

Career
Records

Jewish Restitution Successor Organization

270 MADISON AVENUE

New York 16, N. Y.

JRSO # 7757 - 7850
Received on
18. JUNI 1952 1391

June 5th, 1952

Mr. Benjamin B. Ferencz
Jewish Restitution Successor Organization
Nuernberg, Germany

Dear Ben:

We were all deeply gratified to learn that you have succeeded in saving the JRSO more than 3 million marks which we were under obligation to repay to the High Commission for the administrative expenses of our offices in Germany. It gives me great pleasure to express to you, on behalf of the Executive Committee and in my personal name, congratulations for this splendid accomplishment. The thought that you were instrumental in securing such a substantial amount for the relief and rehabilitation activities on behalf of Jewish persecutees, is a source of real satisfaction to all of us.

Let me reiterate the commendation of the entire JRSO for a job so well done.

Cordially yours,

Dr. Israel Goldstein
Chairman, Executive Committee

IG:AUN

349120

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 . CENTRAL COMMITTEE OF LIBERATED JEWS IN GERMANY . 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.

19th June, 1952.

Dr. Israel Goldstein,
Chairman of JRSO Executive Committee,
New York.

Dear Dr. Goldstein,

May I express my appreciation for your kind consideration in sending me your note of June 5th in connection with the cancellation of JRSO's obligation to repay IN 3½ million borrowed for our administrative expenses. Please convey to the other members of the Executive Committee my gratitude for their words of encouragement.

With warm personal regards to you and Mrs. Goldstein,

Cordially yours,

BENJAMIN B. FERENCZ

BBF.1c

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USHmm, Ferencz Papers, 12.001.05, Box 1,
Career Records, Folder 4

RC 12.009.04
US Home
Ben FERENCZ PAPERS

BENJAMIN B. FERENCZ
14 BAYBERRY LANE
NEW ROCHELLE, NEW YORK
—
(914) NE 2-3717

5 April 1975

Ms. Rosemary G. Conley

Book Reviews AJIL - *Am. Journal of International Law*
2223 Mass. Ave. N.W.
Washington D.C. 20008

Dear Ms. Conley:

Pursuant to your request of Feb. 18 I am pleased
to enclose the book review referred to therein.

How's that for service?

Cordially



Benjamin B. Ferencz

349122

Rückerverstattung nach den Gesetzen der
Alliierten Mächte. By Walter Schwarz.
(Vol. I of Die Wiedergutmachung national-
sozialistischen Unrechts durch die Bundes-
republik Deutschland) Munich: Verlag
C. H. Beck, 1974. Pp. xxv, 394. DM 68.

US from
Ben FERNANDEZ
04 PAPERS
RG 12, 009
Correspondence + Related
Records Regarding the
History of Restitution
(Wiedergutmachung)
Folder
WALTER SCHWARZ FILE
1968-1974 (Reverse Order)

The wrongs of Hitler's Third Reich were of such magnitude that any recital of the efforts made to redress the injuries must recall the shameful evils perpetrated. Almost 30 years after the war there has now appeared the first of a series of volumes planning to describe the measures taken in Western Germany for the "Wiedergutmachung" of National Socialist injustices. The generic German caption is misleading - for most of the injuries could never be "made good again", but there was a comprehensive legislative program to restitute tangible property and to provide a measure of compensation for personal injuries and economic losses. We are indebted to Dr. Schwarz, as the initiator, and the author of the first volume, and to the Federal Republic of Germany as the financial sponsor, for the courage to open this delicate subject to public scrutiny.

With defeated Germany in ruins the four Occupying Powers soon faced problems of restoring to the rightful owners the properties of which they had been unlawfully dispossessed. Cold war rivalries and differing perspectives forced the abandonment of attempts to obtain uniform and quadripartite legislation. It was the U.S. Military Government law which

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set the pattern for the most comprehensive action. The United Kingdom followed with similar legislation for its zone, the French with a substantially different law, and finally there was an amalgam for the Western Sectors of Berlin. In the Soviet area practically nothing was done as State ownership displaced private property rights.

Dr. Schwarz traces the origins of the Allied laws, including the drafts submitted by the German Laender or States created in the U.S. zone. He describes the procedures for placing property under Military control, for submitting claims for settlement by German agencies, the adjudication of contentious defenses and counter-claims by Chambers of the German judicial system, and the final decisions rendered by Courts of Restitution Appeals benched initially by Allied judges and later expanded to include German nationals. The author, an Israeli subject, now resident in Switzerland, and an expert in restitution law, has dissected some 4500 decisions to reach his own conclusions regarding the effectiveness of the justice which emerged.

Despite his criticism of many Allied decisions and the empathy expressed for the German judges upon whom ^{was} ~~were~~ thrust the burden of applying concepts foreign to traditional German jurisprudence, Dr. Schwarz recognizes that the Allied laws were not punitive and that the amicable settlement of about 95% of

← the claims in 5 years time was a substantial achievement. Although no mention of it is made by the author, anyone familiar with the events will recall that whatever success may be attributed to the restitution program was due in large measure to the determination of General Lucius D. Clay, while he was Military Governor, and to John J. McCloy, while he was U.S. High Commissioner.

Later volumes, and other authors, will deal with the problems of heirless property, and the vast and very laudable program of indemnification whereby the Federal Republic of Germany, - in sharp contrast to its Eastern counterpart, The German Democratic Republic - provided compensation to large numbers of surviving victims of persecution for the false imprisonment in concentration camps, damage to their health, and other personal injuries. Reparations to Israel and other States will also be dealt with in this series which probes problems having profound legal, economic, social and moral significance. In unfolding this first phase Dr. Schwarz has set a standard of scholarship and erudition which will be difficult to match.

BENJAMIN B. FERENCZ

349125

188763

1st September, 1952.

Mr. Saul Egan,
JREO, New York.

JREO Bq. letter 1478. ~~Enc~~
CONFIDENTIAL.

Dear Saul,

On Friday 29th August I had a 45 minute meeting with the new High Commissioner Mr. Donnelly. Mr. Holloy had left him a letter of introduction (copy attached) and the meeting was a very cordial one. He seemed to be almost completely unfamiliar with what had been happening in the restitution field in Germany and of what the JREO was all about. I explained the origin of the organisation and its achievements through the past four years as well as general German reaction toward restitution and indemnification.

Donnelly seemed to be sincerely interested and repeatedly deplored the fact that such progress had not been made in Austria. I outlined what remained to be done and advised him that there might be matters where his help might be required.

I also sketched for him the progress of the Hague negotiations as well as their significance to Western Germany. I learned that the State Department had cabled HICOG requesting to be informed about the progress at the Hague and cautioning HICOG against taking any positive stand in the negotiations. As far as I can gather the Department is favorably inclined toward the Jewish demands but would prefer to be evasive should the Germans request the State Department's concurrence in any agreement reached. A cable to this general effect should have left Washington about a week or 10 days ago, and Syd Rubin should be alerted to this fact so that he may keep an eye and ear open for the source and do whatever can be done to induce a more positive reaction.

Donnelly also received a cable from the Department requesting information about the Auerbach case. Since the Department feared that there might be repercussions among the Jewish organizations in the States following Auerbach's suicide. I told Donnelly that the more responsible Jewish bodies were not likely to get involved in the Auerbach case since they were acquainted with the gentleman and did not consider him to be a very stable personality. I expressed the opinion that his incarceration for a year without trial was unjust and his trial by a Nazi court was unwise but that I was not sufficiently familiar with the evidence presented to judge whether or not the conviction was proper. If there is anything serious going on in the States in connection with the Auerbach case please let me know.

In general the meeting was a good one, both candid and informal, which ended by Donnelly inviting me to come to see him again at any time with any problem.

Cordially yours,

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BENJAMIN S. PERENCZ

PERSONAL

12 August 1953.
Pers.

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

Dear Saul,

I am attaching copies of a letter and chart which are self-explanatory. Until I could discuss the matter with Dr. Hay and Krentzberger, I hesitated to reply to your cryptic note added to your letter of July 21, in which you told me that LeVitt wanted to know whether I would take on the re-organization job until June 1954 and whether I would accept Hay as a deputy.

As you know I have just about had my fill of Germany and I do not see to sit around piddling with papers after the challenging jobs are done. There are still a few major JRSO problems with which I continue to occupy my time productively, but if I can't bring these to a head within the next year then they will probably never be resolved. I would like to be able to complete the Berlin bulk settlement and the bulk settlement of our Reichsclaims before picking up my tent and stealing away, and I should know within a year whether that can be done. There are also family reasons which urge me to remain on a bit longer until the new baby is born and old enough to become a world traveller. One conclusion is definite in my mind, however, and that is that I don't intend to make a career of the restitution business in Germany.

Under the circumstances it should be clear that it would be personally advisable for me to concentrate my energies on the remaining JRSO affairs until the early part of next year and then find a suitable occasion to bring this very interesting chapter to an end. I cannot say now that I would turn down an opportunity for a favorable change should it come my way sooner, but I would not, of course, leave the JRSO affairs without seeing that they were in good order and good hands.

The prospect therefore of getting involved in establishing a new organization and trying to put it into an efficient and workable form is not particularly inviting. If it has to be done over the opposition of the London group then I am sorry to say that I would not be prepared to accept it. Under such circumstances the assignment would be both unpleasant and impossible and I can therefore see no good purpose either personally or organizationally in trying to do the job.

On the other hand I do feel very earnestly that there is an important job to be done and it would be a pity if Jewish organizational squabbles would prevent persecutees from receiving the help they should get and at the same time enable the German Government to evade some of its obligations. If these differences can really be overcome I would be prepared to accept the responsibilities for this new reorganization. With equal reluctance Dr. Hay would accept the position of deputy for claims and DRG matters. I would appoint Scheinfeld as deputy for German legislation since I feel that the lobbying job at which he excels is of major importance.

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USHMM, FERENCZ PAPERS, 12.001.05,
Box 1, Career Records, Folder 5

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Mr. Kagan

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12th August 1953.

The new plan would mean that we would all have to uproot ourselves and go to Bonn which, at this stage, would be a major personal inconvenience to both Dr. Kay and myself, as well as a very tough assignment as far as setting up a headquarters is concerned. I think the next move is to informally try to get the agreement of the parties concerned, and when and if that is obtained to put the formal stamp of approval on by the Executive Committee. There will be a great deal of work involved in planning the changes, in obtaining concurrences and then trying to put the program into effect. If you can somehow manage to come over here for a few months to lend a helping hand it would be most useful. Shades of the INSC! Here we go again - or do we?

I hope you had a pleasant vacation and a well-earned rest with Elisabeth and the kiddies to whom I send my fond regards.

Cordially yours,

BENJAMIN S. FRANKS

BBV:lb

cc: Dr. Kraitsberger
Dr. Kay
JH

MSHMIN, Ferencz Papers, 12-00105, 1

Box 1, Cover Records,

Folders

APPENDIX

State of New York }
County of New York } ss:

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Benjamin B. Perenson, being first duly sworn, deposes and states as follows:

1. He is a citizen of the United States who is at present and has been since August 1948 the Director General of the Jewish Restitution Successor Organization. He is a graduate of the Harvard Law School and a member of the bar of the State of New York.

2. The Jewish Restitution Successor Organization (JRSO) is a charitable non-profit corporation organized under the laws of the State of New York. It was organized for the purpose of dealing with problems of heirless property and similar matters, arising out of the laws on restitution and indemnification promulgated in Germany and other countries, primarily in the American Zone of Germany, whether promulgated by the occupation authorities or the West German Government or the Government of the various German Lander (states). The JRSO was qualified under the laws of New York and was designated by the Office of Military Government, United States Zone, as the successor organization for heirless Jewish interests under Regulation No. 3 of U.S.M.G. Law 59, and in accordance with the procedures contemplated under Military Government Law 59. The JRSO has been, since its inception, the recognized Jewish successor organization in the American Zone of Germany and has, in that capacity, dealt with all aspects of restitution and indemnification legislation in Germany. It has for example, been consulted in the preparation of Allied and German legislation. The JRSO, generally and through affiants directly, has argued many cases before the duly-constituted courts in Germany on restitution and indemnification matters, and on interpretation of the relevant legislative provisions. The JRSO has negotiated bulk settlements on heirless property with the Lander of the American Zone.

3. In the course of these activities, and in protection of the rights of persecutees under the Nuremberg Laws, affiant has become familiar with interpretation of both American and German regulations dealing with persecutees, and with definition of such persons as fall within the scope of the legislative enactments as persecutees. He is thus fully familiar with such factual situations as would qualify a person as a "persecutee" within the meaning of legislation applicable in Germany on the subject, and is familiar with judicial interpretation and the legislative history of such legislation.

4. A recent German enactment is entitled the Federal Law for the Compensation of Victims of National Socialist Persecution. Article 16 (4) of that law provides as follows:

"If a persecutee has lived illegally within the Reich territory as it was on 31 December 1937, under conditions similar to those of detention or incompatible with human dignity, this shall also be regarded as on an equal footing with deprivation of liberty."

In the expert opinion of affiant, and taking due account of his knowledge of the legislative background of this provision, this Article is to be regarded as a definition of the phrase "deprivation of liberty". The Article was specifically intended to comprehend, as persons who were deprived of liberty, those persons who in order to avoid persecution were required to live on forged papers, or in hiding, under the Nazi regime. Such persons were considered to have been deprived of liberty even though they were not caught, and therefore escaped internment or detention of a concentration camp. Such persons are considered to be entitled to compensation under the law, equally and for the same reasons as those persons who were caught and interned, or with those persons who lived in garrets, etc.

5. Persons of quarter or half Jewish descent were subject to substantial deprivation of liberty under the Nazi regime.

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6. It is the considered opinion of affiant that the competent courts in Germany would consider that a person who lived on forged papers, in circumstances in which knowledge of the true facts would have subjected such person to persecution and to deprivation of liberty, was "deprived of liberty" and was qualified to claim compensation under the Federal Law for the Compensation of Victims of National Socialist Persecution.

7. To the knowledge of affiant, persons who lived on forged papers subjected themselves to extraordinary and unusual punishment, if they were detected by the Nazi authorities. Although a high proportion of persecutees by reason of Jewish "race" perished in concentration camps, a substantial proportion did survive. Moreover, persecution was somewhat mitigated, though only in relative terms, for confessed "Mischlinge". However, affiant has no knowledge of survival of a persecutee in a case in which Jewish ancestry was concealed through forgery and in which such persecutee was detected. In such cases, grave punishments also were inflicted on persons aiding or abetting the forgery.

Benjamin B. Ferencz

On this second day of December, 1953, before me came Benjamin B. Ferencz, to me known and known to me to be the person who executed the foregoing document and he duly acknowledged to me that he executed the same.

Notary Public

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USHMM, Kenez Papers, 12, 00105, Box 1, Folder 6
Covered by [unclear]

Q-600-2500

Q-600-Israel

August 30, 1954

Dr. Hans Tramer
United Restitution Organization
Tel-Aviv, Israel

Dear Dr. Tramer:

Thank you for your letter of August 12, 1954, and the remarks concerning the Interim report insofar as it dealt with the cases from Israel. I am informed by the office here which receives the claims from Israel that they are so incomplete that it is impossible to expect any payment on them. I am also informed that the German officials do not deal with the cases according to the numbers, but deal only with cases where the file contains all of the supporting documents. It seems to me that this procedure does not serve the interests of the claimants and causes unnecessary duplication of efforts both in Israel and Germany. I have no doubt that you would like to send the cases here completely documented and I am aware that it would take considerably more time than you now have available to do so. It is for that reason that I have the impression that the Israeli offices are completely overwhelmed since I am deeply convinced that it would be preferable if the cases could be sent out from Israel only once and in a completed form.

I also notice that you say in your report that despite the most difficult competition from all sides, you manage to concentrate 7000 indemnification cases in DRG. It is not our intention to go into competition for these cases. Every dollar costs us money and although we are prepared to help all those who are in need of our assistance, we are not prepared to go seeking after customers.

I realize that it is very difficult to see problems in the same light when they are examined from thousands of miles apart. That is the main reason I am coming to Israel. I will be arriving in Haifa on the N.S. "Orlando" on Monday, October 11, and I am looking forward to seeing you. I will probably have to leave by Thursday or Friday, October 22, but I hope we will have sufficient time to go over all of our problems.

Cordially yours,

BENJAMIN D. FERROZ

BDF/tn
cc: Kay
to: Kagan
Jacobson
Kreutsharger

349132

CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY

CABLE: RESTITUTION BADGODESBERG
PHONE: BAD GODESBERG 3066

RECEIVED
12. MAI 1955
REG. No. 3200
FILE No. 2110BBF

CONFERENCE OFFICE

BAD GODESBERG
ROENTGENSTRASSE 19

May 11, 1955

Mr. B.B. Ferencz
JRSO HQ - Frankfurt

STRICTLY PERSONAL

RE: Berlin Bulk Settlement

Dear Benny, boss, friend:

I acknowledge receipt of your letter of 9 May 1955 along with enclosure and copy of your letter # 2176 to Saul of same date.

Today I, furthermore, received copy of Dr. Weis's letter to you of 9 May as well as the report of the Commission to the Senate, dated 30 April 1955. These two documents I can study only in the evening as they are pretty long.

As for your letters I want first to mention that it is not correct to state that the Bund "committed to let us have" the securities which were seized by the Reich and are now in various depositories in Berlin. As it is rather doubtful whether or not we filed a proper claim regarding these securities Koppe was only prepared to a fifty-fifty-agreement with us and finally inclined to accept my compromise suggestion by which we would be somewhat better off. See Dr. Weis's previous letters of 22 February 1955 re "Ministerialkonten und -Depots".

You are now planning to make a "Krach" with Herr Haas and are asking me whether I can think of any other ways.

I feel I should as a friend warn you to avoid such Krach if ever possible.

True, there is no doubt that Haas is behaving ignominiously. But I don't think that a Krach would help us.

It must be borne in mind that political conditions have changed tremendously in Germany. You realized and stressed that often enough but are sometimes not guided by this insight. It must also be kept in mind that Berlin has not the slightest obligation to buy our claims.

This being the case I am afraid that the Government of the USA will in no way be impressed by our protest, especially as they know the plight of Berlin's economical position and probably cherish more sympathies for Berlin than for the successor organizations.

Moreover, it must be anticipated that our Krach and protest will in all likelihood provoke a counteraction by Haas or Land Berlin.

I already mentioned the other day that according to Schweig (whom I

SPONSORING ORGANIZATIONS

AGUDATH ISRAEL WORLD ORGANIZATION · ALLIANCE ISRAELITE UNIVERSELLE · AMERICAN JEWISH COMMITTEE · AMERICAN JEWISH CONGRESS · AMERICAN JEWISH JOINT DISTRIBUTION COMMITTEE · AMERICAN ZIONIST COUNCIL · ANGLO-JEWISH ASSOCIATION · B'NAI BRITH · BOARD OF DEPUTIES OF BRITISH JEWS · BRITISH SECTION, WORLD JEVIHS CONGRESS · CANADIAN JEWISH CONGRESS · CENTRAL BRITISH FUND · CONSEIL REPRESENTATIF DES JUIFS DE FRANCE · COUNCIL FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF JEWS FROM GERMANY · DELEGACION DE ASOCIACIONES ISRAELITAS ARGENTINAS (D.A.I.A.) · EXECUTIVE COUNCIL OF AUSTRALIAN JEWRY · JEWISH AGENCY FOR PALESTINE · JEWISH LABOR COMMITTEE · JEWISH WAR VETERANS OF THE U.S.A. · SOUTH AFRICAN JEWISH BOARD OF DEPUTIES · SYNAGOGUE COUNCIL OF AMERICA WORLD JEWISH CONGRESS · ZENTRALRAT DER JUDEN IN DEUTSCHLAND

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happened to meet when I was in Berlin during the Easter holidays) Suhr and Lipschutz obtained the embarrassing impression that you wanted to ~~take~~ them in when you had your second talk with them. I now also recall that Schweiz told me that Haas ordered his boys to prepare a "White Book" on all phases of our negotiations with Berlin.

I, of course, cannot foresee what this White Book will show. But I remember the discussion which I had at your request with Dr. Klein here some months ago. When Klein mentioned at that time it was a pity that the envisaged contract was not concluded with Reuter as he had agreed to a purchase price of 25 million DM or so, I had to inform him that our price amounted to 75 million.

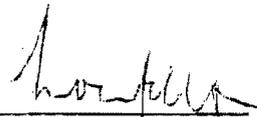
I got the bad feeling at that time that the way of our negotiating was not just serious and consistent, and I am afraid that Haas will characterize it as such.

You know that I am not a believer in tactics to the effect that a terrific amount must be demanded if we are prepared to accept an incomparably lower one. (See also I.G. Farben.) Nor do I believe in the method of making intelligent people mewulwel. That does not pay dividends but does easily harm. The reputation and influence I am enjoying here are based on my sincerity and straightforwardness, and I think this is a more effective method towards high officials.

I gladly thought over whether and how the present deadlock with Berlin may be surmounted and have a certain plan for this purpose in mind. But I want first to find out whether it is feasible and shall discuss it with someone here who might have sufficient influence on Suhr. It might take me a week or so till I tell you more.

This is a personal letter of a friend copy of which will, of course, not be kept in my file.

Cordially yours,



Herbert S. Schoenfeldt

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Reply to this is in Nitzka - 24 Oct. '55.

USHMM, Ferencz Papers, 12.001.05,

Box 1, Career Records, Folder 7

LANDIS, TAYLOR & SCOLL
COUNSELORS AT LAW

JAMES M. LANDIS
TELFORD TAYLOR
DAVID E. SCOLL

GEORGE J. SOLOMON
KENNETH SIMON

RECEIVED
24. OKT. 1955
REG. No. 169
FILE No. 21103KF

400 MADISON AVENUE
NEW YORK 17, N. Y.
MURRAY HILL 8-8990
CABLE ADDRESS: LANTALAW

October 19, 1955

Mr. Benjamin B. Ferencz
Headquarters, Jewish Restitution
Successor Organization
Friedrichstrasse 29
Frankfurt/Main
GERMANY

Dear Benny,

This will acknowledge your unsigned draft and your subsequent explanatory note of 28 September.

I am sorry you feel the way you have indicated in your letter - especially I am sorry for you, as you must feel that you wasted your years at Nuremberg on a futile and sterile enterprise. But that, after all, is your problem, not mine.

I am sure that all you say about the German attitude toward the Nuremberg trials is true. There is nothing to the contrary in my article, and I have said much the same thing about the German attitude in the speeches that I have given on the subject from time to time. As I am sure you are aware, I have also been critical of the attitude of the American occupational authorities in Germany, as reflected in the McCloy dispensations, etc. All this is unfortunate and depressing, but in my opinion not governing. In the long run, thank God, the value of the Nuremberg trials will not be determined exclusively by the attitude of the German people or the occupation authorities.

From the general standpoint of world law, I think you would fall into the common error of expecting too much too fast. True it is that "law is not which ought to be but that which is", but, short of statutory process, there is no single point in time by which the existence of law is authoritatively established. It comes into existence by practical application, and Nuremberg was such an application. True also, the momentum in the direction of world law that was built up at the close of the war was rapidly dissipated. This is likewise distressing, ^{not} and to my mind not governing, for the reasons that I tried to set forth in the article.

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LANDIS, TAYLOR & SCOLL

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A few minor points. I did not say at page 519 that the Russians "feel themselves committed" to the Nuremberg principles. Indeed, I even doubt that the State Department and White House have any such conscious feeling. Regardless of "feelings", however, people become committed by what they do, and commitments cannot be shucked off merely by "feeling" that they should be. What is on the record is not so easily to be erased, and carries logical consequences that, under many circumstances, may become practical consequences also.

You question my statement that "Nuremberg is the true source and justification of our conduct in the community of nations". I do not, of course, mean that it is the exclusive source, but I should like to know what other source comes nearly close to supporting our intervention in Korea. The reasons given at the time were straight out of the Nuremberg book, and they have been reiterated since by Eisenhower and underlings -- see page 524, note 173.

There is much more that I could say, but most of it is in the article already, and your letter gives me scant hope that repetition will be fruitful.

We are all glad to hear that you are finally coming home, and will hope to be seeing you in November.

As ever,

Telford

TT/zg

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USHMM, Ferencz Papers,
12,001.05, Box 1, Career
Records, Folder

December 6, 1955

Personal

Jerome Jacobson, Esquire
American Joint Distribution Committee
119, Rue Saint-Dominique
Paris, France

Dear Jerry:

You will recall that some time ago I mentioned to you the possibility that those persons in Germany who had very substantial pre-war interests in the United States would, in effect, oppose the Administration efforts to return up to \$10,000 to individual German claimants. My prediction has turned out to be correct. In the hearings before the Subcommittee on the Trading With the Enemy Act of the Senate Judiciary Committee, held on November 29 and 30, the representatives of the large interests unanimously testified in opposition to S. 2227, the Administration bill which would provide for the above-mentioned \$10,000 return. It is clear that the persons who testified are interested in the larger returns, and the returns to corporations, and not in the limited returns to individuals contemplated in S. 2227.

I have talked with Ben over the 'phone about this situation. A number of people in the United States are, like myself, not opposed to a return of limited amounts which could be based on humanitarian grounds, but do feel that there is no reason for the American taxpayer to reward the large German corporations for having contributed to the war effort against the Allies. Nevertheless, the only voices heard in Washington are those of the large corporate claimants. Even the so-called Committee for Return of Vested German and Japanese Assets takes the all-or-nothing line which is to the interests of the large corporate claimants and opposed to the interests of the individual who is willing and probably very anxious to get up to \$10,000 returned to him.

I think that the protection of these small claimants would be served by the formation of a committee specifically devoted to their interests in Germany. This committee could have two important functions.

In the

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In the first place, it could express the view of the 80 percent of the German claimants whose claims would be covered under S. 2227 that this bill should become law, despite the opposition of the large corporate claimants. Such an expression of opinion would be of near decisive weight in the Congress, in my opinion. It would obviously be welcomed very much by the Administration here, and I believe that it might well be welcomed even by the government in Bonn, which, it has been suggested, is not as enthusiastic about the large corporate claims, and the manner in which they have been handled, as it might be.

Secondly, such a committee could undertake to handle the claims under S. 2227 for German claimants, once S. 2227 or a bill like it has become law. This would again be a real service, both to the German claimants and to the United States Government. It would be a service to the claimants because, in a small but complicated case, as, for example, where there are questions of heirship, it may be difficult to find competent legal help on an individual basis, in view of the 10-percent limitation on fees. It would be of help to the Government here because uniform procedures and regularized processing of claims before filing them would mean that they would be presented in understandable form, well documented, and in such a manner as to minimize the administrative task of effecting returns in the United States.

I have suggested to Ben, as I think I previously suggested to you, that such a committee might be formed in Germany. I would think that it would be relatively easy to do so, and that there would be great interest in the matter in Germany -- sufficient so that the mere formation of such a committee and the explanation of its objectives would ensure wide publicity. It might be possible or desirable to see whether someone like Otto Kuester, who is so well known as a humanitarian and as a defender of the small person, could be interested in such a committee. The importance of it is indicated by the fact that the claims cognizable under S. 2227 are estimated to be 80 percent of the total claims of German nationals with respect to vested property in the United States, and the total amount involved is estimated to be between \$60 million and \$70 million. @ \$5000 each for claim = 12,000 to 15,000 claims

2 I might also suggest that it might not be bad publicity if someone as closely connected with Jewish restitution claims as Ferencz and yourself were to appear as persons interested in this large number of small German claims. I would think that such an interest might have a beneficial effect on the restitution and indemnification program and on the German attitude toward it.

I am

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NSHMM, Ferencz papers, 12.001.05
Box 1, career records
Folder 7

US HMM, Ferencz Papers, 12.001.05
Box 1 folder

I am taking the liberty of suggesting that you and Ben might want to discuss this matter when he returns, which I understand will be at the end of this week.

With best personal regards,

Sincerely yours,

Seymour J. Rubin

CC: Mr. Ferencz (care of Mr. Kagan)

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USHMM, Ferencz Papers,
12.001.05, Box 1, Career
Records, folder 8

LAW OFFICES
LANDIS, COHEN, RUBIN AND SCHWARTZ

1832 JEFFERSON PLACE, N. W.

WASHINGTON 6, D. C.

STERLING 3-5905

January 30, 1956

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

PERSONAL

Mr. Benjamin B. Ferencz
Jewish Restitution Successor Organization
Friedrichstrasse 29
Frankfurt/Main
West Germany

Dear Benny:

I have your letter of January 24.

1. As you undoubtedly know, my own position has been one of opposition to return of vested German and Japanese assets. In point of fact, aside from those people who have direct interests in this policy arising from their representation of the American purchasers of the vested assets or similar interests, and aside from one or two other people, I am, so far as I know, the only vocal exponent of a theory of international law and of national policy which would block the return. Having published an article along these lines as long ago as 1946, which has been quoted by both friends and enemies extensively since then; having published a letter in the New York Times a few months ago; and being about to include a chapter on the enemy assets situation in a forthcoming book, I do not think that there is much doubt as to my own position.

2. However, if there are any equities at all, they are in favor of the small claimant. Personally, I think that the Germans ought to compensate the small claimants and do it promptly. However, the United States is not going to press the Germans on this matter, and there is considerable controversy -- which I do not think justified -- as to the significance of the German commitments in the Bonn Conventions. Under these circumstances, if the widows and orphans, etc. are to get property up to \$10,000 or so back, or to receive compensation for it, it will as a practical matter have to come through legislation of the sort which has been proposed.

In addition, even such avid advocates of the policy of expropriating, or, if you like, confiscating German private external assets as myself and my then colleagues in other Government agencies agreed as long ago as 1946

that

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that small amounts of property in such countries as Switzerland and Sweden ought be returned to their owners. Thus, even the fire-eaters like myself have moderated our fury, and that at a time before the "rehabilitation" of Germany.

3. Under these circumstances, I don't see any particular reason why you should have difficulties either of conscience or intellect in connection with establishing a committee to work for the \$10,000 return provisions of S. 2227. I would, of course, be glad to see you do whatever could be done on that subject. What that is, you know better than I. I don't believe that it would be necessary for you to get "involved in the handling or processing of such claims", although I think it is much too early to predict now how non-existent claims collected by a non-existent committee and filed under non-existent legislation will be handled in detail.

In any case, it does seem to me to be unconscionable that the proponents of the large German corporations should have used the "widows and orphans" argument as if the small claimants were the only ones involved, and now be prepared to resist actively legislation which would benefit 90 percent of the claimants. There is clearly a conflict of interest involved here, and I think that we would be doing a service, both to the small claimants and to the cause of non-return, by pointing it out.

I hope to see you in the not too far distant future, here or in New York.

Best regards,

Seymour J. Rubin

CC: Mr. Jacobson