under this title. Nothing in this provision shall
11 be construed to limit the life of the Commission, or its author-
12 ity to act with respect to other categories of claims which may
13 be effected under the provisions of this Act.

14 "SEC. 220. The Secretary of State is authorized and
15 directed to transfer or otherwise make available to the
16 Commission such records and documents relating to claims
17 authorized by this Act as may be required by the Commission
18 in carrying out its functions under this Act.

19 "SEC. 221. To the extent that they are not inconsistent
20 with any provisions of this title, the following provisions
21 of the International Claims Settlement Act of 1949 shall be
22 applicable to this title: Subsections (c), (d), (e), and (f)
23 of section 7."

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1 SEC. 8. If any provision of this Act, or the application
2 thereof to any person or circumstances, shall be held invalid,
3 the remainder of the Act, or the application of such provision
4 to other persons or circumstances, shall not be affected.

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84TH CONGRESS
1ST SESSION

H. R. 6970

A BILL

To amend the Trading With the Enemy Act,
as amended, and the War Claims Act of 1948,
as amended.

By Mr. BOSCH

JUNE 22, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341781A

84TH CONGRESS
1ST SESSION

H. R. 6971

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1955

Mr. BOSCH introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To authorize the Attorney General to dispose of the remaining assets seized under the Trading With the Enemy Act prior to December 18, 1941.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Attorney General, notwithstanding any provisions
4 to the contrary in the Trading With the Enemy Act, as
5 amended, or the Settlement of War Claims Act of 1928, as
6 amended, is authorized and directed as soon as practicable
7 after the date of enactment hereof—

8 (a) to transfer to the Secretary of the Treasury
9 for deposit in the miscellaneous receipts of the Treasury
10 all cash credited, or which may hereafter be credited,

1 on the books of the Attorney General in the following
2 accounts maintained with respect to property or interests
3 acquired by the United States prior to December 18,
4 1941, under the Trading With the Enemy Act, as
5 amended:

6 (1) Trust Numbered 47667, Consolidated Un-
7 claimed Balances Account;

8 (2) Trust Numbered 47669, Unpayable Balances
9 Account;

10 (3) Government Earnings—Interest Account; and

11 (4) Undistributed Income—Interest Reserve;

12 (b) to transfer to the Secretary of the Treasury the
13 assets, other than cash, credited on the books of the
14 Attorney General in Trust Numbered 47863, German
15 claimants, maintained with respect to property or inter-
16 ests acquired by the United States prior to December
17 18, 1941, under the Trading With the Enemy Act, as
18 amended. The Secretary of the Treasury shall, if pos-
19 sible, liquidate such assets and deposit the net proceeds
20 of their liquidation in the German Special Deposit Ac-
21 count created under section 4 of the Settlement of War
22 Claims Act of 1928. The Secretary of the Treasury
23 is authorized in his sole discretion at any time to abandon
24 or destroy any asset transferred to him pursuant to this

1 subsection upon his determination that such asset has no
2 value or a value less than the cost of its liquidation;

3 (c) to transfer to the Secretary of the Treasury the
4 cash credited on the books of the Attorney General in
5 Trust Numbered 6179, Osterreichisch Ungarische Bank,
6 Vienna, maintained with respect to property or interests
7 acquired by the United States prior to December 18,
8 1941, under the Trading With the Enemy Act, as
9 amended. Such cash shall be carried with the Treasury
10 in accounts in the names of Czechoslovakia, Rumania,
11 and Poland blocked in accordance with Executive Order
12 8389 of April 10, 1940, as amended. The respective
13 amounts to be credited to the three accounts shall be
14 certified to the Secretary of the Treasury by the Attorney
15 General;

16 (d) to transfer to the Secretary of the Treasury the
17 cash credited on the books of the Attorney General in
18 the following accounts maintained with respect to prop-
19 erty or interests acquired by the United States prior to
20 December 18, 1941, under the Trading With the Enemy
21 Act, as amended:

- 22 (1) Trust Numbered 47675, Polish claimants;
23 (2) Trust Numbered 47677, Czech claimants; and

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1 (3) Trust Numbered 47687, Bulgarian, Hungarian,
2 and Rumanian claimants.

3 Such cash shall be carried with the Treasury in accounts
4 in the names of persons certified to the Secretary of the
5 Treasury by the Attorney General to be claimants
6 thereto. The respective amounts to be credited to these
7 accounts shall likewise be certified to the Secretary of
8 the Treasury by the Attorney General. The Secretary
9 of the Treasury shall maintain these accounts subject to
10 proof of claim satisfactory to him submitted by any
11 claimant in whose name any account is carried, or by the
12 successors in interest to such claimant: *Provided*, That
13 amounts determined to be payable upon proof of claim
14 shall be subject to such applicable blocking regulations
15 issued under Executive Order 8389 of April 10, 1940,
16 and amendments thereto, as shall remain in force at the
17 time; and

18 (e) to transfer to the Secretary of the Treasury,
19 pending the ultimate disposition thereof, the participat-
20 ing certificates issued to the Alien Property Custodian
21 or the Attorney General pursuant to section 25 of the
22 Trading With the Enemy Act, as amended.

23 SEC. 2. (a) No person shall have any claim to any cash
24 or other assets transferred by the Attorney General to the
25 Secretary of the Treasury pursuant to section 1 except per-

1 sons claiming cash transferred pursuant to subsection (c) or
2 (d) thereof.

3 (b) The cash or other assets transferred by the At-
4 torney General to the Secretary of the Treasury pursuant to
5 section 1 shall not be liable to lien, attachment, garnishment,
6 trustee process or execution, or subject to any order or de-
7 cree of any court.

8 SEC. 3. The Trading With the Enemy Act, as amended,
9 is further amended by striking paragraph 15 of subsection
10 (b) of section 9.

11 SEC. 4. The word "person," as used herein, shall be
12 deemed to mean an individual, partnership, association, or
13 other unincorporated body of individuals, or corporation
14 or body politic.

84TH CONGRESS
1ST SESSION

H. R. 6971

A BILL

To authorize the Attorney General to dispose
of the remaining assets seized under the
Trading With the Enemy Act prior to De-
cember 18, 1941.

By Mr. BOSCH

JUNE 22, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341787

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84TH CONGRESS
2D SESSION

S. 3763

IN THE SENATE OF THE UNITED STATES

MAY 7, 1956

Mr. LANGER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the return of certain property held by the United States under the Trading With the Enemy Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Alien Property Claims
4 Act of 1956".

DEFINITIONS

5
6 SEC. 2. As used in this Act—

7 (a) The terms "enemy" and "person" have the same
8 meaning as when used in the Trading With the Enemy Act
9 50 U. S. C., App. 1);

10 (b) The term "vested property" means any property,

1 or any interest therein, which has been transferred to or
2 vested in the Alien Property Custodian or the Attorney
3 General pursuant to such Act;

4 (c) The term "owner", when used in relation to any
5 vested property, means the owner of such property as of
6 the time of the transfer thereof to, or the vesting thereof in,
7 Alien Property Custodian or the Attorney General;

8 (d) The term "transferee", when used in relation to
9 any vested property, means any person to whom such prop-
10 erty has been transferred by instrument or conveyance ex-
11 ecuted after the vesting thereof by any citizen of the United
12 States, or by any partnership, corporation, or association
13 organized under the laws of the United States or any State
14 thereof, who at the time of such vesting was the owner of
15 such property;

16 (e) The term "security" means any share of stock or
17 other evidence of ownership, and any evidence of indebted-
18 ness, of any corporation or other organized business enter-
19 prise;

20 (f) The term "United States" includes the United
21 States Government, any department or agency thereof, and
22 any officer or employee of such Government, department,
23 or agency;

24 (g) The term "Russian Zone of Occupation of Ger-
25 many" means that part of Germany which is subject to

1 occupation by the Union of Soviet Socialist Republics, and
2 the sector of the city of Berlin occupied by the Union of
3 Soviet Socialist Republics; and

4 (h) The term "Communist-dominated country" means
5 any country, other than Austria and the countries named
6 in section 4 (b), which is occupied by the Union of Soviet
7 Socialist Republics or is governed by individuals who are
8 members of the Communist movement.

9 RETURNS AUTHORIZED

10 SEC. 3. (a) Notwithstanding any provision of the Trad-
11 ing With the Enemy Act, the Attorney General is authorized
12 and directed, subject to the provisions of this Act, to return
13 vested property under this custody or control to—

14 (1) the owner thereof, if such owner is not, and
15 since the vesting of such property has not been, an
16 enemy alien;

17 (2) the transferee thereof, if such transferee is an
18 individual or a religious, charitable, educational, or
19 philanthropic corporation or association, notwithstand-
20 ing the fact that such individual may be a citizen, or the
21 fact that such corporation or association may be organ-
22 ized or operating under the laws, of any country which
23 has been at war with the United States at any time
24 since December 7, 1941; or

1 (3) any successor in interest to any such trans-
2 feree.

3 (b) If the property claimed under subsection (a) con-
4 sisted at the time of its vesting in whole or in part of se-
5 curities which, while held by the United States, have been
6 cancelled, surrendered, exchanged, or otherwise transferred,
7 changed, or amended, pursuant to any consolidation, merger,
8 or other integration of the assets represented by or securing
9 such securities with any other vested property, and the
10 property or enterprise so consolidated or merged is in the
11 custody or control of the United States, the claimant en-
12 titled to the return of such securities shall be entitled to—

13 (1) the reconstitution, at the expense of the United
14 States, of the business enterprise by which such securi-
15 ties originally were issued;

16 (2) the transfer to such enterprise of all assets
17 possessed by it at the time of the vesting of its property,
18 together with all increase thereof; and

19 (3) the issuance to the claimant of securities of
20 the enterprise so reconstituted having the same terms
21 and conditions and the same relative value as those of
22 the securities held by the claimant in the original
23 enterprise.

24 (c) If any property subject to return under subsection
25 (a) no longer is in the custody or control of the United

1 States, the claimant entitled to such return shall be entitled—

2 (1) if a citizen or national, or a partnership, cor-
 3 poration, or association organized and existing under the
 4 laws, of the United States or any country neutral or
 5 allied with the United States during World War II, to
 6 receive in lieu thereof a sum equal to the fair value of
 7 such property at the time of the filing of such claim
 8 therefor under this Act; or

9 (2) if any other person, to receive in lieu thereof
 10 a sum equal to the amount of the proceeds received by
 11 the United States for such property.

12 RETURNS BARRED

13 SEC. 4. No return of any property shall be made under
 14 this Act to the claimant thereof if such claimant is an
 15 individual who—

16 (a) has been convicted by the International Mili-
 17 tary Tribunal, or by any military court or tribunal of
 18 the United States, of any war crime or crime against
 19 humanity; or

20 (b) is residing in the Russian Zone of Occupation
 21 of Germany, German territory under provisional admin-
 22 istration by Poland or the Union of Soviet Socialist
 23 Republics, or in Albania, Bulgaria, Communist China,
 24 Czechoslovakia, Hungary, Poland, Rumania, or the

1 Union of Soviet Socialist Republics, or in any other
2 Communist-dominated country.

3 PROOF OF CLAIMS

4 SEC. 5. (a) In any proceeding under this Act—

5 (1) a prima facie case for return to any individual
6 claimant shall exist upon a showing by such individual
7 that (A) he was the owner of record of the property
8 claimed at the time of its vesting, and (B) he is a
9 citizen of the United States, or that he was not at the
10 time of such vesting or at any time thereafter an enemy
11 alien;

12 (2) any party alleging that a claimant is barred
13 from return by the provisions of section 4 shall have
14 the burden of establishing such allegation by proof, with-
15 out benefit of any presumption as to ownership, control,
16 residence, or nationality; and

17 (3) in any claim for the return of property owned
18 by a partnership, corporation, or association in which
19 it is shown that any share in such enterprise was owned
20 by persons barred from return by the provisions of
21 section 4, return with respect to such property may be
22 limited to persons not so barred, in proportion to the
23 share in such enterprise owned by them, unless such
24 division would impair the operational capacity or value
25 of such property.

1 (b) For the purposes of this Act, no individual claimant
2 shall be deemed to be an enemy alien if such individual (1)
3 at the time of assertion of his claim is a citizen of the United
4 States, or (2) at the time of assertion of such claim is, and
5 at the time of vesting of the property claimed was, a citizen
6 or national of a nation or nations which at all times since
7 December 7, 1941, have maintained diplomatic relations with
8 the United States.

9 (c) For the purposes of this Act, no claimant which is a
10 partnership, corporation, or association shall be deemed to be
11 an enemy alien if—

12 (1) such enterprise was organized and exists under
13 the laws of the United States or of any nation which at
14 all times since December 7, 1941, has maintained dip-
15 lomatic relations with the United States; and

16 (2) a share of the ownership thereof not less than
17 51 per centum has been held, at the time of the vesting
18 of its property and at all times since December 7, 1941,
19 by—

20 (A) individuals who were citizens of the United
21 States, or of any nation which at all times since
22 December 7, 1941, has maintained diplomatic rela-
23 tions with the United States, or

24 (B) enterprises organized and existing under
25 the laws of the United States or any such nation,

1 not less than 51 per centum of the ownership of
2 which was held by citizens of the United States or
3 of any such nation.

4 ADJUDICATION OF CLAIMS

5 SEC. 6. (a) Notwithstanding any provision of the
6 Trading With the Enemy Act, action against the United
7 States for the return of any property under this Act may
8 be filed in any district court of the United States—

9 (1) within two years after the date of enactment
10 of this Act by any person of any class described in sec-
11 tion 3 (a) of this Act; and

12 (2) within four years after the date of enactment
13 of this Act by the grantor of any property transferred
14 to any religious, charitable, educational, or philanthropic
15 corporation or association of the kind described in sec-
16 tion 3 (a) (2) of this Act, if within two years after
17 the date of enactment of this Act no action for the
18 return of such property has been instituted under this
19 Act by such corporation or association or any successor
20 in interest thereto; or

21 (3) if a final determination adverse to the claimant
22 has been made in any such action instituted by such
23 corporation or association, or any successor in interest
24 thereto, by such grantor within four years after the date
25 of enactment of this Act, or within two years after

1 the entry of such adverse final determination, whichever
2 period is the longer:

3 (b) In any such action, upon application made by any
4 party alleging any claimant to be barred from return by
5 the provisions of section 4 and a showing by such party of
6 necessity, relevance, and materiality, such claimant may be
7 required—

8 (1) if an individual, to appear before the court to
9 give testimony; or

10 (2) if a partnership, corporation, or association, to
11 produce before the court to give testimony any member,
12 officer, or director thereof; and

13 (3) to produce before the court for examination and
14 use in such action any documentary evidence which such
15 claimant can produce lawfully through civil legal process
16 or proceedings invoked or taken under the law of the
17 place where such documentary evidence is situated.

18 Upon failure of any claimant to comply with any such re-
19 quirement, the court may stay proceedings in such action, and
20 may dismiss such action if such compliance is not given
21 within a reasonable time, except that no such action shall be
22 dismissed if such failure is occasioned by circumstances be-
23 yond the control of the claimant.

24 (c) If in any action instituted under this Act it is deter-
25 mined that any claimant (other than a claimant of the

1 classes described in section 3 (c) (1) is entitled to the
2 return of any property, the court in its discretion may allow
3 to the United States a reasonable charge for the administra-
4 tion of such property. Such charge shall not exceed 20
5 per centum of (1) the fair value of the property returned,
6 or (2) the sum awarded in lieu of the return of such property.

7 ACTION UNDER OTHER PROVISIONS OF LAW

8 SEC. 7. (a) No claim asserted by any person under
9 this Act for the return of any vested property shall be barred
10 or stayed by reason of the institution, pendency, or final
11 determination of any administrative or judicial proceeding
12 under any other provision of law for the return of the same
13 property to the same person.

14 (b) If any person has been granted or has received
15 by adjudication, compromise or settlement any return upon
16 any claim made with respect to any vested property in any
17 such proceeding under any other provision of law, any return
18 of or with respect to such property made under this Act shall
19 be reduced to such extent as the court shall determine to
20 be appropriate to offset the return made under such other
21 provision of law.

22 (c) No vested property under the custody or control
23 of the United States shall be disposed of by sale or other-
24 wise, or returned to any person under any other provision

1 of law, except in conformity with the provisions of this
2 Act—

3 (1) for a period of one year after the date of en-
4 actment of this Act; or

5 (2) if within such period action for the return of
6 such property is filed under this Act, until the final
7 determination of such action.

84TH CONGRESS
2D SESSION

S. 3763

A BILL

To provide for the return of certain property held by the United States under the Trading With the Enemy Act, and for other purposes.

By Mr. LANGER

MAY 7, 1956

Read twice and referred to the Committee on the
Judiciary

341798A

84TH CONGRESS
1ST SESSION

H. R. 7785

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1955

Mr. YOUNG introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

For the relief of Friederike Strachwitz.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the President, or the officer or agency designated by
4 him pursuant to the provisions of section 32 of the Trading
5 With the Enemy Act (U. S. C., title 50, App. sec. 32)
6 shall, notwithstanding the provisions of the Trading With
7 the Enemy Act as amended (50 U. S. C., App. 1 and the
8 following), transfer and deliver to Friederike Strachwitz
9 any right, title, interest, or property in or of the said Friede-
10 rike Strachwitz as was vested in or transferred to the Alien
11 Property Custodian or the Attorney General, in accordance
12 with the provisions of the Trading With the Enemy Act, as

1 amended, and Executive Order 9095, as amended, by vest-
2 ing order numbered 32, dated January 6, 1943: *Provided,*
3 That said Friederike Strachwitz files a claim therefor with the
4 Attorney General or other such officer as the President may
5 direct within sixty days next succeeding the enactment of
6 this Act: *And provided further,* That, notwithstanding the
7 other provisions of this Act, no return hereunder shall be
8 made by the President, or otherwise, of the moneys already
9 paid periodically, as income to a trust under the aforesaid
10 vesting order to the Alien Property Custodian or the Attor-
11 ney General by the Union Trust Company of the District of
12 Columbia: *And provided further,* That no part of the
13 amounts released under this Act in excess of 10 per centum
14 thereof shall be paid or delivered to or received by any agent
15 or attorney on account of services rendered in connection
16 with these claims, and the same shall be unlawful, any
17 contract to the contrary notwithstanding. Any person vio-
18 lating this Act shall be deemed guilty of a misdemeanor
19 and upon conviction thereof shall be fined in any sum not
20 exceeding \$1,000.

84TH CONGRESS
1ST SESSION

H. R. 7785

A BILL

For the relief of Friederike Strachwitz.

By Mr. YOUNG

JULY 30, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341801

84TH CONGRESS
2D SESSION

H. R. 10889

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1956

Mr. YOUNG introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Trading With the Enemy Act, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 32 (a) (2) (D) of the Trading With the
4 Enemy Act, as amended, is further amended to read as
5 follows:

6 “(D) an individual who was at any time after
7 December 7, 1941, a citizen or subject of Germany,
8 Japan, Bulgaria, Hungary, or Rumania, and who on or
9 after December 7, 1941, and prior to the date of the
10 enactment of this section, was present (other than in
11 the service of the United States) in the territory of such
12 nation or in any territory occupied by the military or

1 naval forces thereof or engaged in any business in any
2 such territory: *Provided*, That notwithstanding the pro-
3 visions of this subdivision (D) return may be made to
4 an individual who, as a consequence of any law, decree,
5 or regulation of the nation of which he was then a citizen
6 or subject, discriminating against political, racial, or
7 religious groups, has at no time between December 7,
8 1941, and the time when such law, decree, or regula-
9 tion was abrogated, enjoyed full rights of citizenship
10 under the law of such nation: *Provided further*, That,
11 notwithstanding the provisions of subdivision (C) hereof
12 and of this subdivision (D), return may be made to
13 an individual who at all times since December 7, 1941,
14 was a citizen of the United States, or who, since the
15 vesting in or transfer of his property or interest to the
16 Alien Property Custodian has acquired United States
17 citizenship, or to an individual who, having lost United
18 States citizenship solely by reason of marriage to a citi-
19 zen or subject of a foreign country, reacquired such
20 citizenship prior to the date of enactment of this proviso
21 if such individual would have been a citizen of the
22 United States at all times since December 7, 1941, but
23 for such marriage: *Provided further*, That the aggregate
24 book value of returns made pursuant to the foregoing
25 proviso shall not exceed \$9,000,000; and any return

1 under such proviso may be made if the book value of
2 any such return, taken together with the aggregate
3 book value of returns already made under such proviso
4 does not exceed \$9,000,000; and for the purposes of
5 this proviso the term 'book value' means the value, as
6 of the time of vesting, entered on the books of the Alien
7 Property Custodian for the purpose of accounting for
8 the property or interest involved; or''.

9 SEC. 2. Notwithstanding section 33 of the Trading
10 With the Enemy Act, as amended, claims under section 32
11 (a) (2) (D) thereof, as amended, may be filed not later
12 than one year after the date of enactment hereof.

84TH CONGRESS
2d SESSION

H. R. 10889

A BILL

To amend the Trading With the Enemy Act,
as amended.

By Mr. YOUNG

APRIL 27, 1956

Referred to the Committee on Interstate and Foreign
Commerce

341805

*Full return
to Germany
and Japan*

84TH CONGRESS
1ST SESSION

H. J. RES. 268

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1955

Mr. RIVERS introduced the following joint resolution; which was referred to the Committee on Foreign Affairs

JULY 13, 1955

The Committee on Foreign Affairs discharged; and referred to the Committee on Interstate and Foreign Commerce

JOINT RESOLUTION

To improve the relations of the United States with Western Germany and Japan.

Whereas the policy of the United States has been to admit into the family of nations its former enemies, primarily Italy, Germany, and Japan; and

Whereas this policy has been effectuated as to Italy and Japan by concluding peace treaties with them; and

Whereas there are now pending agreements to terminate the occupation regime in Western Germany, to restore its sovereignty, and to provide for its accession to the North Atlantic Treaty; and

Whereas Western Germany and Italy are being asked to contribute to the defense of the free world against the growing spread of communism by providing military forces for NATO in the defense of Western Europe; and

Whereas the United States has worked unceasingly since the last war to promulgate and insure democratic concepts and principles in the free countries of the world; and

Whereas the United States has encouraged and contributed to the economic recovery of Western Germany, Italy, and Japan, and the foreign policy of the United States is predicated on a continued and strengthened standard of living and economic development of these countries; and

Whereas it is the sense of Congress that diplomatic discussions should be carried on between the Governments of the United States and of Western Germany and of Japan looking toward a solution under which payment can be made by the United States for all property formerly belonging to Germany and Japan and nationals thereof, with appropriate adjustments respecting the interest of Americans: Therefore be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That in order to promote the foreign policy of the United
4 States by reaffirming our friendship and desire for mutual
5 cooperation with the free countries of Germany and Japan,
6 furthering the economic rehabilitation of these countries, and
7 reaffirming the position of the Congress of the United States
8 in regard to the sanctity of private property in all interna-
9 tional relations with the free countries of the world, the
10 Secretary of State is hereby authorized as a matter of grace,
11 in accordance with such procedures as he may prescribe,

1 following as nearly as is feasible those used as a result of
2 the Treaty of Peace with Italy, to pay amounts equal in
3 value to all property and interest taken by the United States
4 since December 18, 1941, from Germany or Japan, or any
5 citizen or subject thereof, or any corporation or association
6 organized under the laws thereof.

7 There are hereby authorized to be appropriated such
8 sums as may be necessary to carry out the purposes of this
9 Act, and some of such appropriations may be utilized in part
10 from any funds derived from payments or prepayments that
11 may be made under international agreements relating to the
12 postwar economic aid obligations owing by Germany and
13 Japan to the United States. Payments authorized here-
14 under shall not be made to East Germany or the residents
15 thereof so long as it or the recipients thereof remain under
16 Soviet domination or control.

84TH CONGRESS
1ST SESSION

H. J. RES. 268

JOINT RESOLUTION

To improve the relations of the United States
with Western Germany and Japan.

By Mr. RIVERS

MARCH 28, 1955

Referred to the Committee on Foreign Affairs

JULY 13, 1955

The Committee on Foreign Affairs discharged, and
referred to the Committee on Interstate and Foreign
Commerce

341809

MAR 28 1955

84TH CONGRESS
1ST SESSION

H. R. 7733

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1955

Mr. HUDDLESTON introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 17 of the War Claims Act of 1948 so as to increase the classes of persons entitled to receive payment of certain claims under such section, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the second sentence of subsection (c) of section 17
4 of the War Claims Act of 1948 (50 App. U. S. C., sec.
5 2016 (c)) is amended by striking out "to the individual
6 specified, and in the order provided, in subsection (d) of
7 section 6 of this Act" and by inserting in lieu thereof the
8 following: "only to or for the benefit of the following
9 persons in the order named:

1 “(1) widow or husband if there is no child or
2 children of the deceased;

3 “(2) widow or husband and child or children of
4 the deceased, one-half to the widow or husband and
5 the other half to the child or children of the deceased
6 in equal shares;

7 “(3) child or children of the deceased (in equal
8 shares) if there is no widow or husband;

9 “(4) parents (in equal shares) if there is no widow,
10 husband, or child;

11 “(5) brothers and sisters (in equal shares) if there
12 is no widow, husband, child, or parent; and

13 “(6) the next of kin (in equal shares), under the
14 laws of the State in which the deceased was domiciled at
15 the time of his death, if there is no widow, husband,
16 child, parent, brother, or sister”.

17 SEC. 2. Subsection (d) of such section is amended to
18 read as follows:

19 “(d) Each claim allowed under this section shall be
20 certified to the Secretary of the Treasury for payment in
21 full out of the War Claims Fund established under section
22 13 of this Act.”

23 SEC. 3. Notwithstanding subsection (b) of section 17
24 of the War Claims Act of 1948, individuals entitled to bene-
25 fits under the provisions of such section may file claim

1 therefor within one year after the date of enactment of
2 this Act.

3 SEC. 4. Within two years after the date of enactment of
4 this Act, the Foreign Claims Settlement Commission of the
5 United States shall wind up its affairs in connection with
6 the settlement of all claims for benefits authorized under the
7 amendments made by this Act.

84TH CONGRESS
1ST SESSION

H. R. 7733

A BILL

To amend section 17 of the War Claims Act of 1948 so as to increase the classes of persons entitled to receive payment of certain claims under such section, and for other purposes.

By Mr. HUDDLESTON

JULY 29, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341813

84TH CONGRESS
1ST SESSION

H. R. 63

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1955

Mr. BAILEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the War Claims Act of 1948 with reference to claims arising out of the death of members of the Armed Forces of the United States as the result of enemy action after cessation of hostilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the War Claims Act of 1948 (Public Law 896,
4 Eightieth Congress) is hereby amended by inserting after
5 section 6 the following new section:

6 “ENEMY ACTION AFTER CESSATION OF HOSTILITIES

7 “SEC. 6A. (a) As used in this section the term ‘member
8 of the Armed Forces’ means any regularly appointed, en-
9 rolled, enlisted, or inducted member of the military, or naval
10 forces of the United States.

1 “(b) The Commission is authorized to receive, adjudi-
2 cate according to law, and provide for the payment of any
3 claim filed under this section on account of the death of any
4 member of the Armed Forces as the result of a violation by
5 any member of the military or naval forces of Germany
6 or Japan of the obligation to cease hostilities in World War
7 II at the time agreed upon. No claim under this section
8 shall be for an amount in excess of \$25,000. Any claim
9 allowed under the provision of this subsection shall be certi-
10 fied to the Secretary of the Treasury for payment out of the
11 War Claims Fund established by section 13 of this Act.

12 “(c) Claims allowed pursuant to subsection (b) shall
13 be payable only to or for the benefit of the persons named in
14 paragraphs (1) to (4), inclusive of section 6 (c) of this
15 Act.”

84TH CONGRESS
1ST SESSION

H. R. 63

A BILL

To amend the War Claims Act of 1948 with reference to claims arising out of the death of members of the Armed Forces of the United States as the result of enemy action after cessation of hostilities.

By Mr. BAILEY

JANUARY 5, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341816

84TH CONGRESS
1ST SESSION

H. R. 169

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1955

Mr. RAINS introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Settlement of War Claims Act of 1928 so that certain awards of the Mixed Claims Commission having a residual balance of \$15,000 or less will be paid in full immediately, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That paragraph (8) of section 4 (c) of the Settlement of
4 War Claims Act of 1928, as amended, is amended to read
5 as follows:

6 " (8) (A) To pay an amount equal to the difference
7 between—

8 " (i) the aggregate payments authorized by subsec-
9 tions (b) and (c) of section 2 in respect of each award

1 of the Mixed Claims Commission (and each assignment
2 of such an award) not yet fully paid, and

3 “(ii) the total of all amounts previously paid in
4 respect of such award or assignment,
5 in every case where such difference was \$15,000 or less on
6 January 1, 1954;

7 “(B) After all amounts have been paid as provided in
8 subparagraph (A) in respect of the awards and assignments
9 described therein, to pay the sum of \$15,000 in respect of
10 every other award of the Mixed Claims Commission (and
11 each assignment of such an award), not yet fully paid, for
12 which payments are authorized by subsections (b) and (c)
13 of section 2;

14 “(C) After all amounts have been paid as provided in
15 subparagraph (B) in respect of the awards and assignments
16 described therein—

17 “(i) to pay (in proportion to the respective resid-
18 ual balances of principal and interest) the accrued in-
19 terest payable under subsection (c) of section 2 in
20 respect of such awards and assignments, and

21 “(ii) after such interest has been paid in full, to pay
22 (in proportion to the respective residual balances)

1 amounts equal to the difference between the aggregate
2 payments authorized by subsections (b) and (c) of
3 section 2 in respect of such awards and assignments and
4 the amounts previously paid in respect thereof;”.

84TH CONGRESS
1ST SESSION

H. R. 169

A BILL

To amend the Settlement of War Claims Act of 1928 so that certain awards of the Mixed Claims Commission having a residual balance of \$15,000 or less will be paid in full immediately, and for other purposes.

By Mr. RAINS

JANUARY 5, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341820

84TH CONGRESS
1ST SESSION

H. R. 2102

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1955

Mr. BOSCH introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 32 of the Trading With the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired, by gift, devise, bequest, or inheritance, from an American citizen.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 32 (a) (2) (D) of the Trading With the
4 Enemy Act of 1917, as amended, is amended by inserting
5 before the semicolon at the end thereof a colon and the fol-
6 lowing: "*Provided*, That no citizen or national of Germany
7 or Austria shall be considered ineligible for a return of any
8 such property or interest or proceeds by reason of this sub-
9 division or subdivision (C) if such property or interest or

1 proceeds was acquired by such citizen or national of Ger-
2 many or Austria from an American citizen or a mother who
3 at the time of her marriage was an American citizen, by gift,
4 devise, bequest, or inheritance, and such citizen or national
5 of Germany or Austria shows by reliable, probative, and
6 substantial evidence that he has never been a member of
7 the Nazi Party”.

8 SEC. 2. Notwithstanding the provisions of section 33
9 of the Trading With the Enemy Act of 1917, as amended,
10 a claim for a return based upon the amendment made by
11 the first section of this Act may be filed at any time within
12 three years after the date of enactment of this Act:
13 *Provided*, That no part of the amount returned under the
14 provisions of this Act in excess of 10 per centum shall be
15 paid or delivered to or received by an agent or attorney
16 on account of services rendered in connection with any
17 claims for return under this Act and the same shall be
18 unlawful, any contract to the contrary notwithstanding.
19 Any person violating the provisions of this Act shall be
20 deemed guilty of a misdemeanor and upon conviction thereof
21 shall be fined in any sum not exceeding \$1,000.

22 SEC. 3. Notwithstanding any other provision of law,
23 the unpaid claims or unpaid balances of claims of American

1 citizens against Germany and Austria shall be paid re-
2 spectively and forthwith out of undisbursed German and
3 Austrian enemy alien funds vested in the United States
4 under the provisions of the Trading With the Enemy Act
5 of 1917, as amended.

RECEIVED
JAN 10 1918
U.S. DEPARTMENT OF THE TREASURY
OFFICE OF THE ASSISTANT SECRETARY
FOR THE ADMINISTRATION OF THE
TRADING WITH THE ENEMY ACT
WASHINGTON, D. C.

84TH CONGRESS
1ST SESSION

H. R. 2102

A BILL

To amend section 32 of the Trading With the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired, by gift, devise, bequest, or inheritance, from an American citizen.

By Mr. BOSCH

JANUARY 13, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341824

84TH CONGRESS
1ST SESSION

H. R. 1756

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1955

Mr. AUGUST H. ANDRESEN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the War Claims Act of 1948, so as to extend the benefits of such Act to persons captured or interned by, or in hiding from, the Japanese Government in China during World War II.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 5 (a) of the War Claims Act of 1948, as
4 amended (50 App. U. S. C., sec. 2004 (a)), is hereby
5 amended by striking out "or while in transit to or from any
6 such place, or who went into hiding at any such place in
7 order to avoid capture or internment", and by inserting in
8 lieu thereof "or in China, or while in transit to or from any
9 such place (including China), or who went into hiding at

1 or in any such place (including China) in order to avoid
2 capture or internment”.

3 SEC. 2. The last sentence of section 2 (c) of such Act
4 (50 App. U. S. C., sec. 2001 (c)) is hereby amended
5 to read as follows: “The limit of time within which claims
6 may be filed with the Commission shall be not later than
7 March 1, 1951, or, in the case of claims filed by or on behalf
8 of persons held, captured, interned, or forced to remain in
9 hiding in China, not later than March 1, 1952.”

341826

84TH CONGRESS
1ST SESSION

H. R. 1756

A BILL

To amend the War Claims Act of 1948, so as to extend the benefits of such Act to persons captured or interned by, or in hiding from, the Japanese Government in China during World War II.

By Mr. AUGUST H. ANDRESEN

JANUARY 10, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341827

84TH CONGRESS
1ST SESSION

H. R. 3608

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1955

Mr. O'BRIEN of New York introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 9 (a) of the Trading With the Enemy Act, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 9 (a) of the Trading With the Enemy Act, as
4 amended, is amended by striking out the period at the end
5 thereof and inserting in lieu thereof a colon and the following:
6 "*Provided further,* That upon a determination made by the
7 President, in time of war or during any national emergency
8 declared by the President, that the interest and welfare of
9 the United States requires the sale of any property or interest
10 or any part thereof claimed in any suit filed under this
11 subsection and pending on or after the date of enactment of

1 this proviso the Alien Property Custodian may sell such
2 property or interest or part thereof, in conformity with law
3 applicable to sales of property by him, at any time prior to
4 the entry of final judgment in such suit. No such sale shall
5 be made until thirty days have passed after the publication
6 of notice in the Federal Register of the intention to sell.
7 The proceeds of any such sale shall be deposited in a special
8 account established in the Treasury, and shall be held in
9 trust by the Secretary of the Treasury pending the entry
10 of final judgment in such suit. Any recovery of any claim-
11 ant in any such suit in respect of the property or interest or
12 part thereof so sold shall be limited to the net proceeds of
13 such sale, or, if more than one claimant, then to each claim-
14 ant's proportionate share of the net proceeds of such sale,
15 unless such claimant, within sixty days after receipt of notice
16 of the amount of the net proceeds of sale, or, if more than
17 one claimant, then notice of the amount of claimant's
18 asserted proportionate share of the net proceeds of sale,
19 serves upon the Custodian and files with the court an election
20 to waive all claims to the net proceeds and to claim just
21 compensation instead. If the court finds that the claimant
22 has established an interest, right, or title in any property
23 in respect of which such an election has been served and
24 filed, it shall proceed to determine the amount which will
25 constitute just compensation for such interest, right, or title,

1 and shall order payment to the claimant of the amount so
2 determined. An order for the payment of just compensation
3 hereunder shall be a judgment against the United States and
4 shall be payable first from the net proceeds of the sale in an
5 amount not to exceed the amount the claimant would have
6 received had he elected to accept his proportionate part of
7 the net proceeds of the sale and the balance, if any, shall be
8 payable in the same manner as are judgments in cases
9 arising under section 1346 of title 28, United States Code.
10 The Alien Property Custodian shall, immediately upon the
11 entry of final judgment, notify the Secretary of the Treasury
12 of the determination by final judgment of the claimant's
13 interest and right to the proportionate part of the net pro-
14 ceeds from the sale, and the final determination by judgment
15 of the amount of just compensation in the event the claimant
16 has elected to recover just compensation for the interest in
17 the property he claimed."

84TH CONGRESS
1ST SESSION

H. R. 3608

A BILL

To amend section 9 (a) of the Trading With the
Enemy Act, as amended.

By Mr. O'BRIEN of New York

FEBRUARY 3, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341831

84TH CONGRESS
1ST SESSION

H. R. 5098

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1955

Mr. KILBURN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 32 (a) of the Trading With the Enemy Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 32 (a) of the Trading With the Enemy Act,
4 as amended (50 Appendix, U. S. C. 32), is amended by
5 striking out “(2) that such owner, and legal representative
6 or successor in interest, if any, are not—” and inserting in
7 lieu thereof “(2) that the person who has filed a notice of
8 claim for return, is not—”.

9 SEC. 2. The amendment made by this Act is effective
10 as of December 1, 1954.

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341832

84TH CONGRESS
1ST SESSION

H. R. 5098

A BILL

To amend section 32 (a) of the Trading With
the Enemy Act.

By Mr. KILBURN

MARCH 21, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341833

84TH CONGRESS
2D SESSION

H. R. 10889

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1956

Mr. YOUNG introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the Trading With the Enemy Act, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 32 (a) (2) (D) of the Trading With the
4 Enemy Act, as amended, is further amended to read as
5 follows:

6 “(D) an individual who was at any time after
7 December 7, 1941, a citizen or subject of Germany,
8 Japan, Bulgaria, Hungary, or Rumania, and who on or
9 after December 7, 1941, and prior to the date of the
10 enactment of this section, was present (other than in
11 the service of the United States) in the territory of such
12 nation or in any territory occupied by the military or

1 naval forces thereof or engaged in any business in any
2 such territory: *Provided*, That notwithstanding the pro-
3 visions of this subdivision (D) return may be made to
4 an individual who, as a consequence of any law, decree,
5 or regulation of the nation of which he was then a citizen
6 or subject, discriminating against political, racial, or
7 religious groups, has at no time between December 7,
8 1941, and the time when such law, decree, or regula-
9 tion was abrogated, enjoyed full rights of citizenship
10 under the law of such nation: *Provided further*, That,
11 notwithstanding the provisions of subdivision (C) hereof
12 and of this subdivision (D), return may be made to
13 an individual who at all times since December 7, 1941,
14 was a citizen of the United States, or who, since the
15 vesting in or transfer of his property or interest to the
16 Alien Property Custodian has acquired United States
17 citizenship, or to an individual who, having lost United
18 States citizenship solely by reason of marriage to a citi-
19 zen or subject of a foreign country, reacquired such
20 citizenship prior to the date of enactment of this proviso
21 if such individual would have been a citizen of the
22 United States at all times since December 7, 1941, but
23 for such marriage: *Provided further*, That the aggregate
24 book value of returns made pursuant to the foregoing
25 proviso shall not exceed \$9,000,000; and any return

1 under such proviso may be made if the book value of
 2 any such return, taken together with the aggregate
 3 book value of returns already made under such proviso
 4 does not exceed \$9,000,000; and for the purposes of
 5 this proviso the term 'book value' means the value, as
 6 of the time of vesting, entered on the books of the Alien
 7 Property Custodian for the purpose of accounting for
 8 the property or interest involved; or”.

9 SEC. 2. Notwithstanding section 33 of the Trading
 10 With the Enemy Act, as amended, claims under section 32
 11 (a) (2) (D) thereof, as amended, may be filed not later
 12 than one year after the date of enactment hereof.

RECEIVED
MAY 10 1941

H. F. 10889

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RECEIVED
MAY 10 1941

MAY 10 1941

MAY 10 1941

COMMERCIAL

84TH CONGRESS
2d Session

H. R. 10889

A BILL

To amend the Trading With the Enemy Act,
as amended.

By Mr. YOUNG

APRIL 27, 1956

Referred to the Committee on Interstate and Foreign
Commerce

341837

84TH CONGRESS
1ST SESSION

H. R. 7785

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1955

Mr. YOUNG introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce.

A BILL

For the relief of Friederike Strachwitz.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the President, or the officer or agency designated by
- 4 him pursuant to the provisions of section 32 of the Trading
- 5 With the Enemy Act (U. S. C., title 50, App. sec. 32)
- 6 shall, notwithstanding the provisions of the Trading With
- 7 the Enemy Act as amended (50 U. S. C., App. 1 and the
- 8 following), transfer and deliver to Friederike Strachwitz
- 9 any right, title, interest, or property in or of the said Friede-
- 10 rike Strachwitz as was vested in or transferred to the Alien
- 11 Property Custodian or the Attorney General, in accordance
- 12 with the provisions of the Trading With the Enemy Act, as

1 amended, and Executive Order 9095, as amended, by vest-
 2 ing order numbered 32, dated January 6, 1943: *Provided*,
 3 That said Friederike Strachwitz files a claim therefor with the
 4 Attorney General or other such officer as the President may
 5 direct within sixty days next succeeding the enactment of
 6 this Act: *And provided further*, That, notwithstanding the
 7 other provisions of this Act, no return hereunder shall be
 8 made by the President, or otherwise, of the moneys already
 9 paid periodically, as income to a trust under the aforesaid
 10 vesting order to the Alien Property Custodian or the Attor-
 11 ney General by the Union Trust Company of the District of
 12 Columbia: *And provided further*, That no part of the
 13 amounts released under this Act in excess of 10 per centum
 14 thereof shall be paid or delivered to or received by any agent
 15 or attorney on account of services rendered in connection
 16 with these claims, and the same shall be unlawful, any
 17 contract to the contrary notwithstanding. Any person vio-
 18 lating this Act shall be deemed guilty of a misdemeanor
 19 and upon conviction thereof shall be fined in any sum not
 20 exceeding \$1,000.

84TH CONGRESS
1ST SESSION

H. R. 7785

A BILL

For the relief of Friederike Strachwitz.

By Mr. YOUNG

JULY 30, 1955.

Referred to the Committee on Interstate and Foreign
Commerce

341840

84TH CONGRESS
1ST SESSION

H. R. 5395

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1955

Mr. BECKER introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To provide that members of the Armed Forces shall be paid compensation at the rate of \$2.50 per day for each day spent in hiding during World War II or the Korean conflict to evade capture by the enemy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 6 of the War Claims Act of 1948 is hereby
4 amended by adding at the end thereof the following new
5 subsections:

6 “(g) (1) As used in this subsection, the term ‘evader’
7 means any regularly appointed, enrolled, enlisted, or inducted
8 member of the Armed Forces of the United States—

1 “(A) who, during the period beginning December
2 7, 1941, and ending August 16, 1945—

3 “(i) being in immediate danger of capture by
4 the enemy, concealed himself for a period in excess
5 of ten days to prevent such capture; or

6 “(ii) having escaped from confinement as a
7 prisoner of war, concealed himself for a period in
8 excess of ten days to prevent recapture;

9 “(B) who, if living on the date of enactment of
10 this subsection, is a citizen, national, or resident of the
11 United States or, if dead on such date, died a citizen or
12 resident; and

13 “(C) who was discharged or released under hon-
14 orable conditions from the military or naval forces of the
15 United States after having so concealed himself to pre-
16 vent such capture or recapture, or who is serving on
17 active duty with such forces on the date of enactment of
18 this subsection, or who died while so serving.

19 “(2) The Commission is authorized to receive and to
20 determine, according to law, the amount and validity, and
21 provide for the payment of any claim filed by any evader for
22 compensation under this subsection. Compensation under
23 this subsection shall be allowed to each evader at the rate
24 of \$2.50 for each day on which he concealed himself to
25 prevent capture or recapture by the enemy. Claims allowed

1 under this subsection shall be certified to the Secretary of
2 the Treasury for payment out of the War Claims Fund
3 established by section 13 of this Act, and in the event of the
4 death of the persons entitled thereto, be paid only to or for
5 the benefit of the persons specified, and in the order estab-
6 lished, by paragraph (4) of subsection (d) of this section.

7 “(3) The Commission shall expedite the payment of
8 all claims filed under this subsection, and shall complete its
9 determinations with respect to each such claim within one
10 year after the date it is filed.

11 “(4) On or before August 31, 1956, the Commission
12 shall estimate and certify to the Secretary of the Treasury
13 the amount which will be required to pay all claims filed
14 under this subsection which have not been paid as of that
15 date. The amount so certified shall not be included in the
16 computation made under section 17 (d) (2) of the sums
17 remaining in the War Claims Fund on September 1, 1956.

18 “(h) (1) As used in this subsection, the term ‘evaded’
19 means any regularly appointed, enrolled, enlisted, or in-
20 ducted member of the Armed Forces of the United States—

21 “(A) who, during the period beginning June 25,
22 1950, and ending July 27, 1953—

23 “(i) being in immediate danger of capture by
24 any hostile force with which the Armed Forces of
25 the United States were actually engaged in armed

1 conflict, concealed himself for a period in excess
2 of ten days to prevent such capture; or

3 “(ii) having escaped from confinement as a
4 prisoner of war, concealed himself for a period in
5 excess of ten days to prevent recapture; and

6 “(B) who was discharged or released under honor-
7 able conditions from the Armed Forces of the United
8 States after having so concealed himself to prevent such
9 capture or recapture, or who is serving on active duty
10 with the Armed Forces of the United States on the
11 date of enactment of this subsection, or who died while
12 so serving.

13 “(2) The Commission is authorized to receive and to
14 determine, according to law, the amount and validity, and
15 provide for the payment of any claim filed by any evader
16 for compensation under this subsection. Compensation under
17 this subsection shall be allowed to each evader at the rate
18 of \$2.50 for each day on which he concealed himself to
19 prevent capture or recapture by such hostile force. Claims
20 allowed under this subsection shall be certified to the Secre-
21 tary of the Treasury for payment out of sums appropriated
22 to carry out this subsection, and shall, in case of death of
23 the persons entitled thereto, be paid only to or for the
24 benefit of the persons specified, and in the order established,
25 by paragraph (4) of subsection (d) of this section.”

1 SEC. 2. Claims for compensation under subsections (g)
2 and (h) of section 6 of the War Claims Act of 1948 must
3 be filed with the Foreign Claims Settlement Commission
4 within one year after the date of enactment of this Act.

84TH CONGRESS
1ST SESSION

H. R. 5395

A BILL

To provide that members of the Armed Forces shall be paid compensation at the rate of \$2.50 per day for each day spent in hiding during World War II or the Korean conflict to evade capture by the enemy.

By Mr. BECKER

MARCH 31, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341846

84TH CONGRESS
1ST SESSION

H. R. 3242

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1955

Mr. BOSCH introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 32 of the Trading With the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired, by gift, devise, bequest, or inheritance, from an American citizen.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 32 (a) (2) (D) of the Trading With the
4 Enemy Act of 1917, as amended, is amended by inserting
5 before the semicolon at the end thereof a colon and the
6 following: "*Provided*, That no citizen or national of Ger-
7 many or Austria shall be considered ineligible for a return
8 of any such property or interest or proceeds by reason of
9 this subdivision or subdivision (C) if such property or in-

1 terest or proceeds was acquired by such citizen or national
2 of Germany or Austria from an American citizen or a mother,
3 grandmother, or other female relative by consanguinity
4 who at the time of her marriage was an American citizen, by
5 gift, devise, bequest, or inheritance, and such citizen or
6 national of Germany or Austria shows by reliable, probative,
7 and substantial evidence that he has never been a member of
8 the Nazi Party”.

9 SEC. 2: Notwithstanding the provisions of section 33 of
10 the Trading With the Enemy Act of 1917, as amended, a
11 claim for a return based upon the amendment made by the
12 first section of this Act may be filed at any time within
13 three years after the date of enactment of this Act: *Provided,*
14 That no part of the amount returned under the provisions
15 of this Act in excess of 10 per centum shall be paid or
16 delivered to or received by an agent or attorney on account
17 of services rendered in connection with any claims for re-
18 turn under this Act and the same shall be unlawful, any con-
19 tract to the contrary notwithstanding. Any person violating
20 the provisions of this Act shall be deemed guilty of a mis-
21 demeanor and upon conviction thereof shall be fined in any
22 sum not exceeding \$1,000.

84TH CONGRESS
1ST SESSION

H. R. 3242

A BILL

To amend section 32 of the Trading With the Enemy Act of 1917, as amended, so as to permit the return under such section of property which an alien acquired, by gift, devise, bequest, or inheritance, from an American citizen.

By Mr. BOSCH

JANUARY 27, 1955

Referred to the Committee on Interstate and Foreign
Commerce

341849

84TH CONGRESS
2D SESSION

H. R. 9749

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1956

MR. QUIGLEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the War Claims Act of 1948 to provide for certain hearings before the Foreign Claims Settlement Commission at locations convenient to claimants; to provide that claimants shall be afforded the right to examine evidence in the possession of the Commission, and to examine and cross-examine witnesses; to provide judicial review of certain actions of the Commission; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That section 11 of the War Claims Act of 1948 is amended

4 by adding at the end thereof the following sentence: "The

5 provisions of this section shall not apply with respect to any

6 claim for benefits under subsection (e) of section 6 filed,

7 denied, or approved for less than the full allowable amount,

1

341850

1 after the date of enactment of this sentence, or filed under
2 section 18 after such date.”

3 SEC. 2. Such Act is further amended by inserting im-
4 mediately after section 11 the following:

5 “HEARINGS AND JUDICIAL REVIEW

6 “SEC. 11A. (a) The Commission shall notify all claim-
7 ants of the approval or denial of their claims filed under
8 subsection (e) of section 6; or filed after the date of enact-
9 ment of this section under section 18 of this Act, and if
10 approved, shall notify such claimants of the amount for
11 which such claims are approved. If the claim of such a
12 claimant is denied, or is approved for less than the full
13 allowable amount of such claim, (1) the Commission shall
14 specifically inform the claimant of the reasons therefor,
15 summarizing the evidence upon which the Commission made
16 its determinations, and (2) the claimant, or his attorney,
17 shall have the right to examine the evidence which is the
18 basis of the Commission’s determinations. No evidence shall
19 be a basis of the Commission’s determinations if, under any
20 Executive order or administrative ruling, such evidence
21 cannot be examined by the claimant.

22 “(b) Any such claimant whose claim is denied, or is
23 approved for less than the full allowable amount, shall be
24 entitled, under such regulations as the Commission may
25 prescribe under this section, to a hearing before the Com-

1 mission or its representatives with respect to his claim, if
2 an application for such a hearing is filed with the Commis-
3 sion within sixty days after the Commission by registered
4 mail has notified him of its actions with respect to his claim.
5 If the claimant so requests at the time he applies for a hear-
6 ing under this section, the hearing shall be held at a location
7 not farther from the claimant's residence than the capital
8 city of the State (including the Territories and possessions
9 of the United States and the Commonwealth of Puerto Rico)
10 in which he resides. In all cases not covered by the pre-
11 ceding sentence, or in which such a request is not made, the
12 hearing shall be held in the District of Columbia.

13 "(c) At hearings under this section, the claimant shall
14 have the right to be represented by counsel, to have com-
15 pulsory process to require witnesses to appear, and to cross-
16 examine all witnesses on whose evidence the Commission
17 has relied in denying his claim, or in disapproving it in part.
18 Evidence given by any witness on whose evidence the Com-
19 mission has so relied, and who is not available for cross-
20 examination by the claimant, shall be disregarded by the
21 Commission in its determinations. A complete transcript
22 of hearings under this section shall serve as the sole basis
23 for the Commission's findings, and a copy of such transcript
24 shall be furnished each claimant whose claim is denied or
25 partially allowed.

1 “(d) The action of the Commission in allowing or deny-
2 ing any claim under this section shall be final and conclusive
3 on all questions of law and fact on all officers of the executive
4 branch of the Government of the United States, and not sub-
5 ject to review by any such officer. The Comptroller General
6 shall allow credit in the accounts of any certifying or dis-
7 bursing officer for payments in accordance with such action.

8 “(e) Any claimant aggrieved by any decision of the
9 Commission after a hearing under this section may, within
10 one year after notice of the decision of the Commission, insti-
11 tute proceedings for the review of such decision by filing
12 a written petition in the United States district court for the
13 district in which he resides, or in the United States District
14 Court for the District of Columbia. The clerk of the court
15 shall notify the Commission in writing of the filing of any
16 such petition promptly after it has been so filed. Within
17 fifteen days after the receipt of such notice by the Commis-
18 sion, the Commission shall certify and file in the court a
19 transcript of the record upon which such decision was made.
20 “The findings of fact by the Commission, if supported
21 by substantial evidence, shall be conclusive; but the court,
22 for good cause shown, may remand the case to the Com-
23 mission to take further evidence, and the Commission may
24 thereupon make new or modified findings of fact and may
25 modify its previous decision, and shall certify to the court

1 the transcript and record of the further proceedings. Such
2 new or modified findings of fact shall likewise be conclu-
3 sive if supported by substantial evidence.

4 "If the court determines that the decision of the Com-
5 mission is not in accordance with law, or that the decision
6 is not supported by substantial evidence in the record before
7 the court, the court may reverse or modify the decision of the
8 Commission; otherwise the court shall enter a judgment
9 affirming the decision of the Commission. If the court enters
10 a judgment reversing or modifying the decision of the Com-
11 mission, the court shall order the Commission to carry out
12 the judgment of the court."

13 SEC. 3. Such Act is further amended by inserting imme-
14 diately after section 17 the following:

15 "REAPPLICATIONS FOR BENEFITS

16 "SEC. 18. Any person whose claim for benefits under
17 this Act has been denied or approved for less than the full
18 allowable amount on the direct or indirect ground that such
19 person collaborated with any hostile force or enemy of the
20 United States as set out in sections 5 (g) and 6 (e) of this
21 Act may, within the sixty-day period which begins on either
22 the date notice of such denial or approval is received by
23 him, or the date of enactment of this section, whichever last
24 occurs, apply to the Commission for a determination of his
25 claim, notwithstanding that such claim has been adjudicated.

1 by the Commission prior to the effective date of enactment
 2 of this section. The Commission shall thereupon redeter-
 3 mine, in accordance with the provisions of this Act, such
 4 claimant's eligibility for compensation, and provide for the
 5 same in full or for adjustments in the amounts paid to him
 6 under any prior claim, or deny such claim."

84TH CONGRESS
2D SESSION

H. R. 9749

A BILL

To amend the War Claims Act of 1948 to provide for certain hearings before the Foreign Claims Settlement Commission at locations convenient to claimants; to provide that claimants shall be afforded the right to examine evidence in the possession of the Commission, and to examine and cross-examine witnesses; to provide judicial review of certain actions of the Commission; and for other purposes.

By Mr. QUIGLEY

MARCH 5, 1956

Referred to the Committee on Interstate and Foreign
Commerce

341856

84TH CONGRESS
2D SESSION

H. R. 9584

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1956

Mr. ASHLEY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend the War Claims Act of 1948 to provide for certain hearings before the Foreign Claims Settlement Commission at locations convenient to claimants; to provide that claimants shall be afforded the right to examine evidence in the possession of the Commission, and to examine and cross-examine witnesses; to provide judicial review of certain actions of the Commission; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 11 of the War Claims Act of 1948 is amended,
4 by adding at the end thereof the following sentence: "The
5 provisions of this section shall not apply with respect to any
6 claim for benefits under subsection (e) of section 6 filed,
7 denied, or approved for less than the full allowable amount,

1 after the date of enactment of this sentence, or filed under
2 section 18 after such date.”

3 SEC. 2. Such Act is further amended by inserting im-
4 mediately after section 11 the following:

5 “HEARINGS AND JUDICIAL REVIEW

6 “SEC. 11A. (a) The Commission shall notify all claim-
7 ants of the approval or denial of their claims filed under
8 subsection (e) of section 6, or filed after the date of enact-
9 ment of this section under section 18 of this Act, and if
10 approved, shall notify such claimants of the amount for
11 which such claims are approved. If the claim of such a
12 claimant is denied, or is approved for less than the full
13 allowable amount of such claim, (1) the Commission shall
14 specifically inform the claimant of the reasons therefor,
15 summarizing the evidence upon which the Commission made
16 its determinations, and (2) the claimant, or his attorney,
17 shall have the right to examine the evidence which is the
18 basis of the Commission’s determinations. No evidence shall
19 be a basis of the Commission’s determinations if, under any
20 Executive order or administrative ruling, such evidence
21 cannot be examined by the claimant.

22 “(b) Any such claimant whose claim is denied, or is
23 approved for less than the full allowable amount, shall be
24 entitled, under such regulations as the Commission may
25 prescribe under this section, to a hearing before the Com-

1 mission or its representatives with respect to his claim, if
2 an application for such a hearing is filed with the Commis-
3 sion within sixty days after the Commission by registered
4 mail has notified him of its actions with respect to his claim.
5 If the claimant so requests at the time he applies for a hear-
6 ing under this section, the hearing shall be held at a location
7 not farther from the claimant's residence than the capital
8 city of the State (including the Territories and possessions
9 of the United States and the Commonwealth of Puerto Rico)
10 in which he resides. In all cases not covered by the pre-
11 ceding sentence, or in which such a request is not made, the
12 hearing shall be held in the District of Columbia.

13 “(c) At hearings under this section, the claimant shall
14 have the right to be represented by counsel, to have com-
15 pulsory process to require witnesses to appear, and to cross-
16 examine all witnesses on whose evidence the Commission
17 has relied in denying his claim, or in disapproving it in part.
18 Evidence given by any witness on whose evidence the Com-
19 mission has so relied, and who is not available for cross-
20 examination by the claimant, shall be disregarded by the
21 Commission in its determinations. A complete transcript
22 of hearings under this section shall serve as the sole basis
23 for the Commission's findings, and a copy of such transcript
24 shall be furnished each claimant whose claim is denied or
25 partially allowed.

1 “(d) The action of the Commission in allowing or deny-
2 ing any claim under this section shall be final and conclusive
3 on all questions of law and fact on all officers of the executive
4 branch of the Government of the United States, and not sub-
5 ject to review by any such officer. The Comptroller General
6 shall allow credit in the accounts of any certifying or dis-
7 bursing officer for payments in accordance with such action.

8 “(e) Any claimant aggrieved by any decision of the
9 Commission after a hearing under this section may, within
10 one year after notice of the decision of the Commission, insti-
11 tute proceedings for the review of such decision by filing
12 a written petition in the United States district court for the
13 district in which he resides, or in the United States District
14 Court for the District of Columbia. The clerk of the court
15 shall notify the Commission in writing of the filing of any
16 such petition promptly after it has been so filed. Within
17 fifteen days after the receipt of such notice by the Commis-
18 sion, the Commission shall certify and file in the court a
19 transcript of the record upon which such decision was made.

20 “The findings of fact by the Commission, if supported
21 by substantial evidence, shall be conclusive; but the court,
22 for good cause shown, may remand the case to the Com-
23 mission to take further evidence, and the Commission may
24 thereupon make new or modified findings of fact and may
25 modify its previous decision, and shall certify to the court

1 the transcript and record of the further proceedings. Such
2 new or modified findings of fact shall likewise be conclu-
3 sive if supported by substantial evidence.

4 "If the court determines that the decision of the Com-
5 mission is not in accordance with law, or that the decision
6 is not supported by substantial evidence in the record before
7 the court, the court may reverse or modify the decision of the
8 Commission; otherwise the court shall enter a judgment
9 affirming the decision of the Commission. If the court enters
10 a judgment reversing or modifying the decision of the Com-
11 mission, the court shall order the Commission to carry out
12 the judgment of the court."

13 SEC. 3. Such Act is further amended by inserting imme-
14 diately after section 17 the following:

15 "REAPPLICATIONS FOR BENEFITS

16 "SEC. 18. Any person whose claim for benefits under
17 this Act has been denied or approved for less than the full
18 allowable amount on the direct or indirect ground that such
19 person collaborated with any hostile force or enemy of the
20 United States as set out in sections 5 (g) and 6 (e) of this
21 Act may, within the sixty-day period which begins on either
22 the date notice of such denial or approval is received by
23 him, or the date of enactment of this section, whichever last
24 occurs, apply to the Commission for a determination of his
25 claim, notwithstanding that such claim has been adjudicated

1 by the Commission prior to the effective date of enactment
 2 of this section. The Commission shall thereupon redeter-
 3 mine, in accordance with the provisions of this Act, such
 4 claimant's eligibility for compensation, and provide for the
 5 same in full or for adjustments in the amounts paid to him
 6 under any prior claim, or deny such claim."

84TH CONGRESS
2D SESSION

H. R. 9584

A BILL

To amend the War Claims Act of 1948 to provide for certain hearings before the Foreign Claims Settlement Commission at locations convenient to claimants; to provide that claimants shall be afforded the right to examine evidence in the possession of the Commission, and to examine and cross-examine witnesses; to provide judicial review of certain actions of the Commission; and for other purposes.

By Mr. ASHLEY

FEBRUARY 28, 1956

Referred to the Committee on Interstate and Foreign
Commerce

341863

HARLEY M. KILGORE, W. VA., CHAIRMAN

JAMES O. EASTLAND, MISS.
ESTES KEFAUVER, TENN.
CLIN D. JOHNSTON, S. C.
THOMAS C. HENNINGS, JR., MD.
JOHN L. MCCLELLAN, ARK.
PRICE DANIEL, TEX.
JOSEPH C. O'MAHONEY, WYD.

ALEXANDER WILEY, WIS.
WILLIAM LANGER, N. DAK.
WILLIAM E. JENNER, IND.
ARTHUR V. WATKINS, UTAH
EVERETT MCKINLEY DIRKSEN, ILL.
HERMAN WELKER, IDAHO
JOHN MARSHALL BUTLER, MD.

United States Senate

COMMITTEE ON THE JUDICIARY

May 21, 1956

Mr. Abraham S. Hyman
Executive Secretary
World Jewish Congress
15 East 84th Street
New York 28, New York

Dear Mr. Hyman:

I have examined your extended letter of May 9 with respect to the problem developed as a result of the analysis made of the claims potentially covered by Public Law 626.

Your letter did not indicate whether a copy had been sent to Mr. Myron and it occurs to me that this should be done so that he can provide his views to me and also to the committee, if a bill should be considered. I would prefer, however, not to do so unless this is agreeable with you and if you will so authorize, I will bring this to Mr. Myron's attention without delay and ask him for an opinion and for his further views on the whole problem in the hope that we might be able to go forward with the matter as was originally intended by legislation which I introduced.

Sincerely,


Everett McKinley Dirksen

341864

Dear Mr. Myron (or Colonel Townsend):

Since receiving your letter of March 27, 1956, with reference to the claims filed by the Jewish Restitution Successor Organization under Public Law 626, I have made a careful study of the several categories of the claims which you list in your letter, with the view of determining whether any of these categories might be settled administratively without further delay. My own exploration of the problem, fortified by discussions with persons competent in the general field, persuades me that the Office of Alien Property may safely pay the JRSO the value of the property in the category 7 and 8 claims under the authority contained in Public Law 626.

I have been advised that Mr. Rubin has been in consultation with your office and that there has been some discussion of a bill which would authorize the Office of Alien Property to settle the category 7 and 8 claims.

I am convinced that such legislation is unnecessary and that, in view of the proof in support of these claims, both of an affirmative and negative character, the Office of Alien Property may proceed to pay the JRSO the value of the property of these claims. I say this because, as I see the problem, the projected bill can only be implementary of the Congressional intention expressed in Public Law 626. Consequently, if there is sufficient evidence to warrant the Congress to say that the property in these two categories of claims is the heirless property of persecutees, the same evidence should be sufficient to induce the Office of Alien Property to hold that the property is such property.

I recognize that the Congress has plenary authority to declare that the property in question is the kind of property which should be turned over to the JRSO. But that would be a radical departure from the original intention of Public Law 626, which is to turn over to the qualifying Successor Organizations property which was, in fact, heirless property of persecutees.

341865

I think there should be little question about category 7 claims which you describe as claims where "the JRSO may be successor under Public Law 626." The chief problem relates to category 8 claims, with respect to which it is said that "there is no information concerning the vestee or his heirs." I believe that absence of evidence on these claims, the failure of anyone to have made an inquiry about his property is, in claims of this type, proof which is entitled to be given considerable weight. If we assume that the property is that of persecutees, it may further be assumed that it is the property of heirless persecutees for if the persecutees had heirs they would have filed claims to the property under the 1946 Amendment to the Trading with the Enemy Act.

The crucial question is whether the property is that of persecutees. I am advised that the JRSO filed claims to property formerly owned by persons whose surnames are commonly used by Jews. While there is no invariable connection between a specific surname and his racial strain or religious affiliation, it is entitled to be given some weight. And coupled with the fact that no inquiries have been made about the property in question, it is, in my judgment ample evidence to warrant the finding that the property is the property of heirless persecutees.

Because the colossal human tragedy resulting in the mass genocide practiced by the Nazi regime is in itself unprecedented in modern times, there are necessarily practically no precedents in law for the disposition of the type of problem presented by the JRSO claims. Nevertheless, our own history shows that when the National Origin Immigration Law was enacted in 1924, the Congress relied on the surnames of persons reported in the 1790 census in order to determine the number of persons who were of "colonial stock" (Statement by the Hon. Herbert Brownell, Jr., Attorney General of the U.S., delivered before the Subcommittee on Immigration

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of the Committee of the Judiciary, U.S. Senate, Friday, April 13, 1956, page 16). It seems to me that if the Congress of the United States can accept the surnames of individuals as a guide to their national strain, the Office of Alien Property can accept surnames, commonly used by Jews, as proof that the persons who bore those names were Jewish. This is especially true of the cases under consideration in which negative evidence (failure to make an inquiry) is of evidentiary value.

There is, admittedly, an element of risk in the administrative determination that the property in category 8 cases is heirless property of persecutees. However, I wonder whether that risk would be eliminated by enacting additional legislation declaring that the property is the heirless property of persecutees. In my opinion, legislation would only serve to shift the burden from your agency which under Public Law 626 has the responsibility of making the determination, to Congress whose function is to lay down general principles but not to make determinations of fact.

I would, finally, draw your attention to the fact that under Public Law 626, the JRSO would be required to surrender to the persons lawfully entitled thereto, property which it received under the Law, within two years after the date of acquisition. This is a substantial safeguard that persons having priority to the property will not be deprived of their rights by virtue of the present turnover to the JRSO.

I believe that to reach a just solution of the very difficult problem presented by the implementation of PL 626, it is essential that the problem of implementation be approached with due consideration to the uniqueness of the claims involved. Justice, in my judgment, will be defeated if there is an insistence upon a strict legalistic approach to the problem and if the JRSO is, as claimants are in the orthodox lawsuit, required to prove by a preponderance of affirmative evidence that the property in question is both the property of Jewish persecutees and heirless.

I trust that you may find it possible to agree, basically, with the views expressed above. Please let me hear from you at your earliest convenience.

Sincerely,

Everett McKinley Dirksen

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Y

UNITED STATES SENATE
Committee on Appropriations

February 10, 1956

Mr. Randolph Bohrer
Attorney at Law
135 South La Salle Street
Chicago, Illinois

Dear Randy:

It has taken a little while to run down that amendment drafted by Seymour Rubin to effectuate a lump sum allocation out of heirless refugee accounts to the account of an organization designated by the President as empowered to receive such funds for refugee and related purposes.

Paul Myron, Deputy Administrator of the Alien Property Office has devoted a good deal of time to it and has also talked with Rubin. If the bill were introduced, the Alien Property Office would definitely send an adverse report on the measure and this, of course, would only offer great difficulty in securing favorable consideration.

What has come out of this, however, as a result of my exploration is that the Office of Alien Property will spend three or four weeks in diligently running down everyone of these individual accounts and facilitate the work that could not well be done by the World Jewish Congress.

I will have another report on this very shortly and it is entirely possible that by administrative methods we can accomplish the same result. While I have no hesitation to introduce such a bill, I would dislike to do it when I know in advance that an adverse report will be rendered, because such adverse reports have a way oftentimes of prejudicing the cause, and this I would not like to see happen.

I believe Mr. Rubin has talked with Paul Myron since I put this in the mill, and insofar as I could tell, he probably agrees with this approach.

Best wishes.

Everett McKinley Dirksen

341869

WORLD JEWISH CONGRESS

CONGRES JUIF MONDIAL • CONGRESO JUDIO MUNDIAL

15 EAST 84TH STREET

NEW YORK 28, N. Y.

ALGIERS
1 rue Mahon

BUENOS AIRES
Corrientes 1979

GENEVA
37 Quai Wilson

JERUSALEM
1 Ben Yehuda Street

LONDON WI
55 New Cavendish St.

MELBOURNE
325 Collins Street

MEXICO CITY
Calle de Cuba 81

MONTEVIDEO
Calle Florida 1418

MONTREAL
493 Sherbrooke St., W.

PARIS VIII
78 Av. des Ch. Elysees

RIO DE JANEIRO
Caixa Postal 2344

ROME
Lungotevere Sanzio 9

SANTIAGO
Tarapaca 868

STOCKHOLM
Grev Magnigatan II

TEL AVIV
Montefiore Street 24

CABLES: WORLDGROSS, NEW YORK

TELEPHONE: TRAFALGAR 9-4500

June 1, 1956

Hon. Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator:

Many thanks for your letter of May 21st.

I did not send Mr. Myron a copy of my letter of May 9th because I thought that it would be more effective if you presented the views expressed in that letter as your own views. Since Mr. Myron seems to have come to the conclusion that the Office of Alien Property requires specific legislative authority to pay the JRSO the value of the category 7 and 8 claims, it will be rather difficult to induce him to abandon this position. Although I have unreserved faith in the legal soundness of my approach to the category 7 and 8 claims, I think it will have a much better chance of acceptance by Mr. Myron and Colonel Townsend if it appeared that you -- and, if possible, the members of your subcommittee -- independently arrived at the conclusions contained in the letter.

In going over the correspondence on this entire matter, I find a copy of your letter to Mr. Bohrer dated February 10. In that letter you indicate that you were waiting for Mr. Myron's analysis of the claims filed by the JRSO and that you thought that after the report had reached you it might be possible to reach administratively the result sought by the bill which you were asked to introduce. As you and I agreed in your office, no additional legislation is necessary to settle the category 7 and 8 claims. These claims, with the proof, both affirmative (surnames commonly used by Jews) and negative (the absence of any inquiry about the property), in support of them, may be settled by the Office of Alien Property administratively, as you envisioned in your letter to Mr. Bohrer. All it takes for the Office of Alien Property to pay these claims is to come to grips with the problem and to understand their unique character, as outlined in my letter of May 9th.

I do not discount the possibility that we may still have to appeal to Congress for help. I am confident that in that event, you will help us in the sponsorship of legislation along the lines which have been discussed by Mr. Rubin and the Office of Alien Property.

341870

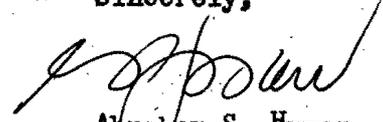
However, before forced to the ordeal of seeking the enactment of a law authorizing the Office of Alien Property to settle the category 7 and 8 claims, we should try to convince that Office that it has the present plenary authority under Public Law 626 to proceed to pay the JRSO the value of the property in these two categories.

In the hope that you will agree with my recommendation as to how we should proceed with this problem short of introducing a new bill, I have prepared a draft of a letter which you might send to Mr. Myron or Colonel Townsend, designed to achieve an administrative settlement of the category 7 and 8 claims.

I shall eagerly await your reply.

With highest esteem, I am

Sincerely,



Abraham S. Hyman
Executive Secretary

ASH:st
enc.

May 9, 1956

Hon. Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator Dirksen:

I appreciate the opportunity you extended me on May 1st to discuss with you the implementation of the heirless property law (PL 626). Knowing how busy you are, I was especially pleased with the amount of time you gave me.

I should like at this time to summarize the views I expressed in the course of our conference.

I regard the information you received from Mr. Myron, Office of Alien Property, very valuable inasmuch as it provides the basic information on which discussions for the settlement of claims of the Jewish Restitution Successor Organization (JRSO) may be predicated. The analysis contained in Mr. Myron's letter discloses two categories of claims which, in my judgment, can be disposed of without further delay. I refer to categories 7 and 8 claims, in the aggregate sum of \$24,608.77 and \$841,325.16, respectively. Mr. Myron concedes that "it appears JRSO may be successor under Public Law 626" in the category 7 cases. With respect to category 8 cases, he says, "there is no information concerning the vestee or his heirs."

Mr. Seymour Rubin of Washington, D. C., who is General Counsel of the Jewish Restitution Successor Organization, has had informal discussions with the Office of Alien Property with respect to the entire problem of the implementation of Public Law 626. From these discussions Mr. Rubin has gained the impression that the Office of Alien Property feels that it is powerless to pay the JRSO the value of the property in the categories 7 and 8 cases unless it receives Congressional authority to do so. In this connection, legislative language along the following line has been discussed:

"The President or such officer as he may designate is authorized and directed to allow claims for return of property or interests presented pursuant to this subsection by a successor organization previously designated by the President, provided that 1) such claims

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have been timely filed by such successor organization; 2) no other claim for the return of the property or interest having prima facie validity is pending; and 3) after such investigation as is feasible prior to July 1, 1956, the President or such officer has not adduced information reasonably showing the ownership by another claimant of such property or interest; and provided that returns under this subsection shall be made not later than December 31, 1956."

In my view, no further legislation is necessary to authorize the Office of Alien Property to settle the category 7 and 8 claims; nor, for that matter, any other claims filed by the JRSO.

The legislative intent of Public Law 626 is clear. It is to turn over to the successor organization to be designated thereunder all the property taken under the Trading with the Enemy Act which belonged to enemy nationals who were persecuted on racial, religious and political grounds and who died heirless. The funds realized from this property are to be used for the relief and resettlement of the victims of Nazi persecution residing in the United States.

I am sure that it is the desire of the Office of Alien Property to cooperate in the implementation of Public Law 626. However, I have the impression that the Office of Alien Property has adopted an approach to the problem of proof presented by the JRSO claims which does not take into full account the very nature of the claims. Nothing about these claims is more fundamental than the fact that the claims relate to property which belonged to persons who, together with every member of their families, perished. Along with their annihilation, every vestige of proof of ownership disappeared. Moreover, so thorough were the Nazis in exterminating the Jews that the communal records of the communities in which the Jews lived were also destroyed. In view of these circumstances, more fully set forth in Mr. Rubin's memoranda, attached hereto, it is virtually impossible for the JRSO to present the type of proof in support of its claims which living claimants can produce in support of their claims being adjudicated by the Office of Alien Property. For the Office of Alien Property to require the JRSO to submit the kind and quantity of proof required in the ordinary type of claim is to frustrate, albeit unwittingly, the clear legislative intention of Public Law 626.

I assume that the Office of Alien Property should have no objection to paying the JRSO the value of the property in the category 7 claims. The real question relates to the property in the category 8 cases. To repeat, these are the cases with respect to which Mr. Myron asserts "There is no information concerning the vestee or his heirs." While this may be literally true, I would submit that it constitutes no obstacle to an administrative determination that the property is that of persecutees who died heirless. If the property is that of persecutees, then the fact that no heirs have asserted any claim to, or made any inquiries concerning, the property is, in

fact, strong proof that the owner of the property died heirless. This follows from the fact that since 1946, we have had on our statutes an amendment to the Trading with the Enemy Act which authorizes the return to persecutees or their heirs of property taken under that Act. Knowing of the wide dissemination of information concerning property restitution among those who might benefit by laws providing such restitution, I think it is safe to assume that if there were any heirs who might lawfully claim property in the category 8 cases, they would during the past ten years, have asserted their claims. Consequently, there is no doubt in my mind that if the property in the category 8 cases is the property of a persecutee, either the original owner or the surviving heirs would, by this time, have communicated with the Office of Alien Property with respect to the property in question.

The crucial problem is whether the property is that of persecutees. In my opinion, there is sufficient evidence that this property belongs to persecutees. What the JRSO did in asserting title to this property, is to lay claim to the property owned by persons whose surnames are common among Jews. While this is not an infallible guide, it does provide a measure of proof which an administrative agency, adjudicating these claims, may, with a minimum of risk, respect. This is especially true in the matter under consideration since the Office of Alien Property has in its analysis of all of the claims filed by the JRSO removed from any present serious consideration those claims in which there is some evidence that the property involved is not that of persecutees who died heirless. I refer to the property in categories 1 - 6, both inclusive, listed in Mr. Myron's letter.

Because the colossal human tragedy resulting in the mass genocide practiced by the Nazi regime is in itself unprecedented in modern times, there are necessarily practically no precedents in law for the disposition of the type of problem confronting us. Nevertheless, our own history shows that when the National Origin Immigration Law was enacted in 1924, the Congress relied on the surnames of persons reported in the 1790 census in order to determine the number of persons who were of "colonial stock" (Statement by the Hon. Herbert Brownell, Jr., Attorney General of the U. S., delivered before the Sub-Committee on Immigration of the Committee of the Judiciary, U. S. Senate, Friday, April 13, 1956, page 16.) If the Congress of the United States can accept the surnames of individuals as a guide to their national strain, the Office of Alien Property can accept surnames, commonly used by Jews, as proof that the persons who bore those names were Jewish. This is especially true of the cases under consideration in which negative evidence (failure to make an inquiry) is of evidentiary value. The fact that the owners of the property in category 8 cases made no inquiry, warrants some presumption that the owners are dead and the fact that they are dead tragically warrants the presumption that they were Jewish.

There is one other precedent which I believe is relevant. The JRSO which was appointed by the President of the United States to acquire

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the heirless property in the U. S. Zone of Germany, pursuant to U. S. Military Government Law 59, was confronted with the identical problem in Germany. It, too, laid claim to property owned by persons who bore Jewish surnames. After eliminating from the claims filed the type of claims embraced by categories 1-6, there remained a residuum of claims similar to categories 7 and 8. It is a fact that the German Laender made bulk settlements with the JRSO on the basis of the value of the property in such residual claims.

In any event, Senator, I personally cannot see how additional legislation can help in the solution of the problem. I was pleased to find you in agreement with this point of view. Of course, the Congress can by fiat declare that the property in category 7 and 8 claims shall be turned over to the JRSO. (This, of course, would be a departure from the theory of Public Law 626.)

However, the Congress cannot, by law, say that the property is heirless property of persecutees if, in fact, the property does not answer that description. I believe that as between the Congress and the Office of Alien Property, clearly the latter is in a much better position than the former to make the determination that the property in question is the heirless property of persecutees. If the property is the heirless property of persecutees, no legislation is necessary to make it so; if it is not such property, legislation cannot make it so.

Obviously, there is an element of risk in the administrative determination that the property in category 8 cases is heirless property of persecutees. However, that risk would not be eliminated by enacting additional legislation declaring that the property is the heirless property of persecutees. Legislation would only serve to shift the burden from an administrative agency which under Public Law 626 has the responsibility of making the determination, to Congress whose function, as I understand, it is to lay down general principles but not to make determinations of fact.

I would, finally, draw your attention to the fact that under Public Law 626, the JRSO would be required to surrender to the persons lawfully entitled thereto, property which it received under the Law, within two years after the date of acquisition. This is a substantial safeguard that persons having priority to the property will not be deprived of their rights by virtue of the present turnover to the JRSO.

To reach a just solution of the very difficult problem presented by the implementation of PL 626, it is essential that the agency charged with the responsibility of implementing it, approach the problem of implementation with due consideration to the uniqueness of the claims involved. Justice, in my judgment, will be defeated if there is an insistence upon a strict legalistic approach to the problem and if the JRSO is, as claimants are in the orthodox lawsuit, required to prove by a preponderance of affirmative evidence that the property in question is both the property of Jewish persecutees and heirless.

I know, Senator, that you, who have done so much to bring about PL 626, share my hope that the law may be implemented with the minimum of delay so that the proceeds may be put at the disposal of persons who are in great need.

Inasmuch as you indicated your general agreement with my basic approach towards categories 7 and 8 claims, we might make substantial progress in the settlement of these claims if you would convey your views to the Office of Alien Property. It would of course be even more helpful if you were in a position to advise the Office of Alien Property that the views which you express are shared by the members of your Subcommittee. I feel that encouraged by an opinion coming from a source as high as yourself and the members of your Subcommittee, the Office of Alien Property might conclude that it needs no additional legislative authority to proceed with the settlement of the categories 7 and 8 claims.

I would greatly appreciate hearing from you on this matter at your first opportunity.

Sincerely,

ASH:st

Abraham S. Hyman
Executive Secretary

- Enclosures: 1) Copy of letter of March 27, 1956 from Paul V. Myron to the Hon. Everett M. Dirksen
- 2) "Memorandum Explanatory of Attached Bill" by Seymour Rubin
- 3) Statement of Seymour J. Rubin before the Subcommittee on the Trading With the Enemy Act of the Senate Committee on the Judiciary

341876

May 9, 1956

Hon. Everett M. Dirksen
United States Senate
Washington, D. C.

Dear Senator Dirksen:

I appreciate the opportunity you extended me on May 1st to discuss with you the implementation of the heirless property law (PL 626). Knowing how busy you are, I was especially pleased with the amount of time you gave me.

I should like at this time to summarize the views I expressed in the course of our conference.

I regard the information you received from Mr. Myren, Office of Alien Property, very valuable inasmuch as it provides the basic information on which discussions for the settlement of claims of the Jewish Restitution Successor Organization (JRSO) may be predicated. The analysis contained in Mr. Myren's letter discloses two categories of claims which, in my judgment, can be disposed of without further delay. I refer to categories 7 and 8 claims, in the aggregate sum of \$24,608.77 and \$641,325.16, respectively. Mr. Myren concedes that "it appears JRSO may be successor under Public Law 626" in the category 7 cases. With respect to category 8 cases, he says, "there is no information concerning the vatee or his heirs."

Mr. Seymour Rubin of Washington, D. C., who is General Counsel of the Jewish Restitution Successor Organization, has had informal discussions with the Office of Alien Property with respect to the entire problem of the implementation of Public Law 626. From these discussions Mr. Rubin has gained the impression that the Office of Alien Property feels that it is powerless to pay the JRSO the value of the property in the categories 7 and 8 cases unless it receives Congressional authority to do so. In this connection, legislative language along the following line has been discussed:

"The President or such officer as he may designate is authorized and directed to allow claims for return of property or interests presented pursuant to this subsection by a successor organization previously designated by the President, provided that 1) such claims

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have been timely filed by such successor organization; 2) no other claim for the return of the property or interest having prima facie validity is pending; and 3) after such investigation as is feasible prior to July 1, 1956, the President or such officer has not ad-duced information reasonably showing the ownership by another claimant of such property or interest; and provided that returns under this subsection shall be made not later than December 31, 1956."

In my view, no further legislation is necessary to authorize the Office of Alien Property to settle the category 7 and 8 claims; nor, for that matter, any other claims filed by the JRSO.

The legislative intent of Public Law 626 is clear. It is to turn over to the successor organization to be designated thereunder all the property taken under the Trading with the Enemy Act which belonged to enemy nationals who were persecuted on racial, religious and political grounds and who died heirless. The funds realized from this property are to be used for the relief and resettlement of the victims of Nazi persecution residing in the United States.

I am sure that it is the desire of the Office of Alien Property to cooperate in the implementation of Public Law 626. However, I have the impression that the Office of Alien Property has adopted an approach to the problem of proof presented by the JRSO claims which does not take into full account the very nature of the claims. Nothing about these claims is more fundamental than the fact that the claims relate to property which belonged to persons who, together with every member of their families, perished. Along with their annihilation, every vestige of proof of ownership disappeared. Moreover, so thorough were the Nazis in exterminating the Jews that the communal records of the communities in which the Jews lived were also destroyed. In view of these circumstances, more fully set forth in Mr. Rubin's memoranda, attached hereto, it is virtually impossible for the JRSO to present the type of proof in support of its claims which living claimants can produce in support of their claims being adjudicated by the Office of Alien Property. For the Office of Alien Property to require the JRSO to submit the kind and quantity of proof required in the ordinary type of claim is to frustrate, albeit unwittingly, the clear legislative intention of Public Law 626.

I assume that the Office of Alien Property should have no objection to paying the JRSO the value of the property in the category 7 claims. The real question relates to the property in the category 8 cases. To repeat, these are the cases with respect to which Mr. Myron asserts "there is no information concerning the vestee or his heirs." While this may be literally true, I would submit that it constitutes no obstacle to an administrative determination that the property is that of persecutees who died heirless. If the property is that of persecutees, then the fact that no heirs have asserted any claim to, or made any inquiries concerning, the property is, in

fact, strong proof that the owner of the property died heirless. This follows from the fact that since 1948, we have had on our statutes an amendment to the Trading with the Enemy Act which authorizes the return to persecutees or their heirs of property taken under that Act. Knowing of the wide dissemination of information concerning property restitution among those who might benefit by laws providing such restitution, I think it is safe to assume that if there were any heirs who might lawfully claim property in the category 8 cases, they would during the past ten years, have asserted their claims. Consequently, there is no doubt in my mind that if the property in the category 8 cases is the property of a persecutee, either the original owner or the surviving heirs would, by this time, have communicated with the Office of Alien Property with respect to the property in question.

The crucial problem is whether the property is that of persecutees. In my opinion, there is sufficient evidence that this property belongs to persecutees. What the JBSO did in asserting title to this property, is to lay claim to the property owned by persons whose surnames are common among Jews. While this is not an infallible guide, it does provide a measure of proof which an administrative agency, adjudicating these claims, may, with a minimum of risk, respect. This is especially true in the matter under consideration since the Office of Alien Property has in its analysis of all of the claims filed by the JBSO removed from any present serious consideration those claims in which there is some evidence that the property involved is not that of persecutees who died heirless. I refer to the property in categories 1 - 6, both inclusive, listed in Mr. Myron's letter.

Because the colossal human tragedy resulting in the mass genocide practiced by the Nazi regime is in itself unprecedented in modern times, there are necessarily practically no precedents in law for the disposition of the type of problem confronting us. Nevertheless, our own history shows that when the National Origin Immigration Law was enacted in 1924, the Congress relied on the surnames of persons reported in the 1790 census in order to determine the number of persons who were of "colonial stock" (Statement by the Hon. Herbert Brownell, Jr., Attorney General of the U. S., delivered before the Sub-Committee on Immigration of the Committee of the Judiciary, U. S. Senate, Friday, April 13, 1956, page 16.) If the Congress of the United States can accept the surnames of individuals as a guide to their national strain, the Office of Alien Property can accept surnames, commonly used by Jews, as proof that the persons who bore these names were Jewish. This is especially true of the cases under consideration in which negative evidence (failure to make an inquiry) is of evidentiary value. The fact that the owners of the property in category 8 cases made no inquiry, warrants some presumption that the owners are dead and the fact that they are dead tragically warrants the presumption that they were Jewish.

There is one other precedent which I believe is relevant. The JBSO which was appointed by the President of the United States to acquire

the heirless property in the U. S. Zone of Germany, pursuant to U. S. Military Government Law 59, was confronted with the identical problem in Germany. It, too, laid claim to property owned by persons who bore Jewish surnames. After eliminating from the claims filed the type of claims embraced by categories 1-6, there remained a residuum of claims similar to categories 7 and 8. It is a fact that the German Landser made bulk settlements with the JRSO on the basis of the value of the property in such residual claims.

In any event, Senator, I personally cannot see how additional legislation can help in the solution of the problem. I was pleased to find you in agreement with this point of view. Of course, the Congress can by fiat declare that the property in category 7 and 8 claims shall be turned over to the JRSO. (This, of course, would be a departure from the theory of Public Law 626.) However, the Congress cannot, by law, say that the property is heirless property of persecutees if, in fact, the property does not answer that description. I believe that as between the Congress and the Office of Alien Property, clearly the latter is in a much better position than the former to make the determination that the property in question is the heirless property of persecutees. If the property is the heirless property of persecutees, no legislation is necessary to make it so; if it is not such property, legislation cannot make it so.

Obviously, there is an element of risk in the administrative determination that the property in category 8 cases is heirless property of persecutees. However, that risk would not be eliminated by enacting additional legislation declaring that the property is the heirless property of persecutees. Legislation would only serve to shift the burden from an administrative agency which under Public Law 626 has the responsibility of making the determination, to Congress whose function, as I understand, it is to lay down general principles but not to make determinations of fact.

I would, finally, draw your attention to the fact that under Public Law 626, the JRSO would be required to surrender to the persons lawfully entitled thereto, property which it received under the Law, within two years after the date of acquisition. This is a substantial safeguard that persons having priority to the property will not be deprived of their rights by virtue of the present turnover to the JRSO.

To reach a just solution of the very difficult problem presented by the implementation of PL 626, it is essential that the agency charged with the responsibility of implementing it, approach the problem of implementation with due consideration to the uniqueness of the claims involved. Justice, in my judgment, will be defeated if there is an insistence upon a strict legalistic approach to the problem and if the JRSO is, as claimants are in the orthodox lawsuit, required to prove by a preponderance of affirmative evidence that the property in question is both the property of Jewish persecutees and heirless.

I know, Senator, that you, who have done so much to bring about PL 626, share my hope that the law may be implemented with the minimum of delay so that the proceeds may be put at the disposal of persons who are in great need.

I believe that if you and the members of your Subcommittee conveyed to the Office of Alien Property that it is your opinion that the Office of Alien Property has the authority to settle the category 7 and 8 claims without additional legislation, it might be persuasive with the Office of Alien Property and achieve an early and just solution of the problem.

I would greatly appreciate hearing from you on this matter at your first opportunity.

Sincerely,

ASH:st

Abraham S. Hyman
Executive Secretary

- Enclosures: 1) Copy of letter of March 27, 1956 from Paul V. Myron to the Hon. Everett M. Dirksen
- 2) "Memorandum Explanatory of Attached Bill" by Seymour Rubin
- 3) Statement of Seymour J. Rubin before the Subcommittee on the Trading With the Enemy Act of the Senate Committee on the Judiciary

341881

SUMMARY STATEMENT CONCERNING HEIRLESS PROPERTY CLAIMS
UNDER PUBLIC LAW 626

The attached bill proposes an amendment to the Trading with the Enemy Act, as amended, which is necessary to attain the objectives established as United States policy by Public Law 626, 83rd Congress, 2nd Session. It provides authority for a swift bulk settlement of claims relating to the property in the United States of persecutees under Hitler who perished without heirs.

The property in the United States of enemy nationals is generally vested under the Trading with the Enemy Act. The Congress has long recognized, however, and has made legislative provision, that persons who were persecuted for religious, racial or political reasons were a special category, and were entitled to return of their property.

This principle, however, could not be applied to "heirless or unclaimed" property. That property belonged to persecutees - but they and their known relatives perished in the holocaust that engulfed six million Jews during the years of Hitler's power.

The United States did not want to retain this property. It felt that the victims would have wanted it - or its proceeds - to be used for the relief of needy survivors of persecution. In Public Law 626, 83rd Congress, 2nd Session, the Congress thus set up a procedure under which a successor organization, designated by the President of the United States, could claim this heirless property. Under stringent safeguards - including the assurance that all of the proceeds, without deduction of administrative expense, would go to the victims - this organization was to claim, liquidate and distribute the property for charitable use. The Jewish Restitution Successor Organization (JRSO), a New York membership corporation, was designated by President Eisenhower in January 1955.

The JRSO has now filed almost 7,000 claims to property. Of these claims, some 4,558 involve cases in which there is no conflicting claim of any sort. The amounts in these claims vary enormously - from a few dollars to upwards of a hundred thousand dollars. Ascertainment of basic facts about them is an almost insuperable task. Addresses are missing. Where addresses are known, the original owners and all of their relatives have often vanished during the nightmare of persecution. Even using the best available records - those of such organizations as the International Tracing Service, for example - basic data cannot be found, or is incomplete.

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This situation poses a basic problem: how is the will of Congress to be carried out, and the proceeds of heirless property in the United States used for the intended relief purposes in the United States? It is clear that, without a new approach, the claims of the JRSO will take years to process, and will impose an intolerable burden on both the government and this charitable organization.

A bulk settlement of these claims, based on the best available statistical data, is the only answer. The attached bill provides for such a bulk settlement.

The bulk settlement principle has been explored with the Administration. It is agreed that it would save endless time and effort. The techniques used in the statistical appraisal have been worked out, and checked step-by-step, with the Administration, though the actual estimates are of course the responsibility of the JRSO. A floor of \$2 million and a ceiling of \$3 million (as already provided in P.L. 626) are contained in the proposed bill.

Heirless property use for relief purposes has always enjoyed strong bipartisan support. (Bills on heirless property have been submitted by Senators Taft, McGrath, O'Connor, Dirksen, Hennings and Langer, and by Representatives Crosser and Wolverton). Bulk settlements have, in Germany, been strongly supported by the United States and have proved an effective technique for ensuring maximum use of funds for charity. The attached bill fits within these principles. It is urged as necessary to carry out the intent of the Congress as expressed in Public Law 626 - that the property in the United States left by victims of persecution who died without heirs be used, as quickly as possible, for the relief of those who survived, but are now impoverished, ill, and in want.

MEMORANDUM EXPLANATORY OF ATTACHED BILL

To amend the Trading with the Enemy Act, as amended, so as to allow bulk settlement of certain claims by successor organizations to heirless or unclaimed property.

The attached bill proposes an amendment to the Trading with the Enemy Act, which is necessary to attain the objectives established as United States policy by Public Law 626, 83d Congress, 2d Session. It provides authority for a swift bulk settlement of claims relating to the property in the United States of persecutees under Hitler who perished without heirs.

Public Law 626, which is now found as Subsection (h) of Section 32 of the Trading With the Enemy Act, put into effect as internal United States legislation a policy which the United States had long followed in its international relations. That policy was that heirless property which belonged to persons who had been persecuted by the Nazis in Germany or in occupied Europe for political, racial or religious reasons should be utilized for the benefit of the surviving members of that class of persecutee to which the deceased owner had belonged.

During the Nazi regime in Europe, some 6 million Jews perished. Their property, as well as the property of those who managed to survive the Nazi holocaust, had been confiscated in one form or another by the Nazi authorities. One of the first acts of the Allied forces in Europe was to rescind the old Nazi laws and to put into effect restitution procedures which would restore their properties to those persons who survived or to their legitimate heirs. Military Government Law 59 in the American zone of Germany was an early example of the implementation of this policy. It served as the model for other similar laws in the other Western zones of Germany. Moreover, its principles have been continued, and to a certain extent expanded, in connection with the Contractual Agreement which forms one of the constitutional documents for the Bonn Government.

It was obvious from the outset, however, that vast amounts of property, which had been taken mainly from the Jews, but also from various other categories of persecutees, could never be recovered by individual claimants. The reason was that these individual claimants had perished in Buchenwald and Bergen-Belsen and the other concentration camps erected by the Nazi regime. Moreover, the Nazi policy of extermination was so thorough that vast amounts of property would be unclaimed even by heirs, since whole families had been wiped out. Military Government Law 59 therefore provided a mechanism by which this heirless property could be claimed and collected by a charitable organization under procedures which ensured that the proceeds of this property would be used for a

fundamental objective of the Allied nations -- the relief and rehabilitation of those who had formerly been persecuted.

The organization which was designated by General Clay under Military Government Law 59 to collect the Jewish heirless properties was a New York charitable membership corporation known as the Jewish Restitution Successor Organization (J.R.S.O.). This organization was founded by a cooperating group of well-established and responsible Jewish organizations in the United States. It had as its objective the filing and the processing of claims for Jewish heirless property. It was accredited to the American occupation forces, was recognized as performing a task which was basic to the Allied occupation of Germany, and cooperated closely -- as it still does today -- with the American authorities in Germany.

It was logical, therefore, that the Congress of the United States should take cognizance of the similar, though much smaller, problem of heirless property here in the United States. Immediately after the war, the Congress had unanimously passed legislation amending the Trading With the Enemy Act and providing that political, racial or religious persecutees could obtain return of their property which had been vested here in the United States by the Alien Property Custodian, even though they were technically "enemy". (In most cases, of course, these persons were in fact stateless.) An individual who was fortunate enough to survive the Nazi regime, and who had been persecuted, could therefore apply to the Alien Property Custodian for return of his property and get that property back. But a substantial number of persons who would have been eligible claimants, and who had property in the United States, had perished, together with their entire families, in Nazi Germany or in the Balkan satellites. It seemed logical, therefore, that the action which had been taken by the United States -- and by the other Allied authorities -- in Germany in regard to heirless property should serve as the model for action with respect to heirless property here in the United States. Legislation incorporating this proposal was put forward in several successive Congresses, always on a bipartisan basis and with the support of such distinguished Senators as Senators Taft, McGrath and O'Connor. It should be noted that this legislation was first introduced in 1948, three years after the end of World War II. It was the conviction of the distinguished sponsors of this legislation seven years ago that this matter must be handled with dispatch in the interest of the surviving victims of Nazi persecution.

In the 83rd Congress, a bill to this effect was sponsored by Senators Hennings, Dirksen and Langer, and that bill became Public Law 626. It established the principle that heirless property found in the United States should be used, under strict standards laid down in the legislation, for relief and rehabilitation of the surviving category of persecutees. It is indicative that the legislation provides that no portion of the funds to be made available to a successor organization under Public Law 626 is to be used for administrative or legal expenses. Reports are to be made to the Congress and every safeguard is present to ensure that the totality of the funds will be used within the United States for the relief of deserving, needy persons.

The legislation required the designation of a successor organization which would be charged with the quasi-public duty of carrying out its provisions. In January of 1955, President Eisenhower issued an Executive Order designating the Jewish Restitution Successor Organization as the successor organization under Public Law 626. Since that time, the Jewish Restitution Successor Organization has been engaged in the monumental task of attempting to ascertain the nature and extent of the heirless property in the United States, to file claims within the time limit provided in the law and to devising a method in cooperation with the Office of Alien Property of the Department of Justice for the expeditious and speedy processing of these claims.

The Jewish Restitution Successor Organization was faced with the fact that no one -- no private individual and no Government office -- had any lists, records, or organized sources of information available which would indicate which were the properties or interests which, under the law, the Jewish Restitution Successor Organization was entitled and in duty bound to claim. Procedures therefore had to be devised. On request, the Office of Alien Property provided a list to the Jewish Restitution Successor Organization. This list contained the names found in all of the vesting orders issued -- some 44,000 of them -- by the Office of Alien Property during the years of its existence since World War II. Experts then carefully examined these lists and, from their knowledge of European communities and nomenclature, and in some cases from direct knowledge, put together another list containing those names which were distinctively Jewish. This acknowledgedly rough material was then subjected to the series of refining processes. First, the Office of Alien Property went through the lists and checked off those names as to which title claims -- that is, claims for return of the property -- already existed. Quite clearly, except in those cases in which the claim might be disallowed, these names did not represent assets to

which the Jewish Restitution Successor Organization could properly lay claim, since it can, in any case, ask for the return to it only of unclaimed property. The Jewish Restitution Successor Organization then filed, as putative successor under Public Law 626, thousands of claims, which in general -- though not entirely -- reflected those names as to which no conflicting title claim was pending. This was a monumental task, which had to be completed by mid-August, 1955.

Subsequent to the filing of these claims, the Jewish Restitution Successor Organization again engaged upon a refining process. It undertook to re-examine and analyze its lists, in order to withdraw all of those claims which appear to be not well-founded. In this process, some thousands of claims have been withdrawn.

There are now on record and docketed with the Office of Alien Property some 6,899 Jewish Restitution Successor Organization claims. Of these, there is no conflicting claim in 4,558 cases, and there is an adverse title or debt claim in 2,341 cases. It should be pointed out that for present purposes it has been necessary to lump together adverse title and debt claims, so that it may be presumed that even in the latter category of cases some values will accrue to the Jewish Restitution Successor Organization, assuming, as seems reasonable, that debts against vested assets do not in all cases come to 100 percent of the value of those assets.

The above recital is, we believe, sufficient to indicate the absolute necessity of legislation which would permit and direct the Office of Alien Property to work out a bulk settlement of these claims with the Jewish Restitution Successor Organization. In the absence of a bulk settlement, the J.R.S.O.-- which by statute is prohibited from debiting any of these funds to its administrative expenses -- would have to process at least 4,500 individual claims. The ordinary claimant has difficulty enough in assembling proofs and evidence. And he, it will be remembered, knows what property he is claiming, what his proofs are, where the property was located in the United States, what bank held his deposit, etc. In almost no case is the Jewish Restitution Successor Organization in possession of this kind of basic information at the outset.

Ascertaining the facts and assembling the proofs in thousands and thousands of cases, where by definition the original owners and their entire families are dead and vanished, their records generally burnt or destroyed, is an administrative and practical task of such magnitude as to stagger the imagination.

It is so great a task, in fact, that it seriously jeopardizes the clear objective which the Congress sought in enacting Public Law 626 -- the provision of heirless funds, speedily and without deduction of any kind, for the relief of surviving, needy persecutees now in the United States. It is certain that the sponsoring Senators and the Congress did not anticipate the enormity of this Administrative task when Public Law 626 was enacted.

Moreover, the processing of this vast number of claims would throw an intolerable burden not merely on the Jewish Restitution Successor Organization, but also on the Office of Alien Property. Even on the basis of the Office of Alien Property's present workload, which includes approximately 7,000 pending title claims apart from those filed by the J.R.S.O., it would be years before it could process the J.R.S.O. claims. Should legislation be passed by the next session of Congress which provides for a program of partial or other returns to former enemy owners, the burden on the Office of Alien Property will be increased. Under these circumstances, if the purposes of Public Law 626 are to be attained, a bulk settlement of the J.R.S.O. claims is a necessary amendment to the Trading With the Enemy Act.

There is ample precedent in heirless property matters, for bulk settlements. Bulk settlements have in fact been worked out by the J.R.S.O. with the various German laender -- that is, German states -- in the American zone of Germany and in Berlin. These bulk settlements have had the enthusiastic endorsement and support of the United States Government, of the Bonn and laender governments, and of all interested in achieving relief and not in shuffling papers. They provide a method for cutting through what would otherwise be years of expensive processing of thousands of individual claims.

A bulk settlement, of course, must be worked out on the basis of estimates. Estimates, however, are infinitely to be preferred to a long drawn out and highly expensive procedure which can result only in the building up of enormous administrative expenses which would have to be borne by the charitable funds-- not to neglect the appropriation of substantial amounts which would have to be provided to the Office of Alien Property so that it could process these thousands of individual claims.

The J.R.S.O. has therefore worked out step-by-step procedures which will minimize the risk of error in the preparation of the necessary estimates upon which a bulk settlement can be based. It has discussed these plans with officials of the Executive and Legislative Branches in order to make them as careful and the results as accurate as possible.

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A very careful winnowing of the claims on file before the Office of Alien Property, discloses that there are 4,558 of what may be called clear claims-- that is, claims as to which there is neither an adverse title claim nor any debt claim pending. In addition, one must, of course, reckon with the 2,341 claims of the Jewish Restitution Successor Organization where there is some adverse title or debt claim; and one must also take into account the possibility that the so-called omnibus accounts of Swiss or other banking institutions may contain substantial amounts of heirless property.

The J.R.S.O. does not assume that all of the claims on file by it represent heirless property. Clearly, if the property covered by these claims was Jewish, and if there is no adverse claim, the property is heirless and unclaimed. Persecutees or their heirs have had the right since 1946 to file individual claims for the return of their property. If they have not done so, the presumption is inescapable that the property is heirless--a presumption recognized, in fact, in Public Law 626. In this connection, it may be pointed out that Public Law 626 provides that individuals who in fact have survived or heirs of such individuals, and who are eligible claimants under the present provisions of the Trading With the Enemy Act, may within a period of two years apply to the successor organization and obtain return of their assets if the successor organization has claimed those assets on the assumption that they are deceased.

The basic problem which confronts both the Government and the J.R.S.O. is to find out how many of the claims thus on file represent persecutee property. In order to do this, the J.R.S.O. has taken an entirely random sampling of the claims. This sampling was made entirely on the basis of the chance occurrence of addresses in the material made available to the J.R.S.O. by the Office of Alien Property. In other words, if the J.R.S.O. had the address of the putative persecutee in such a way as to make investigation possible, that name was included on a list, and the list was sent to Germany for investigation. The investigators were instructed to look at birth records, land records, the church or Jewish community records, the records of the International Tracing Service -- anything which would indicate whether the person in whose name the claim had been filed by the J.R.S.O. as successor was or was not a persecutee, was or was not alive, did or did not have heirs, etc.

The intensive work which has already been done in this connection has served to dramatize the difficulties which the J.R.S.O. and the Government face in determining the facts. The tremendous disruption which occurred in Germany as a result of many factors is the basic cause for these difficulties. In the

case of persecutees, people were, of course, shifted from one part of Germany to another and ultimately to concentration camps. Persecutees were deported, sent to work in some cases in concentration camps or elsewhere, and records were extensively destroyed by bombardment and by damage resulting from the war. In many cases, all of the birth records or other public records of entire cities were completely destroyed during the course of the war. The investigation has therefore disclosed that in a great many cities the names and addresses of people whose assets were vested by the Office of Alien Property, and whose addresses as given in the vesting orders were the last known addresses in Germany, have completely disappeared so far as any present search can indicate. It is clear, of course, that a great proportion of those who have disappeared entirely were persecutees, since the normal German resident, or members of his family, will have reappeared in some of the current records of the German city in which such residents previously lived. Attention is invited to the fact that only 3% of the pre-Hitler Jewish population of Germany still reside there today. The task of tracing from presently available records -- whether those are the old records as they have survived or new records created since the war -- thousands of probable persecutees is one of such enormous complexity and presents difficulties of such magnitude as to be almost insuperable. Particularly in the case of those persons who appear to be Jewish, these records are in many cases entirely missing. In addition, it will be recalled that Public Law 626 provides for utilization of all vested assets of persecutees for the charitable purposes of the law, and that this includes assets of persons in such countries as Rumania, Bulgaria and Hungary. In the case of those countries, the Nazi destruction of the Jewish population was tremendous; but under present circumstances the existence of the iron curtain makes it impossible to do any checking whatsoever.

Under the best of circumstances, the tracing of thousands of names would present administrative difficulties of the highest order. Under these special circumstances, the task is, as was said, almost insuperable. Making the best estimate which can be made on the basis of these eminently unsatisfactory and difficult data, it is felt that at least 50 percent of the claims which have been filed by the J.R.S.O. with the Office of Alien Property do conservatively represent legitimate heirless property claims. This estimate is based on ability of the J.R.S.O. in some cases actually to establish the fact that persons were Jewish; inability to find any existing record of such persons in circumstances which indicate that the Jewish population of a particular city was deported and the records destroyed; and all other data, such as checking of the

records of the International Tracing Service, which are admittedly incomplete but which might cast some light on the situation.

It is therefore estimated that 50 percent of these claims do represent property to which under Public Law 626 the J.R.S.O. is entitled. Thus the problem arises of determining what the average value of the J.R.S.O. claims is.

Some statistical material which has been prepared on three separate occasions and by two separate sets of people is of significance in this connection.

In 1950 -- before passage of Public Law 626 -- an analysis was done in New York from vesting orders which at that time were available in the New York office of the Office of Alien Property.

Closely examined were 155 vesting orders, against which no title claims were pending. Thirty of these orders covered properties which are part of estates. These cases had an average value of \$3,000 with a high of \$14,000 and a low of \$100. The majority of the J.R.S.O. claims have been filed for assets in this category. The balance of 125 vesting orders covered a variety of assets not pertaining to estates, which were found to have an average value of \$2,700 per order.

Independently from the aforementioned survey -- but utilizing information on individual case values prepared at that time -- 177 claims filed by the J.R.S.O. were recently analyzed. These were all claims filed by the J.R.S.O. under Public Law 626 on which -- as a result of the work done in 1950 -- value figures were available. In these cases, a total value was found of \$202,014.06. This came to an average value per claim of \$1,141.32.

The Office of Alien Property itself checked the first forty J.R.S.O. claims in which the case files were sufficiently complete to permit analysis. The average value per claim was over \$3,000. This limited Office of Alien Property sampling includes one property of over \$120,000, which lifts what may be called--without suggesting that it has been adopted by the Government -- the Office of Alien Property average. But in any case it appears safe to assume that the value of the average J.R.S.O. claim is over \$1,000.

At least 50 percent of the 4,558 clear J.R.S.O. claims may be taken to represent claims cognizable under Public Law 626. The figures indicate an average value of upwards of \$1,000 per claim. On this basis alone, an estimate of \$2,250,000 is arrived at as the total value of J.R.S.O. claims. In addition, it must be remembered that there are 2,341 claims of the J.R.S.O. as to which there is some adverse title or debt claim, but in which there is undoubtedly a considerable surplus value to which the J.R.S.O. would be entitled. In addition, there are the amounts which are involved in the so-called omnibus accounts. These

are accounts held through Swiss or other banks. A certification procedure was put into effect with respect to these accounts some years ago which allowed legitimate claimants to come forward and to obtain the release of their properties held in these accounts. Some portion-- although admittedly the figure is indefinite -- of the amounts which remain uncertified and therefore still in the hands of the Office of Alien Property must necessarily represent heirless assets, though, of course, a considerable amount may represent other types of property.

In addition, there is not included in these figures the amount involved in the so-called von Clemm claim. Here there are over \$900,000 worth of diamonds, assertedly obtained from the infamous Diamond Kontor of Berlin, whose sole function was the disposal of diamonds looted from Jewish persecutees. This claim is presently before a hearing examiner of the Office of Alien Property, and the J.R.S.O. has presented its claim and will present evidence during the course of the hearing. Official reports of the United States High Commissioner in Germany will show that the Diamond Kontor existed for the purpose of disposing of looted gems.

The J.R.S.O. has therefore suggested an amendment which will authorize and direct the settlement of its claims by payment of an amount to be not less than \$2 million nor more than \$3 million. The \$3 million ceiling was incorporated in Public Law 626 in order to ensure that amounts payable to the J.R.S.O. would not exceed the financial availabilities out of assets and funds within the hands of the Office of Alien Property. The \$2 million floor is equally appropriate. Obviously, a tremendous amount of administrative work has already been done, some of which has been indicated in the previous portions of the present statement. A substantial amount of administrative work, in addition, will have to be done by the J.R.S.O. in the effective presentation of its claims and ⁱⁿ implementation of Public Law 626. It was clearly the view of the Congress in enacting Public Law 626 that some substantial amounts should be made available for the purposes of that law. The J.R.S.O. is in effect a trustee of charitable funds -- both those which it may receive under Public Law 626 and those which it receives from other sources, but which are devoted to similar relief and rehabilitation work. It would not be appropriate, nor would it be in accordance with the clearly expressed intent of the Congress, to require that this tremendous amount of work be done without a guarantee of some substantial funds being available. Just as the ceiling of \$3 million was inserted for practical administrative reasons, without regard, in effect, to the possibility that the claims might exceed that amount, and was accepted on that basis, so the suggested \$2 million floor ought be con-

tained in the proposed legislation for similar practical administrative reasons. It is clearly to the interest of the Government, of the charitable organizations involved, and of the surviving persecutees who are now in the United States and who are dependent upon public or private charity, that the intent of the Congress to provide substantial funds be carried out as quickly as possible and with assurance that these funds will reach the intended beneficiaries. This the proposed bill is designed to effect.

The text of the amendment proposed by the J.R.S.O. has previously been submitted to counsel for this Subcommittee, to the Office of Alien Property, and to the Department of State. It will enable the original purpose of the Congress in enacting Public Law 626 to be carried out. The enactment of this bill will result in funds expeditiously and without a tremendous burden of administration coming into the hands of agencies which can use them for actual and direct relief and rehabilitation purposes, as was originally contemplated by the Congress. This Bill is being presented in the belief that it is good for the Government, good for the charitable and relief organizations which are concerned, and good for the intended beneficiaries. The Congress has declared that the funds left in the United States by those who perished in the Nazi concentration camps should be used for the benefit of surviving victims who are now in the United States and are needy. Therefore measures should be taken to ensure that this intention is carried out and that these funds are made available while the intended beneficiaries are still alive to receive their benefit. And it seems entirely appropriate that action should be taken to ensure this result at a time when, in one form or another, legislative action is likely to be taken for the relief of German and Japanese claimants. The most limited proposal for the return of enemy assets as envisaged in the Administration Bill S. 2227 is estimated by the Department of State to involve about \$60 million.

Attached is the text of the proposed bill.

84 th CONGRESS
2 nd Session

S. _____

IN THE SENATE OF THE UNITED STATES

A BILL

To amend the Trading with the Enemy Act, as amended, so as to allow bulk settlement of certain claims by successor organizations to heirless or unclaimed property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Section 32 (h) of the Trading With the Enemy Act, as amended, is further amended by adding at the conclusion thereof:

"The President or such officer as he may designate is authorized and directed to settle claims presented by a successor organization previously designated pursuant to this subsection by payment of an amount not less than \$2 million nor more than \$3 million. Determination of such amount shall be made by the President or such officer as he may designate not more than six months after the effective date of this Act. Such determination shall be made upon the basis of hearings at which such designated successor organization shall have the right to appear and to present evidence, and such determination shall be final."

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SUMMARY STATEMENT CONCERNING HEIRLESS PROPERTY CLAIMS
UNDER PUBLIC LAW 626

The attached bill proposes an amendment to the Trading with the Enemy Act, as amended, which is necessary to attain the objectives established as United States policy by Public Law 626, 83rd Congress, 2nd Session. It provides authority for a swift bulk settlement of claims relating to the property in the United States of persecutees under Hitler who perished without heirs.

The property in the United States of enemy nationals is generally vested under the Trading with the Enemy Act. The Congress has long recognized, however, and has made legislative provision, that persons who were persecuted for religious, racial or political reasons were a special category, and were entitled to return of their property.

This principle, however, could not be applied to "heirless or unclaimed" property. That property belonged to persecutees - but they and their known relatives perished in the holocaust that engulfed six million Jews during the years of Hitler's power.

The United States did not want to retain this property. It felt that the victims would have wanted it - or its proceeds - to be used for the relief of needy survivors of persecution. In Public Law 626, 83rd Congress, 2nd Session, the Congress thus set up a procedure under which a successor organization, designated by the President of the United States, could claim this heirless property. Under stringent safeguards - including the assurance that all of the proceeds, without deduction of administrative expense, would go to the victims - this organization was to claim, liquidate and distribute the property for charitable use. The Jewish Restitution Successor Organization (JRSO), a New York membership corporation, was designated by President Eisenhower in January 1955.

The JRSO has now filed almost 7,000 claims to property. Of these claims, some 4,558 involve cases in which there is no conflicting claim of any sort. The amounts in these claims vary enormously - from a few dollars to upwards of a hundred thousand dollars. Ascertainment of basic facts about them is an almost insuperable task. Addresses are missing. Where addresses are known, the original owners and all of their relatives have often vanished during the nightmare of persecution. Even using the best available records - those of such organizations as the International Tracing Service, for example - basic data cannot be found, or is incomplete.

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This situation poses a basic problem: how is the will of Congress to be carried out, and the proceeds of heirless property in the United States used for the intended relief purposes in the United States? It is clear that, without a new approach, the claims of the JRSO will take years to process, and will impose an intolerable burden on both the government and this charitable organization.

A bulk settlement of these claims, based on the best available statistical data, is the only answer. The attached bill provides for such a bulk settlement.

The bulk settlement principle has been explored with the Administration. It is agreed that it would save endless time and effort. The techniques used in the statistical appraisal have been worked out, and checked step-by-step, with the Administration, though the actual estimates are of course the responsibility of the JRSO. A floor of \$2 million and a ceiling of \$3 million (as already provided in P.L. 626) are contained in the proposed bill.

Heirless property use for relief purposes has always enjoyed strong bipartisan support. (Bills on heirless property have been submitted by Senators Taft, McGrath, O'Connor, Dirksen, Hennings and Langer, and by Representatives Crosser and Wolverton). Bulk settlements have, in Germany, been strongly supported by the United States and have proved an effective technique for ensuring maximum use of funds for charity. The attached bill fits within these principles. It is urged as necessary to carry out the intent of the Congress as expressed in Public Law 626 - that the property in the United States left by victims of persecution who died without heirs be used, as quickly as possible, for the relief of those who survived, but are now impoverished, ill, and in want.

May 1, 1956

Hon. Everett M. Dirksen
Senate Office Building
Washington, D. C.

Dear Mr. Dirksen:

I should like to leave with you this letter which contains a resume of the views I expressed on the implementation of the heirless property bill, a bill in the enactment of which you played so significant a role.

I have been in touch with Mr. Randolph Schrer who fully shares the views I have expressed. At the present time he is in St. Ignatius, Montana. He has indicated, however, that he is prepared to fly to Washington if necessary, to discuss the matter with you personally.

You are undoubtedly familiar with the views of the JRBO on the difficulties encountered in the implementation of PL. 626, the heirless property law. These views are set out in memorandum prepared by Mr. Seymour J. Rubin, counsel for the Jewish Restitution Successor Organization. For your reference, I am attaching copies of these statements.

I am in complete agreement with the step you took when you were asked to introduce a bill authorizing the Office of Alien Property to settle the JRBO claims for an amount not less than two million dollars and not more than three million. The analysis which the Office of Alien Property has upon your request made on the claims filed by the JRBO is a very useful one. In view of what this analysis shows, it would obviously be out of line for the Jewish Restitution Successor Organization or for its constituent members to ask you or any member of Congress to sponsor a bill which would fix two million dollars as a floor for settlement of the JRBO claims. This leaves us with the residual problem as to what should be done to carry out the Congressional intention reflected in PL. 626.

Mr. Rubin has had informal conversations with the Office of Alien Property and while, understandably, he has received no firm commitment from that agency, he has the impression that the Office of Alien Property will favor a bill authorizing it to settle with the JRBO claims

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represented in categories 7 and 8 listed in Mr. Myron's letter to you, namely "cases in which it appears the JRSO may be successor under PL 626," and "cases in which there is no information concerning the vestee or his heirs." In the aggregate these cases amount to \$865,933.93. The Office of Alien Property representatives have indicated to Mr. Rubin that in their view they cannot settle these claims - by that I mean pay the JRSO the \$865,933.93 - without Congressional approval. In my conference with you this morning, I dealt principally with the question as to whether the Office of Alien Property was correct in assuming that it had to have legislative sanction to proceed with the settlement of those claims against which no other claims are asserted and in which there is no indication that the property involved is not that of Jewish persecutees who died heirless. I took the position that the Office of Alien Property has the right under PL 626 to make the determination that the property involved in the cases listed in categories 7 and 8 mentioned above is the property of Jewish persecutees who died heirless and that the Office of Alien Property requires no further legislative sanction to proceed with its settlement with the JRSO.

In connection with the foregoing matter, I stated that in enacting PL 626, it was the intention of Congress to limit the JRSO to the recovery of property of persecutees who died heirless. If the property in the cases in categories 7 and 8 is such property, the Office of Alien Property has the authority to make the settlement under PL 626; if it is not such property, then the enactment of a law authorizing the Office of Alien Property to settle these claims would go beyond the original intention of the Congress when it passed PL 626. Such legislation would necessarily have to rest on the theory that property against which no claims had been filed and with respect to which there was no indication that the property was not the heirless property of Jewish persecutees properly belonged to the JRSO.

In fine, it is my view that irrespective of the method used to reach the conclusion, the property turned over to the JRSO must be the property of persecutees who died heirless. For the Office of Alien Property to require legislation to authorize it to settle certain claims with the JRSO - other, of course, than the claims in which there is affirmative or positive proof that the property is the heirless property of persecutees - is to require the Congress to make a determination of fact which is properly the function of an Administrative Agency; in this case, the Office of Alien Property.

I understand the basis for the caution shown by the Office of Alien Property in requesting legislative sanction to proceed with the settlement. However, I feel that under Public Law 626, the Office of Alien Property has the authority to proceed with the settlement without further Congressional approval. The Office of Alien Property can take cognizance of the difficulties of proof in such cases and settle the claims in categories 7 and 8 on the legal presumption that where no contrary proof is shown, the property in question is the property of persecutees who died heirless. Moreover, the Office of Alien Property would be protected by the provision in Public Law 626 making the JRSO liable for the

return of property to persons lawfully entitled thereto and filing their claims within a two-year period.

I believe that if the Office of Alien Property were advised you and the other members of the Subcommittee of the Senate Judiciary Committee on the Trading with the Enemy Act concur in the views which I have expressed, it might be prepared to proceed with the settlement of the claims in categories 7 and 8 without putting the JRBO to the onerous task of seeking legislation through the Congress authorizing the settlement.

I would not urge these views on you if I felt that the Office of Alien Property did not have the full authority under PL 626 to make the settlement of the categories 7 and 8 claims.

Sincerely,

ASH:st

Abraham S. Hyman
Executive Secretary

July 11, 1956

Dr. Nahum Goldmann
Congres Juif Mondial
Case Postal Montbrillant
Geneva 20, Switzerland

Dear Dr. Goldmann:

Kurt Grossman

Last Friday a number of us, Jud Teller, Nahum Robinson, Ben Perens, Saul Kagan and I met to discuss the several proposals pending before the Congress of the United States, with reference to the return of German assets seized and ~~invested~~ pursuant to the Trading with the Enemy Act.

The precise question which we met to consider was whether these proposals involved a Jewish question and, if so, what, if any, action should be taken by the major Jewish organizations. At the conclusion of our conference I was asked to communicate our view to you. We accepted it as axiomatic that under no circumstances would we recommend or take action without first clearing this matter with you.

Even at the risk of repeating facts which you already know, I should like to give you the background of the problem. (I actually lived with it for about two-and-a-half years in my capacity as General Counsel of the United States Public War Claims Commission).

In essence the question concerns the property of German nationals and corporations situated in the United States which the United States government first seized and subsequently vested (took title to) under a law of World War I vintage. This property has been roughly estimated as having a value of about \$400,000,000 as of 1951. Undoubtedly, its present value is far in excess of that sum. At the Paris Conference on Reparation held in December, 1945, in which 18 nations participated (Albania, Czechoslovakia, Canada, Egypt, India, Luxembourg, Denmark, France, Australia, New Zealand, Norway, Netherlands, Yugoslavia, United Kingdom, the Union of South Africa, the United States), an agreement was reached with respect to the distribution of property which would be earmarked as German reparations. Included within such reparations were to be the German assets which each of the victorious powers may have seized within their respective countries. With respect to such internal assets, the parties agreed that they would "under such procedures as they may choose, hold or dispose . . . in manners designated to preclude their return to German ownership or control." In the

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Contractual Agreement with the Federal Republic of Germany, the latter relinquished the interest of its nationals in the assets in question and further agreed to compensate its own nationals and legal entities for such assets.

In 1948, the United States passed a War Claims Act which provided, inter alia, that the assets in question shall not be returned to their owners but shall go into a fund known as a War Claims Fund for the purpose of satisfying certain claims (U.S. prisoners of war, U.S. civilian internees, certain U.S. contract employees, certain religious organizations in the Philippines) and thereafter be subject to further disposition by the Congress. This act was subsequently amended and thus the vast bulk of these assets have been expended to discharge these claims. I want to say, parenthetically, that in my judgment very few of these claims would have been provided for if we were appropriating U.S. tax money. The various pressure groups representing the prisoners of war, internees, and the Catholic church, got by with their raid on the Fund only because the nitwits in Congress felt they were not spending U.S. tax money.

Since the end of the war, the Germans have been agitating for the return of their assets seized in the United States. About two years ago Adenauer, then visiting the United States, first raised the question with Eisenhower. After much jockeying on this question, the administration finally announced that it was in favor of returning German assets, but only to individuals (not corporations), and even with respect to individuals only up to the sum of \$10,000, provided, of course, that the property belonging to the individual amounted to \$10,000 or more.

To make this partial return palatable to Americans who had suffered war damages in Europe and elsewhere, and who had not been paid, the administration announced that it would favor the use of \$100,000,000 which the United States would receive from Germany in partial repayment of post-war assistance rendered by the United States to Germany, in payment of war damage claims of American citizens. Subsequently, bills were introduced in the Congress incorporating this package proposal made by the administration. One of these bills is S. 2227. On November 29, 1955, I testified on this bill before the subcommittee of the Committee on the Judiciary. I am enclosing a copy of my statement. This statement reflected the attitude of the representatives of the American Jewish Committee, American Jewish Congress and World Jewish Congress who felt then that the return aspect of the bill presented no Jewish problem other than the question we raised about the entitlement of persons declared to have been "major offenders" by the German Denazification Courts to the return of their property. What we agreed was to stress this point and to insist upon the amendment of the law with respect to war damage compensation to take care of refugees who were not citizens of the United States at the time of loss. (The administration measure, S. 2227, required that persons had to be citizens in the United States at the time of loss in order to qualify for war damage compensation.) Prof. Gray testified on behalf of the American Jewish Committee and abstained from making any comment on the return-of-assets proposal.

Obviously, the Germans were not satisfied with the partial return of German assets. What they wanted was all of their vested assets returned, and not only to individuals but to corporations as well. Spokesmen in the Congress for the complete return were Senators Dirksen and Langer (who, incidentally, have been very helpful to us on the heirless property bill). There are bills pending in Congress which, if enacted, would accomplish the aim of the Dirksen bill. The people interested in the complete return of the assets have engaged themselves some expert lobbyists. (Who do you suppose they are? None other than our co-religionists Gen. Klein and David Ginsberg). In this

connection I think you should read Milton Friedman's article in the Wisconsin Jewish Chronicle, a photostatic copy of which I am enclosing. You will see that American Jewish organizations are represented as having no objection to the return of the German assets. It is reported that during Adenauer's recent visit to the United States, he again raised the question of the return of German assets and seemed to have gotten a commitment from the U.S. officials that they would go along with the proposal for the complete return.

Having given you the foregoing background, I want to summarize briefly our collective view on the matter.

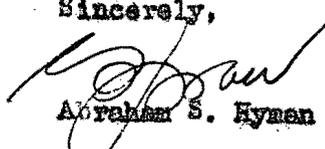
We recognize that Germany has no legal claim to the return of the assets. In various agreements, including the Contractual Agreement, Germany had agreed to surrender the assets to the United States and to compensate its own nationals for the value of the property thus taken in lieu of reparations. Moreover, we recognize that for the United States to return the assets to Germany would be a breach of faith towards the parties to the Paris Reparations Agreement. These signatory parties, acting on the assumption that none of them would return their internal German assets to their owners, engaged in various compensation programs in which these internal German assets were used. If the United States now proceeded to renege on its commitments made in the Paris Reparations Agreement not to return the German assets, it might lead to pressures which the Federal Republic of Germany would exert on the other signatory powers and thus embarrass the other powers who are less able than the United States to cough up money which they had already expended in the payment of claims which they would otherwise not have honored.

While recognizing these and other arguments in favor of non-return, we felt that the return of the German assets, whether partial or complete, presented no Jewish question. Consequently, we concluded that, on principle, Jewish organizations need not speak up on the return of German assets in general. However, at the same time, we felt that we had a duty to let ourselves be heard on the question of the return of assets to persons convicted of war crimes, to major offenders as defined by the Denazification tribunals, and to corporations engaged in the use of slave labor. We further felt that not only should we object to the return of assets to these categories of persons and corporations as a matter of principle, but that we should do so for the further reason that by exerting such pressure we might get Adenauer to agree to make certain concessions with respect to property returned to persecutees under the German Restitution Law. In this connection, it was pointed out that there was considerable feeling among persons residing abroad who had received back their property in Germany, that their property should not, as it is now, be taxed (as high as 40%) to make up the Lastenausgleichs Gesetz Fund. Ferner particularly feels that we should not relax in our efforts to get such property exempt from this tax.

What do you think about our position? Specifically do you agree that the general return of German assets does not present a Jewish question, and do you think that we are right in recommending that Jewish organizations should speak up vigorously on the non-return of these assets to categories of persons and corporations that I mentioned above?

Because of the time element involved, we would welcome an immediate reply from you.

Sincerely,


Abraham S. Hynan

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