

Schwarz, Walter. Rück erstattung nach dem besetzen der
Allierten Mächte. Band I of Die Wiedergutmachung
Nationalsozialistischer Unrechts durch die Bundesrepublik
Deutschland. München: Verlag C.H. Beck 1974

- p. 345. Länder in US Zone statistics end on 30.10.57.
- p. 347. US Statistik führte die Zahl der Anmeldungen bis zum 30.11.1957
auf. Bis zu diesem Zeitpunkt waren insgesamt 52,257 Anmeldungen
eingereicht worden. Ihnen entsprachen insgesamt 81,108
rechtshängige Fälle. Zwei Anmeldungen ergaben also im Durchschnitt
drei Fälle.
- p. 369 "Die 'Kosten' der Rück erstattung waren die Aufwendung der
öffentlichen Hand für die Bereitstellung von Justiz- und
Verwaltungspersonal, Räumen und Diensten. Sie wurden im
wesentlichen von den deutschen Ländern getragen."
- p. 5. Most of his sources German; most OMBUS records not seen (not
allowed to be seen).
- p. 24. "Vorweg ist festzustellen: keine der Vier Mächte hat, ^{ein} so
aktives, konstruktives, nachhaltiges und echtes Interesse an der
Wiedergutmachung gezeigt wie die USA."

Records 65 through 65 of 77 returned.

Author: Schwarz, Walter, Rechtsanwalt.
Title: In den Wind gesprochen? Glossen zur
Wiedergutmachung des nationalsozialistischen Unrechts.
Published: München, Beck; 1969.
Description: xiii, 95 p. 23 cm.
LC Call No.: LAW
Notes: Reprinted from Hejournal Rechtsprechung zum
Wiedergutmachungsrecht.
Subjects: Restitution and indemnification claims (1933-)
-- Germany (West)
Other titles: Rechtsprechung zum Wiedergutmachungsrecht.
Control No.: 10407299

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Germany
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Schw
1969

Schwarz 2

69. "Die RE der großen Unternehmen vollzog sich zum überwiegenden Teil in der Form des Vergleichs." Both parties interested in ensuring full company not hindered. "In der Mehrzahl waren die Verfolgten im Ausland nicht bereit, nach Deutschland zurückzukehren, um ihre Unternehmen wieder selbst zu führen. Deshalb war die Gewinn oder Umsatzzuteilung eine übliche Form der Auseinandersetzung."
Großen Unternehmen schon in den ersten Jahren abgewickelt worden.

p. 70. Bei Grundstücken wurde in der Regel mehr gekämpft als verglichen.

p. 127. "ColZA ließ die Kollektiv-Verfolgung des 'arischen' Ehepartners nur dann gelten, wenn dieser bei dem verfolgten Ehepartner ausharrte und sein wirtschaftliches und kulturelles Schicksal teilte. Dies traf aber in der Regel zu."

p. 127 Die Frage, ob die "Mischlinge" zu den Kollektiv-Verfolgten zählten, wurde jedoch weitgehend einheitlich beantwortet: Mischlinge ersten Grades gelten als kollektiv verfolgt, Mischlinge zweiten Grades nicht." (1st Grade: 2 Jewish Grandparents; 2nd Grade: 1 Jewish grandparent)

p. 175. "Die Währungsrestituten war auf dem Gebiete der individuellen RE der Regelfall; die typischen Vermögensgegenstände der individuellen RE waren Grundstücke, Rechte an Grundstücken, Unternehmen, Wertpapiere

Records 43 through 43 of 77 returned.

Author: Germany (Territory under Allied occupation, 1945-
United States Zone) Laws, statutes, etc. [from old catalog]
Uniform Title: Das Rückerstattungsgesetz. [from old catalog]
Title: Kommentar zur Wiedergutmachung, amerik. Ges. Nr.
59 vom 10. Nov. 1947, französ. VO. Nr. 120 vom 10. Nov.
1947.
Published: Paderborn, F. Schöningh, 1949.
Description: 119 p. 23 cm.
LC Call No.: LAW
Subjects: Restitution claims (1933-) -- Germany. [from old
catalog]
Other authors: Petrich, Walter, [from old catalog] ed.
Other authors: Germany (Territory under Allied occupation, 1945-
French Zone) Laws, statutes, etc. [from old catalog]
Control No.: 7896261

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Germany
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Restitution

Schwerz 3

p. 175 cont. und, in weit geringerem Ausmaße, Kunstwerke. Immobilien können nicht untergehen. Selbst bei völlig zerstörtem Befahren ~~to~~ Sties der eigene Grund und Boden, der goodwill, der Kundenstamm. Auch Rechte können nicht untergehen."

p. 175. Statistiken läßt sich dies exakt nicht nachweisen, da selbst die am weitesten ausgegliederte Statistik, die der US-Zone, die Unterscheidung zwischen Naturalrestitution und Ersatzanspruch nicht erfaßt hat.... Wenn also die US-Statistik zum 31.10.1957 - zu diesem Zeitpunkt war die individuelle RE in der früheren US-Zone praktisch weitgehend abgeschlossen - auswies, daß rund 30% des geschätzten Wertes aller RE-Leistungen in Form einer Geldzahlung erfolgt waren, so enthält dieser Anteil einen hohen Prozentsatz von Ablösungszahlungen für Ansprüche [p. 176] auf Naturalrestitution. Am 31.3.1957 waren fast 50% aller in der US-Zone entschiedenen Fälle durch Vergleich beendet. Die Tatsache, daß knapp ein Drittel aller RE-Leistungen in Geld bestand, darf nicht darüber hinwegtäuschen, daß - unabhängig von der Art der Befriedigung - der Anspruch auf Natural-RE absolut im Vordergrund stand."

Records 66 through 66 of 77 returned.

Author: Schwarz, Walter, Rechtsanwalt.
Title: Rückerstattung nach den Gesetzen der Alliierten
Mächte / von Walter Schwarz.
Published: München : Beck, 1974.
Description: xxv, 394 p. ; 25 cm.
Series: Die Wiedergutmachung nationalsozialistischen
Unrechts durch die Bundesrepublik Deutschland ; Bd. 1
LC Call No.: LAW
ISBN: 3406036651 : DM58.00
Subjects: Restitution and indemnification claims (1933-)
-- Germany (West)
Control No.: 1755716

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Card Catalog

Germany 7
SC1A2

1974

Schwarz 4

178. Nachzahlung: "kaum eine Vorschrift der Rückerstattungsgesetze ist unglücklicher formuliert worden; kaum eine hat so viele und so unerfreuliche Prozesse ausgelöst. ... Sie erwies sich ... sowohl für die Berechtigten wie für die Pflichtigen als eine Falle: für die Berechtigten, weil sie in der Regel ungleich weniger erhielten, als wenn sie an der Natural- $\text{R\ddot{e}}$ festgehalten hätten; für die Pflichtigen, weil sie endlosen Prozessen der enttäuschten Berechtigten ausgeliefert wurden."

p. 266. "Natürlich wußte der Veräußerer eines Grundstücks oder eines Unternehmens, was er weggegeben hatte. Er konnte es auch hinreichend genau beschreiben und bezeichnen. Aber wie konnten seine Erben oder Erbeserben, wenn sie nicht in Hausgemeinschaft mit ihm gelebt hatten, wissen, welcher Besitz verlorengegangen war?"

p. 136. "Der Gesetzgeber ging von dem Regelfall aus, daß derjenige, der verfolgt war, einen Rechtsverlust durch Verfolgungsmaßnahmen erlitten hatte. Der Verfolgte und der Geschädigte waren personengleich. "Es gab aber zahlreiche Fälle, in denen es an dieser Personengleichheit fehlte. Im Zuge der Deportation mit nachfolgender Beschlagnahme der Wohnungseinrichtung kam es auch zur Beschlagnahme von Gegenständen, die nicht dem Verfolgten, sondern einem nichtverfolgten Dritten gehörten, meist nahen Verwandten oder Freunden, die ihren Besitz in der beschlagnahmten Wohnung verwahrten." Courts believe these people had right to claim, too

Records 64 through 64 of 77 returned.

Author: Schwarz, Walter. [from old catalog]
Title: Gesetz und Wirklichkeit. Betrachtungen zur
Wiedergutmachung im Spiegel von Praxis und Rechtsprechung.
Published: [n.p., n.d.]
Description: 15 p. cm.
LC Call No.: LAW
Control No.: 7234808

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Germany
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Schw



p. 275. Cora decides first case on 9.2.1950.

p. 276. ~~Revised~~ Aus Cora wurde erst im 5. Aug 1953 der III.
Senat des Obersten Rückstellungengerichts mit Sitz
in Nürnberg. 5 Mitglieder: 2 Amis, 2 Deutsch, 1 ^{born} Neutral case.

p. 277. Only after 24.5.1951 did Cora have effect in Berlin, also.

Records 2 through 2 of 21 returned.

Title: Weitere praktische Fragen der Rückerstattung in
den Westzonen und Berlin.
Published: Heidelberg, Verlagsgesellschaft "Recht und
Wirtschaft," 1950.
Description: 200 p. 20 cm.
LC Call No.: LAW
Subjects: Restitution claims (1933-) -- Germany. [from old
catalog]
Other titles: Praktische Fragen der Rückerstattung in den
Westzonen und Berlin.
Control No.: 8370497

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Germany
H
Restitution



Meeting with Saul Kagan

August 8, 2000

Contrast between the Military Government and the OAP: The military government returned things to the country of origin but did not insist on restitution efforts. The United States did not monitor activities of other countries because of their exclusive focus on Germany and Austria. [Stefan Munsing at Offenbach].

U.S. was the lead government in restitution. It was the first to enact legislation and the first to recognize successor organizations. The U.S. deserves a lot of credit for this.

A reluctance to accept principles of Military Law 59 affected relations with OAP.

M-Aktion: Furniture looted by Nazis in France and brought to Germany was dealt with under 1956 BRUG legislation that provided a modest compensation program recognizing that the assets had been looted. It was not item for item.

“You can assume that final figures were not proposed by us and accepted by them. Everything was a compromise.”

Jews from Eastern Europe could file claims for jewelry that had been stolen from them. This was also a modest settlement.

The JRSO did recover libraries, paintings, and other objects in Germany that were not in the possession of the U.S. Army.

The Allies relinquished responsibility under a series of contractual agreements and the FRG agreed to do certain things in return. In virtually every agreement, there are agreements on restitution and assets.

The JRSO and French counterparts did a massive search and filed 136,000 claims [The German Finance Ministry conducted study of implications of restitution policy] Das Bundesruckerstattungsgesetz, Vols. I-VII. Walter Schwarz

With respect to real estate, the JRSO searched for Jewish names in real estate transactions [filed claim for Alfred Rosenberg's villa] and filed claims. If they were wrong, they withdrew claims. Eventually, they settled for bulk settlements with the various Laender.

There is a book of CORA appeals in NARA (for volumes and nature of appeals).

JRSO filed for unclaimed property not just heirless property. Successor organizations were recipient for the minority portion of claims and of less valuable property.

Individual claims in Germany dragged on and on, the JRSO wanted funds to support resettlement of Holocaust survivors in DP camp. They bought pre-fit housing in Finland

for DP's in Israel where there was no housing for them. Other funds went to the JDC who fed 200,000 meals a day in the camp.

The JRSO was a strange, amorphous American organization that descended on the German Aryanizers. JRSO lacked familial knowledge.

General Clay and subsequently McCloy were supportive of the JRSO. The JRSO had to be attached to the military government. Clay authorized a loan of \$1 million marks (which was later forgiven) to the JRSO to get it going. The JRSO received logistical support from the U.S. Army. Clay argued that the British and French should enact ML 59 in their zones. Clay was open and helpful.

Sy Rubin was called the "Genuine Jewish Public Servant."

Unhappy Germans pressured the Laender to support bulk settlements. Byrnes speech in Stuttgart, Cold War, Korea all provided context for restitution policy issues – "People in Germany didn't know if it was going to be a two front war." Some people in the Washington and Berlin governments weren't enamored of the whole process. The de-Nazification program didn't penetrate very deeply."

Restitution procedures were complicated and ayanizers could battle it for a very long time. The lawyers had to be paid because, in principle, they couldn't accept contingency fees. One had to fight a lot of negative decisions. The process was decentralized which added to the complexity [Die Wiedergutmachung nationalsozialistischen Unrechts durch die Bundesrepublik Deutschland, Band II].

The URO (United Restitution Organization) has filed thousands of appeals under German restitution laws.

AUSTRIA:

The military government in Germany was absolutely more coherent than in Austria. The western nations bought the idea of Austria as the first victim, but Molotov also signed the agreement. In Germany between 1945- 1949 there was no central government at all. In Austria there was a central government. There were 4 zones in Vienna (just as in Berlin).

On issues of restitution, there are minutes in the Austrian cabinet that describe how the Austrians wanted to drag out the process, intentionally and interminably. The U.S. government under Clark was not as efficient or as thorough as in Germany. It was confronted with a government. Denazification was left to the government which had no interest in it (including the Social Democrats by the way). These people were a vital bloc in any election and both major parties vied for the same bloc of votes.

Assets were turned over to the Austrians in 1955 by the United States and it wasn't until 1981 (or 1991) that they did something about it (Mauerbach) (NOTE: The Mauerbach auction, organized by Christie's, took place on October 29th and 30th, 1996 in the Viennese Museum of Applied Arts. The English title of the catalogue is "Mauerbach.

Items Seized by the National Socialists to be Sold for the Benefit of the Victims of the Holocaust.”)

The Austrians enacted property restitution laws with ridiculously short deadlines. Most Jews were not in Austria, they were elsewhere.

Meeting with Saul Kagan
August 15, 2000

The JRSO was appointed in the summer of 1948 and the deadline for claims filing was December 31, 1948. The JRSO had only 6 months to make claims while individuals had 13 months from the promulgation of law ML 59.

Ferencz asked Clay for extension of filing period. Clay, who was otherwise helpful, did not extend the filing deadline. Showed the need to move expeditiously.

Impact of currency reform: after June 1948 there were no RM, only a small amount was left for conversion into DM. The RM was worthless and new currency was scarce. By the end of '49/'50 there was money. Before, it was a barter economy in which Camel cigarettes were the most valuable commodity.

The average Jewish restitution claimants was interested in a cash settlement rather than in acquiring property. Aryanizers pleaded scarcity of property.

United Restitution Organization: Clay wanted to deal with the JRSO. The URO set up under the JRSO umbrella and become the legal aid service [gavelled BEG claims]. When the JRSO came into existence, people had been filing claims on their own. Of the 600,000 Jews in Germany in 1953, half did not survive.

The URO built its staff with German lawyers who were not necessarily admitted to practice in the United States. They took modest fees and worked on a contingency basis.

ML 59: Was this a voluntary transaction in the normal course of business? The law had a presumption in favor of documents for transactions after 1935. For transactions between 1933-1935, the presumption was rebuttable and usually turned on the value of the transaction.

The U.S. Court of Final Appeal was more sympathetic to claimants (CORA). "There is no making whole, the question is the measure of compensation."

OAP: The JRSO had a priori handicap. There was not a full recognition and acceptance that the JRSO should have similar status. There was no means for the JRSO to get access to banks. The JRSO had to lobby Congress for recognition. They also had to battle the War Claims Fund which had greater appeal than the concept of heirless Jewish property. There is more sensitivity today.

In Switzerland, money was transferred to an agent and names were not used and the depositors were protected.

-Omnibus Swiss accounts

- Deposits by relatives
- \$ 6million was arbitrary number and it was whittled down over the years. The amounts OAP paid out to individuals would be helpful to have.
- Did GAO ever look at Alien Property? Senate Committee: did it use numbers?
- Did the OAP say when they released property? OAP internal files?
- The OAP did not share information. They had lists of names and JRSO had to go name by name. This was not always adequate or satisfactory. The process became a bargaining process – who would give less?
- Whatever they settled for was to salvage whatever was salvageable

Formula 90-10 goes back to post-war IARA (Inter Allied Reparations Agency) in Brussels when they decided to divide \$25 million 90-10%

For benefit of non-repatriable refugees, mostly Jews who would not or could not go home, plus some non-Jews who would not return to Communist countries

Did assets go in War Claims Fund? There should be records of OAP as of May 8, 1945. There should be subsequent reports on disposition of assets under their control

Bureaucrats in the OAP wanted to increase funds in War Claims Fund

Paintings – The JRSO was the operating agency in U.S. Zone. It considered the JCR as cultural property experts. Just not much of operating capacity. Followed their advice on disposition of cultural and religious and library material. Paintings had no particular value. They were brought to New York and their existence was advertised. Some were returned. The others were sold. These were typical 19th century bourgeois paintings.

*Side Note--Securities: Brown Brothers & Harriman.
ITT had substantial holdings in Germany*

Comments on Draft Report of the Presidential Advisory Commission on Holocaust Assets in the United States

Lynn H. Nicholas

Chapter I

p3 para 3 "Monuments and Fine Arts Administration" I do not believe there was ever an entity with this name. There was a Monuments, Fine Arts and Archives Branch, or Division in the succeeding military and civilian commands and governments.

p7 para 3 Titles of studies not clear

p12 para 2 "The day to day restitution process in Germany was put in the hands of 80,000 German bureaucrats..." This was certainly not true of art objects during the occupation-do you mean restitution of German owned items. Also 80,000 bureaucrats seems like a lot-who were they and in which agencies.

Chapter II

p. 16 The Nazis did not consider the Dutch, Flemish Belgians and Scandinavians as "inferior races" but as fellow Nordics to be brought into the fold. Indeed, German soldiers were encouraged to impregnate Norwegian women, who were considered the purest of the pure.

p. 23 Perhaps mention here that in addition to the ERR Hitler's Linz Organization and Goering's art staff ran major looting operations of their own.

p. 29 para 3 "the horrors perpetrated by Nazi Germany throughout Europe during the 1930's" perhaps instead of thruout Europe say "at home and in the annexed Sudetenland and Austria"

p.41 para 2-end of para missing?

Chapter III

p. 126 Feel there should be some mention of quantities of works of art held and/or sold by Alien Property Custodian and maybe an example or two of what they were.. Also-what happened to heirless works of art held by OAP after the war.

Chapter IV 7/21 Draft

p141 heading says Chapter 5

p 141 para 2 "...they realized that restitution to rightful owners could commence only after all assets had been secured, consolidated and inventoried..." In fact "Interim" and other out shipments to other countries began in August 1945 long before everything had been secured consolidated or inventoried. For example, in the fall large numbers of crated items originating from France were sent

back from Neuschwanstein and inventoried in Paris. The process was not planned far ahead-it was driven by necessity and the desire to get things out of the repos and back to where they had come from as quickly as possible.

p.142 para 1 "Initial collections of confiscated assets came primarily from the battlefields or deserted Gestapo or SS headquarters" This is certainly not true of art-should make clear in each section whether you are discussing monetary assets or art which had quite different histories.

p 142 para 2 "valuables continued to come to light in the months following..." should be "years"

p 143 top ...by the summer of 1946, they stood poised to tackle etc. By the summer of 1946 massive amounts of art had already been returned to the countries from which it had been removed-the process began in the late summer of 1945.

p 144 the "Office of the Adviser on Fine Arts..." This description gives the impression that this was a large bureaucracy of some kind-in fact, in Sicily, the "adviser"(who had really no staff to speak of) consisted of one officer, Mason Hammond.

p 148 para 1 "the Fortezza gold cache" What eventually happened to it-perhaps provide a reference to later info or a footnote on its fate....1946 was early days

p.152/3 MFAA officers developed a system of intelligence to track Nazi looting- what was this-same as OSS/ALIU?

p.154/5 much of para seems redundant-perhaps say " SHAEF reminded officers of their additional responsibility to investigate all info...to end of quote

p.155 para 2 Was an info file on all artworks taken into custody by all MFAA ever set up? I do not think so-if not better to delete this para

p.156 para 2-words left out of quote ?? Also is footnote adequate -should it not indicate actual title of document?

p.157 para 2. The description of the OSS Consolidated Interrogation Reports is not clear. The ones actually published were #1 ERR #2 Goering #4 Linz. #3 was never published. (Check those numbers) There was another major report on the Dienststelle Muhlmann in Holland by Vlug- I can't remember if it was a CIR or a DIR and I don't think it had a number.

Also the ERR should be referred to as "one of the Nazi organizations" not the as there were a number of others that looted.

p. 157/8 German art dealers had engaged in extensive private purchasing in.....Great Britain, the United States.... During the war??? or when? nothing wrong with buying in those places before or after the war unless they knowingly bought loot.

p. 161 para beginning "In January 1945.." Why bring up this silly suggestion which was never implemented.?

p. 167/8 The two examples of false leads are not very impressive-(Though the sentence "The officers found no signs of a cache, but were unable to determine its existence or non-existence with any certainty" is quite interesting.) Why not just say much effort was expended on false leads and leave it at that.

p. 168 end "In August 1945 US forces were still compiling.." Implication is that they should have finished compiling by then-This was only three months after the surrender-items and documents would continue to turn up for years-they were, after all, dealing with the documents and actions of 12 years of an entire major government.

p.169 last line Is Frankfurt really only 35 miles from Merkers?

p.173 para 1 last line perhaps say "sometimes prevented action being taken in time to avoid serious losses to the contents of a depository" i.e. many depositories were ok

p.180 last para US forces continued to find repositories for years following the surrender, not just months

p.183 para 2 "The confusion and uncertainty at local levels soon began to concern the high command...." This is not quite accurate- MFAA officers had to fight very hard to get attention from upper echelons. Art related directives from "Eisenhower" (ie his staff) were the result of much lobbying by MFAA and the Roberts Commission.

p.185 para 1 "the clearing of repos continued well into 1946..." I believe it went on long after that. Things kept re-appearing until the end of the occupation and sometimes still do.

p.187-188 The description of the setting up of collecting points is not clear. Frankfurt and Marburg were already being used for storage before the May 20 order to set up collecting points. Munich opened officially on June 14, 1945. The Wiesbaden building was requisitioned in late June and received its first objects in late July or early August.. Art items from Frankfurt were then transferred to Wiesbaden. Munich and Wiesbaden were the two most important art collecting points. Offenbach, main CP for Judaica, both objects and books, (but not for Jewish owned art objects) should be included here-check date of opening. I am not sure what was at Bonn-it was not an important art repository and I do not remember any reports from there-check to see when and if it was operational.

p189 top "semi-permanent unit"-recommended and desired but never created

p.189 para 2 "Alt Aussee cache" Remind readers of what this is. Perhaps say it is where Hitler's own collections were stored which included many major looted pieces which were instantly recognizable.

p 189 last line Marburg- having this here sort of makes one feel that it was set up after Munich-move this para up???

p.190 para 1 last line "a new collecting point in Wiesbaden..." By the summer of 1946 Wiesbaden had been operating for a year. Perhaps say "to the major collecting point at Wiesbaden"

p.192 this para not quite clear- First it says local officers moved art and then says the fact that they were not authorized to do so slowed things up -perhaps clarify

p.194 Ranbach should be Ransbach

p.195 para 1 This is not quite true. Many items were identified in the repositories and in some cases sent directly back to the country of origin from there-viz Neuschwanstein.

“organizations responsible for restitution” What are these??? clarify that each victim country had its own such organization.

p.201 para 2 Maybe put this Wiesbaden para up with the other collecting point info. Instead of “shortly after the German surrender” say “late June, 1945”

Check “Rossbach” could that be “Ransbach” ?

p. 202 top statement that movement of works from repo “only added to the backlog ...” Of course it did-but the backlog was eventually cleared up. Also “In January 1946 Army officials “admitted” being unable to identify works....It seems to me that there was nothing bad about that-of course it would take time to identify objects and put things in order. This whole para (and indeed the whole chapter) is relentlessly negative. After criticizing for many pages the fact that the Army was slow to empty the repos they are now criticized for having too much in the collecting points. At least the fact that by April 1946-(pretty good considering the chaotic conditions of war-torn Germany)- Offenbach was already shipping out large quantities is mentioned, but seemingly as an afterthought . Also should mention that major shipments back to countries, which included victim art, began in early fall of 1945. Some indication of the quantities being handled would be good-the Monthly reports of the collecting points, I believe, kept a running total.

Section “Security issues”

Somewhere in these paragraphs it should be made clear that the local population as well as D.P.s and G.I.s stole things -viz the German guard who stole things from the Munich CP

p.204 Para 1 did the theft and vandalism “continue at an alarming rate...” There was theft and vandalism-but in relation to what was saved it does not seem very alarming.

p.206 Weimar was in the Soviet Zone of occupation. US forces were withdrawn from there on July 1, 1945, I believe. Check this story-unreconstructed Nazis loved to blame things on the Americans, especially after they had left an area and the case could not be investigated. (believe this case may have been in the news lately but I have no file on it here) Use another example?

p.207/208 last line-150 “presumed” stolen works is a minuscule number when compared to the several million works secured by the Allies. Is this for all of Germany or just Berlin??

Were lists actually distributed?? By which agency? Date?

p.211 para 1 “restitution...upon application”. I think many of the early returns were initiated by the Allied Governments.

p.211 para 2 “in which case it was to be returned to USFET..” Is this really so? Was anything returned ?

Also-"providing of estimates of object's value"-I think maybe this was proposed as part of reparations policy but not implemented for art.

This chapter ends rather abruptly-perhaps somewhere in p211 add a reminder phrase saying restitution will be discussed in Chapter ___ or words to that effect.

CHAPTER V

P216 Not sure experiences of Ms. Gergely should be main example for restitution-The Hungarian train was certainly an anomaly-or at least some indication should be given of the tons of Jewish owned items which were successfully restituted in a number of the formerly occupied nations.

P. 232 para 2 should note that the "Jewish cultural property" referred to here consisted of books and religious objects and did not include Jewish owned fine arts which were handled at the other collecting points.

P.244 Somewhere should mention German compensation programs for art and other possessions which went on well into 60's i.e. the "Widergutmachtung" program

p.261 para 2-re items at Alt Aussee-should indicate that most of the very high grade looted art found at Alt Aussee, which was principally from Hitler's collections, was taken to the Munich CP and not left in Austria.

This chapter has little information on art restitution. Need to have some info on how many claims were filed -how much was returned. Present Ch IV does not tell us enough about what was actually done. Of interest might be yearly totals of things going in and out of Collecting Points, number of shipments with destinations plus some contrast with Soviet practice and a short discussion of politically motivated action concerning art. (Lubomirski collection, for example) Also some info on major Recuperation Commissions in France, Holland etc. would be good.

Chapter VI

p.292 para 2 In order to claim the books..... It seems only logical that the claimant would have to submit the titles of his books.

p332 last para It would be interesting to know how it was determined that these were Jewish owned if they were "unidentifiable" Maybe say they were "unclaimed" or "heirless" ie identified as Jewish owned but owners could not be located.

p. 342 Rothschild portraits. Did the Rothschilds agree to them going to Israel? Good to say so if they did.

p. 344 "former living persecutees" Clarify?

Chapter VII

Hungarian Train

Maybe should be called the "Werfen" train and not the "Gold" train as the gold was on a different train

While it is true that the train contained Jewish owned property, it was not, as is pointed out earlier in the report, US policy to distinguish between Jewish owned and other property at this time. Hungary had been an Axis country and was, in 1945 in the Soviet area of control. It was US policy to make Axis allies wait until last for restitution--this included Italy. Therefore the fact that the train contents were initially taken over as enemy property does not seem particularly out of line. The fact that the objects never did go back to Hungary seems to be principally a result of the approach of the Cold War and the greater influence of the Jewish Successor organizations--granting them preference was, of course a violation of original US policy. Somewhere in this report it should be noted, however, that by late 1947 thousands of Hungarian claims for all kinds of property had been processed by the Army and a great deal (including gold reserves and paintings, I believe) returned to that country. I remember in RG 260 documents on Hungarian claims. It would be interesting to know if any were Jewish claims and if so why the train stuff was different.

Re General Collins' and other requisitions Were any of these items ever returned to the warehouse or did the officers in question keep them? I have heard mention of receipts documenting the return of some things to Property control.

Also the dates of early requisitions are confusing--The train was "due" for unloading July 23 (p.356) (Maybe check when it was really unloaded) and the contents were taken into the control of Property Control on August 29. (Why the delay?) But General Collins received objects allegedly from the train on July 13 (p.359).) A mitigating factor in these early requisitions and in the classification of the train's contents as enemy property is that all documents cited indicating items on train were mostly Jewish are dated on or after Aug. 29- up til then the contents were described as "alleged" to be property of the Hungarian State. It should not be forgotten that other trains from Hungary had indeed contained state property such as Hungary's gold reserves and also the best pictures from the Budapest Museum.

p.372 "the official decision of Gen. Mark Clark" When was this made? Is it documented.? Clark, I believe, did not even get to Austria until August 1945 so decisions on the status of the train would have been the responsibility of local commanders at the time the train was captured and unloaded.

Becher Ransom

Hungary again! Were there no examples from Western Europe?

Did any of the ransomed Jews make claims? Were the objects in any way identifiable? Was there a list of names of those who got out this way?

Erroneous Restitution

p.406 last para This seems a rather large generalization to extract from this case, which, I believe

was quite unique.

Conclusion-

Perhaps, for art and books anyway, in this section should have some statistics of the magnitude of the quantities actually restituted thru the Collecting Points and estimates of what percentage of the objects processed by the US went astray. I believe Jonathan Petropoulos has prepared something.

Bibliography?

Index?

Format of meeting

KK: Our role as minimum as possible. We listen + take notes to implement suggestions. Not doing an effective discussion. Not wise to sit - don't clarify. (?) Seen but not heard.

8 Am - meeting begins at 8:30. White House Conference Ctr.

No debate...

2 goals: time constraint issue. What they think. Re-emphasize that this is draft of Commission, not writers.

Aiming for agreement among participants to ^{or what needed} strengthen the report.

Charlie

No add or subtract content

Make chapters more analytical.

Do we need chronology, appendix, etc.
Index?

9-11-00

White House Conference Center

BA. ~~Manuscript~~ Manuscript

Marion Dashmuth:

- To what purpose is this document to be used?
- How do chapters relate to each other
- What is conceptual framework.

Jeff Clark:

- Policy was that what was restituted. Implementation had to be very practical.
Only one policy - but implementation varied
- US did good job to reconstitute. Establishes precedent, to be understood.
- This problem in Kosovo, Bosnia, & Successor organizations? Can we -
Could make recommendations to effect current policy.

Lynn Nicholas

- Not enough analysis of feasibility. No figure of how much returned.
Perspective.
- ~~Political~~ Cold War
- No good conclusion
- Bibliography
- Art + finance separate. Operations completely different

guidelines. As a result, the paintings were sold at a private auction even before the JRSO checked claims of ownership.

Despite the Bezalel Museum's offer to accept and preserve all of the paintings and other invaluable artifacts, the JRSO claimed that the sale of the paintings was necessary by arguing that a home for them could not be found. However, the JRSO did send 35 of the most valuable paintings to Israel for the benefit of the Jewish State.

The JRSO's conduct in handling unclaimed Jewish paintings resulted in legal actions throughout the next decade. As late as 1960, owners of paintings that were sold or distributed by the JRSO were still looking for their property. In most cases, the claimed paintings could not be found.

Z

Peter Hayes

- Don't know how to do this by Narene Attorney.
- If mandate is assets in Feb part, must be said.
- More comparisons needed. Compare with assets of non-victims. Qualifying. Restitt property will be auctioned in NYC. More cross-referencing to what other countries have done. What about US companies? CITIBANK.
- Organization. Organizing this way is bad. Reorganize by kind of asset. People want to know what happened to metals, art, etc.
- Tone. Byline: mistakes were made, we did the best we could. Sounds rather defensive. If that is case, get it out

Gerald Feldman

- Organization is not transparent.
- Who are victims - should be started out with. Complicated subject.
- Other reports much more upfront + detailed. Helen's stuff should be in report. Report replicates problems of period. Being done for first gotten out of the way. Leaves too much open. Lack of discussion of laundered securities in US.
- This report will be compared w/ other reports, and we come up short.

from the Wiesbaden Collecting Point.²⁶⁰ This shipment included seventeen portraits of members of the Rothschild family, which were eventually, shipped to Israel.²⁶¹

In 1952, the JRSO claimed approximately 400 paintings it had discovered in the Office of the Administration of Properties of the City of Berlin that had been looted from the Berlin Jewish Museum (Reichsvereinigung der Juden in Deutschland).²⁶² Some of the paintings were claimed and subsequently returned to their former owners. In 1953, a joint subcommittee from the JRSO and the Jewish Trust Corporation (JTC) for Germany was formed to decide the fate of the remainder of the collection.²⁶³ The paintings were then allocated as follows: 14 paintings and one Hanukkah chandelier to the Jewish Museum at Hebrew Union College in Cincinnati; five paintings to the United Kingdom for display in old age homes for refugees from central Europe; and three or four paintings to the French branch of the JTC for the same purpose. All other paintings were set aside for the Bezalel Museum and Tel-Aviv Museum, where between 25 and 30 of them would be placed at the disposal of Irgun Oley Merkaz Europe (organization for newcomers from central Europe) for display in old age homes.²⁶⁴

In conclusion, although the JRSO received hundreds of unclaimed Jewish paintings from OMGUS, it was not fully prepared to handle their disposition according to postwar restitution

²⁶⁰ Receipt for Jewish Cultural Prop., Oct. 23, 1952, NACP, RG 260, Ardelia Hall, Box 105 [305436-442].

²⁶¹ Letter from Saul Kagan to Benjamin B. Ferencz, "JRSO Letter No. 908," Mar. 12, 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115701-702].

²⁶² Saul Kagan and Ernst H. Weismann, "Report on the Operation of the JRSO 1947-1972," [120174-193].

²⁶³ Letter from C. Kapralik to Saul Kagan, "Pictures & Other Objects from the Jewish Museum, Berlin," Nov. 26, 1953, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115783-784]. The members of the subcommittee included Professor Bentwich, Dr. Reichmann and Dr. C.I. Kapralik.

²⁶⁴ Letter from C. Kapralik to Saul Kagan, "Pictures & Other Objects from the Jewish Museum, Berlin," Nov. 26, 1953, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115783-784].

o ist
die Frage.

The weight is
clearly on the
other side of
the table.

- Berry White = - Chapter on seizure + institutional mechanism.
- Power material on international laws. How does treatment of assets differ?
 - London Declaration - not virtuous.
 - More on Paris Republic - broke new ground.

- KK : Mandate only for Federal institutions. Courts & need for clarity.
- Victims & deficit: can now view this as complex. Interested & how Feldman's exposé on this.
 - Comparative: Should we have numbers or not? Outside of context of political ramifications, but rather the historical legitimacy of such an effort.

Lynn Nicholas :

How many cartloads of art, how many claims, etc. but no valuation.

ca

Peter Hayes : Current valuations bad. Wants to bring ^{together} table of all numbers.

GF : Worry about global figure.

In 1952, the JRSO conducted an extended internal investigation to determine which paintings were sold, where they were sent, and what was price paid for them. The reason for this investigation was that the JRSO "had some very pertinent queries which we have not been able to answer satisfactorily."²⁵⁴ This process continued throughout the 1950's as the JRSO received claims for different artifacts it once had in its possession.²⁵⁵ By 1959, the JRSO was even sued for the return of eleven art objects it received from the Munich Collecting Point.²⁵⁶

B. The 1950- 1953 shipments

Between 1950 and 1951, the JRSO received additional shipments of unclaimed art objects from the Munich and Wiesbaden Collecting Points. For example, on May 1951, the Wiesbaden Collecting Point offered the JRSO unclaimed Jewish paintings since it was about to close.²⁵⁷ On July 4, 1951, more than 200 unclaimed paintings of Jewish ownership were transferred to the JCR and distributed by the JRSO.²⁵⁸ These unclaimed Jewish paintings included simple family portraits that had been stamped with labels from the Institut für Erforschung der Judenfrage.²⁵⁹ On October 23, 1951, the JRSO also received 356 art objects

²⁵⁴ Letter from Samuel Dallob to Saul Kagan, "JCR-Shipments 1949," Jul. 28, 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115703].

²⁵⁵ For Example, see letter from Toni to Saul Kagan, "Re: Paintings: a) Portrait of a Man by Mierevelt- #21837/Kogl 370/3, b) Landscape with Flock of Sheep by Zuccareli- #21839/Kogl 372/5," Sept. 26, 1957, Central Archives for the History of the Jewish People, JRSO NY, File 296c [121932-932]; letter from Saul Kagan to Mr. Mark Uveeler, Aug. 14 1959, Central Archives for the History of the Jewish People, JRSO NY, File 296c [121879-880].

²⁵⁶ Letter from Dr. E. Katzenstein to Bezalel National Museum, Aug. 3 1959, Central Archives for the History of the Jewish People, JRSO NY, File 296c [121884-885].

²⁵⁷ Letter from Saul Kagan to Dr. Hannah Arendt, May 30, 1951, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115757].

²⁵⁸ Receipt of Jewish Cultural Prop., Jul. 4, 1951, NACP, RG 260, Ardelia Hall, Box 104 [123218-231].

²⁵⁹ Letter from Saul Kagan to Dr. Hannah Arendt, May 30, 1951, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115757].

LN: No fixed, solid policy for A+CP.

PH: Rewrite chapters according to asset category.

GE: Who are victims? Lots of gray areas. Would favor broad definition of victims.

KK: We have not included political victims.

PH: For ^{your} sake, make clear up front the limited mandate of Commission.

BCW: Don't be so timid. This is more descriptive, leaving it up to Commissioners to interpret.

Chapter 1

- MD:
- Precise on the charge of the Mandate
 - Annotated Bibliography

JC - Definition of victim assets

BCW - No category of victim assets.

John Smart miniatures. At this point the JRSO had to decide whether to recall the said items. Eli Rock argued that the sales were legitimate, therefore,

While we might be able to get these miniatures back for a small sum of money, by and large we want to, wherever possible, avoid calling back any of these paintings that have been sold. Mr. Odell went ahead and sold them on our authorization and on an implied warranty that we had legitimate title and the right to sell. He is a recognized art dealer in New York and his entire livelihood depends on his prestige and his reputation in that respect. For us to recall any of the paintings may definitely reflect badly on him, and I would therefore not want to attempt to search out these two miniatures.²⁵⁰

Despite this overall reluctance to pursue claims for identifiable art objects, the JRSO was more willing to pursue claims when the claimants lived in the United States. In one such case, a Forest Hills, New York resident claimed a Wilroider painting and was invited to the JRSO warehouse to identify the painting. "We will be happy to turn it over to him in return for a signed release," stated Rock, although "we may also charge him for transportation and insurance costs."²⁵¹

Yet, even when claimants lived in the US, the JRSO was hesitant to turn over the claimed property. For example, a US citizen claimed a Dutch Ratsherr painting sold by Odell to a personal friend. This claim was especially difficult because "the claimant lives in the US (where he can make trouble for us) and since the sales price was not so inconsiderable," wrote Rock.²⁵² Ultimately, the JRSO resolved this claim by paying the purchaser \$200, twice the selling price.²⁵³

²⁵⁰ Letter from Eli Rock to Benjamin B. Ferencz, "Re: ' Folly," Aug. 23, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115606-608].

²⁵¹ Letter from Eli Rock to Benjamin B. Ferencz, "Re: ' Folly," Aug. 23, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115606-608].

²⁵² Letter from Eli Rock to Benjamin B. Ferencz, "Re: ' Folly," Aug. 23, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115606-608].

²⁵³ Letter from Eli Rock to Benjamin B. Ferencz, "Re: ' Folly," Aug. 23, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115606-608]; "Proceeds from Sale of Paintings in New York," Central Archives for the History of the Jewish People, JRSO NY, File 296b [115698].

5

LN: Clarify "unidentifiable," "hairless" etc. MFAIA ~~test~~
officers wrote things, so too much - ~~at~~ "inhabited".

BW: - US did not know at end of war to restitute.

- What was state of law before WWII on restitute.

~~PH~~ - Clarify whether you could apply for Wiedergutmachung if not with
US.

PH: Cash for claims in Germany, but when get ~~it~~ from Germany, sign
document saying that was the end of the claim.
If you were in Germany at end of war, could apply to the
Germans.

GE: Absolutely more on framework of restitution law.

PH: Heady of anachronism. At Nuremberg, talked of crimes against Hungarians,
Poles, French who happened to be Jews. Make clear how difficult
it is to understand the mentality of 1945.

Use table up front as a teaser - see what we have but
how difficult.

4. Identifiable Paintings

Almost immediately after the first shipment of paintings arrived in New York on June 1949, the US Military Government requested the return of four paintings that were considered to be identifiable.²⁴⁴ Absent any JRSO guidelines for such a situation, Benjamin Ferencz instructed Eli Rock to hold the paintings until the issue was resolved. Ferencz told Rock that, "I think this simply means that you should check with us before disposing of these four paintings."²⁴⁵

Some members of the JRSO's Executive Board insisted that it would be impossible to determine whether such claims were valid, and that "the JRSO has clear title to these paintings and that any claimant who might now appear do not in fact have any strict legal rights to claim."²⁴⁶ Nevertheless, by August 20, 1950, the JRSO received nine claims for the paintings.²⁴⁷ Eli Rock now recognized that these claims could be valid "assuming, however, that those paintings which we have already sold are in fact accurately claimed, I haven't the slightest idea as to what we should do with these claims."²⁴⁸

In response to the nine claims, the JRSO conducted an internal investigation to locate the paintings claimed.²⁴⁹ The JRSO found that Mr. Odell had already sold some of them, such as two

²⁴⁴ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO New York Letter # 193," Sept. 14, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115675-676].

²⁴⁵ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO New York Letter # 193," Sept. 14, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115675-676].

²⁴⁶ Eli Rock, "Memorandum re: Proposed Plan for Inviting Inspection by Potential Claimants of JRSO Paintings," Apr. 7, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115763].

²⁴⁷ Letter from Eli Rock to Benjamin B. Ferencz, "Re: Narkiss- ' Folly," Aug. 22, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115610-613].

²⁴⁸ Letter from Eli Rock to Benjamin B. Ferencz, "Re: Narkiss- 's Folly," Aug. 22, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115610-613].

²⁴⁹ Letter from Eli Rock to Benjamin B. Ferencz, "Re: ' Folly," Aug. 23, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115606-608].

MD: How has this problem evolved over time?
Historiographical look.

Context Chapter

BW: Work with Harman on presenting Nazi policy. Some errors.

MD: Most difficult to understand. Organizational, too much detail.

BW: Instruction outlining command structure and to give a framework for what comes later.

PH: Some precise data on what taken from Austria Jews. Wittek.

GF: Junz critical to Volcker Commission.

PH: Pillaging of Poles under Haupttreuhandstelle Ost gotta be understood.
Probably passed through Goms, the veterans.

BW: Use Eizenstat report more.

LN: Multiple looting organizations.

PH: Get down to minimum of Nazi pillaging.

BW: Discovery of Mofes is funny point.

examples for art students."²³⁶ As a result, the JRSO Executive committee approved the shipment of these paintings to Israel at their special meeting on March 29, 1950.²³⁷

Dr. Kayser estimated that the 35 paintings shipped to Israel were worth between \$9,000 and \$12,000.²³⁸ The Jewish Agency provided \$500 for restoration because some of the paintings were damaged during the war.²³⁹ Before they were shipped to Israel on October 6, 1950, the 35 paintings were exhibited at the Jewish Museum in New York.²⁴⁰ Upon the arrival of the paintings in Israel, Shlomo Eisenberg of the Jewish Agency handled their distribution.²⁴¹

By November 1951, a small number of paintings of little value that could not be sold by Mr. Odell were still at the Jewish Museum. These paintings were offered to Dr. Narkiss of the Bezalel Museum in Israel because he expressed "a great interest" in them.²⁴² Thus, it was decided to send the remaining unsold paintings to Israel.²⁴³

²³⁶ Memo, "Paintings and other art objects turned over to the JRSO by Military Government," Mar. 14, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115679-680].

²³⁷ JRSO Exec. Comm. Meeting, Rpt., Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²³⁸ Memo, Dr. Stephen S. Kayser, "Disposition of J.R.S.O. Paintings," Apr. 11, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115762].

²³⁹ Letter from Eli Rock to Maurice M. Boukstein, "Restoration of JRSO paintings," Apr. 5, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115683]; letter from Eli Rock to Dr. Stephen S. Kayser, Mar. 22, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115681].

²⁴⁰ Memo from Antonie Neiger to Saul Kagan, "Art object shipped by JRSO Nuernberg to New York in 1949," Sep. 11 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115695-698].

²⁴¹ Memo from Antonie Neiger to Saul Kagan, "Art object shipped by JRSO Nuernberg to New York in 1949," Sep. 11 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115695-698].

²⁴² Letter from Saul Kagan to Mr. Kottlieb Hammer, Dec. 12, 1951, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115692].

²⁴³ The shipping cost was \$100. Memo from Saul Kagan to Maurice M. Boukstein and Moses A. Leavitt, "Disposal of remaining JRSO paintings," Nov. 23, 1951, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115691].

(7)

SC: No plastic description of US Army ^{operations} to deal with loot.
Treasury only thinking about loot, not Army. What are ^{implications}
Treasury trying to make policy while troops make discovery.

And who was Bernstein, anyway?

Zero in on Army, Treasury, etc. + implications for restitute?
SC: Cut chapter off in 1945.

SC: More narrowly focused chapter - international law, discussion of restitute policies.

PH: Maybe chapter discussing evolution of policy 1941-1949.
Looky backwards in terms of previous experience to looking at contemporary problems.

CF: Where were decisions made, and where did it remain open?
E.B. many things owe to the Gov. No real discussion. Overdetermined.
Some places, though, more discussion. Why? More numerous
development is imp.; and this is one of those points. What is
"overdetermined," and what is questioned?

PH: Things become issues when they become problems. Problems generate policies

auction, where the buyers would understand the nature and the background of the paintings and where the 30% fee for printing a catalogue could be saved, was more appealing to the JRSO.²³¹

Dr. Kayser recommended Mr. H. F. Odell, an experienced antique dealer and art seller from New York City, to handle the sale of the paintings and other art objects.²³² In addition, Dr. Kayser offered the use of the Jewish Museum premises for the auction. Once the JRSO agreed, Mr. Odell conducted the auctions between May 1950 and May 1951.²³³ The total proceeds from the auctions minus the auctioneer's commission and minor JRSO expenses, were \$3,219.65.²³⁴

3. Shipment to Israel²³⁵

In preparation for the JRSO Executive Committee's meeting on March 29, 1950, Dr. Walter Moses, a board member of the Tel-Aviv Museum, and Dr. Stephen Kayser of the Jewish Museum had selected 35 paintings "for which there is a considerable need in Israel by way of offering representative types of art work in that country and by way of furnishing valuable

²³¹ From Dr. Stephen S. Kayser, "Disposition of J.R.S.O. Paintings," Apr. 11, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115762].

²³² Memo, "Paintings and other art objects turned over to the JRSO by Military Government," Mar. 14, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115679-680].

²³³ For receipts from these sales please see the papers held by H.F. Odell, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115706-708], [115710-756], [115758-761].

²³⁴ The following is a breakdown of proceeds by month: May 1950, \$1,922.60; Jun. 1950, \$926.70; August 1950, \$345.65; October 1950, \$58.10; May 1951, \$166.60. These numbers are not amount received but rather the sums received from purchasers by Mr. Odell less his commission of 22 ½ %, and less a minor sum expended for repairs and transportation of the pictures involved. Memorandum, from Antonie Neiger to Saul Kagan, "Art objects shipped by JRSO Nuernberg to New York in 1949," Sep. 11, 1952, Central Archives for the History of the Jewish People, JRSO NY, file 296a [115695-698].

²³⁵ For list of paintings shipped to Israel, see Appendix 1 and "Paintings to be Shipped to Israel," Central Archives for the History of the Jewish People, JRSO NY, File 296a [115609]; In addition to the 35 paintings, a wooden statute was designated to be shipped to Israel as a gift to one of the churches. However, the available documents do not support such a shipment. See JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

(8)

Why did we establish Offensachs, etc.? Offensachs is buried in the text. "Stunner" that Offensachs saved.

Assets in US

PH: Look for "Lit. Mvment" royalties. Are victims assets there?
Only incorporate relevance.

GF: More needs to be said on the "why" of things.
Problem of looked securities left hanging.

PH: What exists about securities is confusing. Treaty unifies as likes.

LN: Categories + quantities of assets could be more explicit
Including GAP - Justice
APC + OPEC.

Bio: Be careful about change between APC + OPEC.
GF: How do you conduct economic warfare. Set out goals of economic warfare + organize chapters that way. Not helping Jews but fighting a war.

MD: Jumps around chronologically.

Despite this correspondence, Dr. Narkiss was not invited to the JRSO Executive Committee meeting and Dr. Lewin's motion to turn the collection over to the Israeli government was overwhelmingly defeated.²²⁶

The JRSO Executive Committee further discussed whether to advertise the transfer of the paintings to the JRSO. Dr. Nathan Stein, a member of the Council for German Jews, recommended that they do so in order to enable potential claimants to examine, and possibly make claims for their property. Mr. Moses A. Leavitt of the AJDC agreed, "provided that it entails no further expense" to the JRSO.²²⁷ Thus, the meeting concluded with the understanding that the 35 old Masters paintings would be sent to Israel and the rest would be sold by the JRSO.²²⁸

Once this decision was made, Dr. Kayser, Mr. Leavitt and Mr. Rock met to determine the best method of sale. They discussed three possibilities: public auction, sale to individuals and private auction.²²⁹ Dr. Kayser believed that "in view of these particular objects, a public auction type of approach would be both risky and undesirable."²³⁰ Thus, the men decided that a private

²²⁶ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²⁷ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²⁸ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²⁹ From Dr. Stephen S. Kayser, "Disposition of J.R.S.O. Paintings," Apr. 11, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115762].

²³⁰ Memo, "Paintings and other art objects turned over to the JRSO by Military Government," Mar. 14, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115679-680].

Assets in Europe

LN: Quantities.

~~PH~~ BW: Discuss assets as we become aware of them.

PH: Yes - as they become problems. Comparative issues on thefts. Lots of stuff stolen from Germans with no restitution laws for that stuff etc.

GF: Unnecessary apologetic tone at end of chapter.

BW: More synthesis. Comparison.

PH: What questions and rigorously use that which answers the questions and eliminate that which does not fit.

BW: Use Gold as one good example w/ Bernstein.

Restituted

GS: Do we think that ~~now~~ we had the expectation that countries ~~to~~ would return them to individuals.

BW: Look at the custom.

ID: Maybe word expectation is too strong.

GF: Bring things up and describe, but the say: okay, but this is what is policy.

Will they like Gold?
F. Gold. AND MAKE THE F. ARE FOR AND HANDING?

On March 29, 1950, the JRSO Executive Committee met to discuss the disposition of the paintings.²²¹ Dr. Isaac Lewin from Agudath Israel raised the only objection to the sale of the paintings, claiming that "these objects, as the former property of murdered Jews, constitute a valuable heritage of the Jewish people."²²² He proposed instead that the collection be transferred to the Israeli government, to be preserved and exhibited "as a memorial for the great catastrophe."²²³ Members of the Committee disagreed with this suggestion and explained to Dr. Lewin that except for 35 old masters paintings, the Israeli museums had refused the collection through Dr. Walter Moses, a member of the Board of Directors of the Tel-Aviv Museum.²²⁴ However, the explanation given to Dr. Lewin was misleading. In truth, as early as May 26, 1949, Dr. Mordechai Narkiss of the Bezalel Museum in Jerusalem, had written to Joshua Starr, Executive Secretary of the JCR, to protest the sale of the art objects and to express Bezalel Museum's interest in taking care of the paintings:

I must protest against any proposal to sell there art treasures. As an alternative, I propose that the shipment be cosigned to the Jewish Agency, with the Bezalel Museum acting as a custodian, with responsibility of making restitution to claimants. As for the non-valuable items, it would prove uneconomical to sell these, and it would be wiser to distribute them to schools and communal institutions.²²⁵

²²¹ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²² JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²³ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²⁴ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²²⁵ Rpt., "Narkiss to Starr, May 26 1949," May 26; 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115670].

LN: Reparation commission in each country - some data on how much given back.

GF: By '47-'48 → we have it in mind that some countries were not giving things back.

PH: How much do we want to talk about Germans? Evidence is uneven. Sometimes length was good for clients. Is this section to show how we delegated ...

GF Demarcation + restitution. Smoking gun. US aware that price they paid turning things over to Germans. This one of the overdetermined things.

PH: Lawyers key. Better lawyers, more \$.

BW: Did IRO supposed to find owners? Doesn't think that report justifies ~~an~~ assertion that permitted "only lucky". Also we took victim gold and put it in TBC. Library of Congress.

GF: Currency reform - did knowledge of such reform affect policy. ~~the~~ US imposed exchange controls - so I'm could make claim but not get it. IRO is contribution. Spell out A) gotta have some sort of organization B) organization has life of own C) Not the most official organization

OMGUS "properties and objects in its possession which have been delivered by mistake."²¹⁶

Such properties included those for which individual owners could be identified after the transfer.

Yet, Benjamin Ferencz, Director General of the JRSO, felt that the paintings should still be sold.

In a letter to Eli Rock, Ferencz wrote:

I do not believe that anyone here would object to the sale of the paintings if there had been a mistake in a standard provision which MG includes to protect itself. The danger that a mistake has been made is slight but is always a possibility. My own feeling is that if the decision has been made that the paintings would be sold, a few months should be allowed to elapse before this is done.²¹⁷

The paintings were shipped to the United States "with the idea they be sold and the proceeds used for JRSO purposes."²¹⁸

Upon the arrival of the paintings in New York, the JRSO considered three possibilities for their disposition: to distribute them to Jewish organizations in Israel and the United States, to sell those paintings for which there was a market in the United States, or to sell all of the paintings and use the proceeds to build up an art collection with other Jewish organizations.²¹⁹ It was concluded that the JRSO Board of Directors would make the final decision on the disposition of the paintings.²²⁰

²¹⁶ Receipt, "Allied Control Authority, Reparations, Deliveries and Restitution Directorate, Receipt for Cultural Objects," May 31, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115639].

²¹⁷ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO NY letter # 126," Jun. 10, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115641-642].

²¹⁸ JRSO Exec. Comm. Meeting, Mar. 29, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115684-688].

²¹⁹ Letter from Edward M.M. Warburg to Dr. Stephen S. Kayser, Nov. 1, 1949, Central Archives for the History for the Jewish People, JRSO NY, File 296a [115785-786].

²²⁰ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO New York letter #121," Jun. 1, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115647-648].

PH: Some IJRSO together, some not altogether.

Set behavior of IJRSO in context of time + compare w/ other organizations.

GF: Lots of criticism of Jewish organizations w/ Finkelstein - & within Jewish communities themselves.

PH: Good story of finding NVO - include it.

MD: Ends + stories need to be included.

GF: Short chapters on Cold War + Palestine. Also discuss conflicts w/ Britain.

Priority List

- know policies better.
- Reparation report accord to questions.
- IRO
- NY law firms who handled claims. Lot of information flow
 - restitution takes a long time. Organizers fight.
 - Brünz Wusterfeld - study of Göttingen
 - knowledge of Property Card - we focus what has been organized

- Drawy the line

Victims ~~don't~~ don't stand out in high relief. Also - IJRSO doesn't move fast OAP deal w/ big corporations.

Do you get the word "cuckoo" down? Bro will not be inviting LM to any Cold War parties.

M. M. Warburg, Walter Leary of Knoedler Gallery and Dr. Stephen S. Kayser of the Jewish Museum reexamined the paintings after they arrived in New York.²¹¹ These experts estimated that the entire collection was worth between \$5,000 and \$15,000.²¹² The main reason for this lower estimate was that two of the most valuable paintings, a Sisley and a Courbet, were actually second and third rate examples of these artists, contrary to Dr. Narkiss' initial appraisal.²¹³

The JRSO, in an internal memo, expressed disappointment at the lower value of the paintings:

It has now become apparent that the value placed on the above items at the time they were turned over to the JRSO in Germany was far in excess of their actual value. The problem has therefore become one of disposing of these items and, where indicated, selling those which may have some saleable value.²¹⁴

Now, the JRSO hoped only that any sale of the paintings would cover the costs of shipping, storage and express charges.²¹⁵

2. The Sale of the Paintings

Even before OMGUS transferred the paintings to the JRSO, a debate ensued over their disposition. According to US Military policy, the JRSO was responsible for restoring to

²¹¹ Letter from Edward M. M. Warburg to Dr. Stephen S. Kayser, Nov. 1, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115785-786]; Memorandum, from Antonie Neiger to Saul Kagan, "Art objects shipped by JRSO Nuerenberg to New York in 1949," Sep. 11, 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115695-698].

²¹² From Dr. Stephen S. Kayser, "Disposition of J.R.S.O. Paintings," Apr. 11, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115762].

²¹³ Memo from Antonie Neiger to Saul Kagan, "Art objects shipped by JRSO Nuerenberg to New York in 1949," Sep. 11, 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115695-698].

²¹⁴ Memo, "Paintings and other art objects turned over to the JRSO by Military Government," Mar. 14, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115679-680].

²¹⁵ Letter from Edward M. M. Warburg to Dr. Stephen S. Kayser, Nov. 1, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115785-786].

(12)

GF: Demands property claims. Now "Holocaust assets claims"

PH: Now, Holocaust assets is "Gold-type."

and miniatures. The JRSO's first priority was to ship the most valuable paintings to New York.²⁰⁴ Consequently, five crates of art objects were delivered to New York aboard the "American Miller" on June 9, 1949.²⁰⁵ On June 30, 1949 eleven more crates, initially valued at \$40,000, were shipped aboard the "American Inventor".²⁰⁶ Once in New York the crates stored in the basement of the Jewish Museum for free storage.²⁰⁷ By March 14, 1950 the JRSO had spent \$3,700 on shipment, storage and insurance for the paintings.²⁰⁸

1. Appraisal of Paintings:

Dr. Mordechai Narkiss of the Bezalel Museum in Israel made the first appraisal of the 1,000 art objects in Europe. He estimated that their total value was between \$100,000 and 150,000.²⁰⁹ As a result, the first shipment of five crates was appraised at \$58,950.²¹⁰ However, even before the first shipment left Europe, it was believed that this appraisal was too high, and the second shipment was insured for only \$6,700 instead of the \$40,000 estimated by Dr. Narkiss. To clarify the matter, experts such as Curt Valentin of the Buchholz Gallery, Edward

²⁰³ The transfer was made through the Jewish Cultural Reconstruction, Inc., the cultural agent of the JRSO. "Schedule A: List of Objects transferred from the Munich CCP to JCR Nuernberg," May 29, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 301 [115805-840]; Letter from Saul Kagan to Alexander Roseman, "Hq. JRSO New York Letter #139," Jun. 29, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115593-603].

²⁰⁴ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO New York letter # 116," May 27, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115645-646].

²⁰⁵ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO NY letter #126" Jun. 10, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115641-642].

²⁰⁶ Letter, from Saul Kagan to Mr. Alexander Roseman, "Hq. JRSO New York letter # 139," Jun. 29, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115593-603].

²⁰⁷ Memo, "RE: Paintings and other art objects turned over to the JRSO by Military Government," Mar. 14, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115679-680].

²⁰⁸ Memo, "RE: Paintings and other art objects turned over to the JRSO by Military Government," Mar. 14, 1950, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115679-680].

²⁰⁹ Memo from Antonie Neiger to Saul Kagan, "Art Objects shipped by JRSO Nuremberg to New York in 1949," Sep. 11 1952, Central Archives for the History of the Jewish People, JRSO NY, File 296b [115695-698].

²¹⁰ Letter from Benjamin B. Ferencz to Eli Rock, "Hq. JRSO NY letter #126," Jun. 10, 1949, Central Archives for the History of the Jewish People, JRSO NY, File 296a [115641-642].

22 C
DRAFT = NO spell or
grammar check
28 Aug 00

MEMORANDUM FOR: Gene Sofer, Deputy Director, Presidential Advisory Commission on Holocaust Assets (PACHA) in the United States

SUBJECT: Review of Draft Historical Report

1. The draft report is generally well written and documented with adequate primary sources. It treats in a comprehensive fashion many subjects that have previously been unaddressed by the historical record. The new research and new findings of the report are its major strengths. In sum, it represents an impressive start at an extremely complex subject area.

2. The draft also has significant weaknesses. The quality of the presentation is somewhat uneven, reflecting undoubtedly the many different authors and researchers working on the project. There is a certain amount of duplication that needs to be thought out as well as some conceptual problems that at times undermine the clarity of the presentation. The amount of missing material is significant, and includes such topics as victim bank accounts and similar instruments in the United States, American policy toward the Baltic nations and similar "exception" cases, and the problems with the acquisitions by the Library of Congress. In addition, there are no overall conclusions or recommendations, or--on the technical, scholarly side--no bibliography or discussion of source material yet.

3. At enclosure 1 are more specific comments on each chapter and its contents. Immediately below are some general points that need to be made:

a. The report needs a strong concluding section, one whose findings can be incorporated into any synopses or briefer policy recommendations. Such a section would serve to bring together and synthesize all of the independent conclusions in almost every subsection. Previously the commission has tried to stress problems in the American performance. But those judgements need to be balanced by the incredible achievements made by all echelons of government in handling of Holocaust Assets, which the text of the report makes extremely clear. In addition, the conclusion would be further strengthened by some positive recommendations that would impact on the future and have immediate utility. For example, in future cases (and such problems have occurred recently in Panama, Haiti, Bosnia, Kosova, etc.) should our policy regarding illegally confiscated assets be one of individual restitution to owners (or heirs) or to the state? Should Army and international laws on requisitioning be changed or clarified? Is more government authority needed regarding the regulation of certain types of property? If mistakes were made, then we don't want to make them again.

b. There is a significant amount of confusion surrounding certain key terms as applied to holocaust assets. Is such property to be considered "heirless" only if the actual owner is deceased? Or only if his or her nuclear family no longer exists? Or do

heirs extend to one or more generations? Or, is the state considered an "heir" and the term then signify that the national origin cannot be determined. This matter should be sorted out at the beginning of the study, with the understanding that those implementing the policy might have been equally confused back in the period under study. Such findings should tie in with the innovative concept of successor organizations (which should be emphasized in the conclusion)--unless the commission wishes to challenge that concept and argue that all Holocaust Property should devolve to the extended heirs of its owners in accordance with current U.S. law.

c. U.S. policy re Holocaust Assets needs clarification. Basically, the American government adopted a policy of restitution. How it was implemented was conditioned by a number of factors, rather than by exceptions to an agreed upon implementation policy. In certain cases, former allies were treated one way, neutrals another, and former belligerents still another. In the case of Italy, a new "allied" government had been recognized by the allies--or at least the United States and the Western Allies; in the case of, for example, Finland, Croatia, Hungary and Romania--and of course Germany--that didn't happen. Austria is another special case, but so are the Baltic countries, I suspect. In some cases, certain personal property was given to various national governments regardless of its ownership status; in others, it was claimed either by owners or by their immediate heirs; and in still others by international or successor organizations in a speed and manner that really precluded any efforts at individual restitution to probable heirs. In short, I think it correct to say that the American aims were quite idealistic but that execution was much more pragmatic, as it had to be if the program was to be effective at all.

d. To effect the final changes and bring everything together, the report needs to have an experienced senior historian to oversee the effort--as was done in the two studies produced by Secretary Eizenstadt's interagency group.

270/4-14 Note that in the matter of vesting and frosting, allies, neutrals, and former belligerents different nations were treated different ways depending largely on their wartime status, another example of US policy being implemented on a practical basis.

277/bottom of page Statistics presented are confusing. Do they square with those given earlier re vesting and claims? Does the last sentence mean that the JRSO filed 7,078 claims (thought it was 11,000) against frozen victim assets, but only 35 of these claims concerned assets vested after 1946 (which would represent 3 percent of the overall 4,226 [?] vesting orders, of which most, 68 percent or about 3,900, were issued post 1946). The whole thing needs to be clarified and the number crosschecked.

Chapter 6 Another excellent chapter, but one presented from a different point of view than the preceding ones. This essay, really a topical chapter amid the chronological ones, works very well, giving the reader a break from the narrative story, yet giving him a better understanding of previously treated policies, organizations, and actions, by viewing them through a different perspective. Not surprisingly, this chapter is supportive of the JRSO and the successor organization concept, while other chapters and other publications of the commission have not been, arguing that more care should have been given to finding the legal heirs to all looted property. Finally, there seems to be no information regarding the questions of those works that the JRSO donated to the Library of Congress and other holdings.

285/2-4 Notes the high number of duplicate claims for vested property, which might explain some of the discrepancies noted early in the statistical information presented. (Also, who was Monroe Karasik and why is he mentioned in the text?) Later the authors note (349/6-7) that Justice believed--no explanation give--that the JRSO had only 500 valid claims, a contention that begs explanation.

288-290 As this discussion makes clear, the objective was to establish an organization which could care for "heirless Jewish cultural objects" -- not objects that were both heirless **and stateless**, and thus representing the practicality of US restitution implementation.

129/1-2 Provides the reader with an invaluable OMGUS definition of heirless Jewish property, which could be applied to many of the personal items on the Hungarian Gold Train.

202-305 Notes the transfer of Jewish property originating in Czechoslovakia, Poland, and the Baltic countries, to successor organization, actions some of which the US government directly supported. Rather than as erroneous exceptions to policy, they should be treated as evidence of the practicable restitution policy pursued by the United States.

328-330 This section and others also underline that Jewish cultural property originating in Germany was in many cases not returned the German Jewish community that

Hungary and certain other former enemy or neutral nations. I would also note that the original commission gold train report detailed the list of stolen assets claimed by the Temporary Managing Committee of the Central Bureau of Hungarian Jews, which by their very nature (boxes of diamonds and bags of gold coins) would suggest that the most valuable material had been divested of ownership identity and sorted according to kind well before the train left Budapest. Many would, in fact, hold that US officials were quite right in not allowing claimants to wander around the various holding areas in Germany and Austria (see 371/5-8) to claim property that they could not otherwise identify (something made clear by the Yugoslavian essay that follows). The fact that the sale of the material netted in New York only about \$150,000 (40 percent above evaluation) further indicates the low average value of this material despite its great volume--and ironically there is reason to believe--even as pointed out by the study--that not all of the material was looted assets and much was the property of Hungarian officials and citizens seeking to escape the Soviet armies by fleeing with their property to Switzerland.

- Personally, I find it hard at first to excuse the demands of General Collins for household items "of the very best quality and workmanship available in the land of Salzburg" (quoted twice! 360/16-17 and 362/7-8) for his villa and/or rail car. But the fact is that almost every other high-level US official or headquarters was doing the same thing. In Europe military headquarters, high level officials, and large civil and international organizations have often been housed in the many castles and similar structures that abound there, the more so now due to the great shortage of civilian housing and barracks in Germany and Austria due to the bombing campaign (but the same had been true in France and Italy). And such quarters had to be outfitted with household items in the easiest and least expensive manner possible (rather than import them from the US or buy them on the open market). More to the point (and something many general officers had no taste for), Collins was a regional governor (as were his division commanders), and he was expected to entertain accordingly as a traditional method of conducting political business. The ambassadors and civilians that replaced them had to do the same thing. Moreover, the value of the requisitioned items--compared to what gold and treasures were being stored by the US Army and those stolen by the Germans--seems to be extremely minor, certainly not comparable to the Hesse Crown jewels or the Quinlenburg treasures and not deserving to serve as the centerpiece for alleged American malfeasance. Finally, although I believe it likely that these items had belonged to Jewish victims, there is no evidence that Collins knew that fact as the matter was handled by his junior aides.

355/7 US policy was restitution, not to reconstitute items to their country of origin. Ideally, in fact, the underlying goal was to reconstitute property back to the original owner--and as pointed out repeatedly there were too many cases of property being awarded directly to individuals or to successor organizations to say that these were exceptions.

357/12-15 The inventory suggests that the identities of the owners were not associated with individual property, but it is also hard to envision a list of owners with several million names.

remained there, but instead went to successor organizations. Hungarian property was treated somewhat similarly.

344ff The section on assets vested and/or frozen in the United States is well done. Although it duplicates some of the material found elsewhere in the manuscript, it gives the reader a different point of view and details the role of the JRSO in this process more clearly. Consideration should, however, be given to combining it with similar material or at least reconciling the presentation with earlier material.

Chapter 7 This chapter attempts to deal with subjects that first, don't appear to fit elsewhere and that second, "highlight specific failures of US restitution policy as implemented." The material here, instead, needs to be integrated into the text. The text has already addressed implementation failures--noting the tendency of American troops toward looting, the loss of books to the DP camps, the agonizingly slow process of defrosting, and so forth. The chapter presents nothing new in this regard, so it makes sense to treat these problems right along with the narrative as others have been covered, and generalize about them in the conclusion. Specifically, the variations in how the United States implemented its restitution goals, as noted earlier, ought to be regarded as a virtue, or at least there ought to be a strong recognition that the US government of the time was also committed to an implementation program that was practical--rather than regard the varied implementation as a failure.

354ff The Center's independent study of the Hungarian gold train episode has already made several points regarding the contentions of the report's authors and this review will only underline a few matter below:

- The Hungarian Gold Train received its name from the fact that it was carrying the Hungarian National Gold--which was secured by US troops, moved to Frankfurt, and returned directly to the Hungarian government. There is overwhelming testimony that the train contained not only the national gold and property confiscated from Hungarian Jews, but property of other wealthy Hungarians--supporters of the fascist regime, cultural property from Hungarian museums, various raw materials and war material, and so forth. We also know that the most valuable items were removed from the train and later captured by French forces, and that in its five- to six-month odyssey the assets on board were (as the revised study admits) "rearranged, repacked, divided and subdivided, loaded and unloaded, and repeatedly looted by German soldier, Hungarian guards, and Austrian civilians" well before it fell into American hands. There is no basis for believing the judgement of one junior American officer "that the entire train consists of items and articles, which were stolen or taken away by Hungarian authorities" many months after the train had been seized and its contents stored away 358/13-14). In contrast, all evidence indicates that Jewish property was thoroughly mixed with non-Jewish property and that ownership generally could not be determined.

- Second, the study makes no reference to the official restitution process through which many gold train items were restored to their owners. Nor does it mention that American policy up to March 1946 forbade the Army from restituting such property to

360/1 Collins' "home" was in the United States--no requisitioned goods were taken to homes or private residences.

361/4 There is no proof that these particular household goods came from appropriated Jewish assets and many might have also been the property to non-Jewish Hungarian nationals seeking escape to Switzerland.

364/7-8 If some of the officers lost track of the property, than they ought to have answered to that. Such investigation are extremely common in the Army and the government and mandated by law; I have conducted many myself as has almost every other mid-level or senior American official, military and civilian alike. The fact that the original requisition slips and many of the accountable surveys survived over fifty years indicates that Makenzie ought to have located any missed items had he tried (although such items are generally not accorded the accounting importance of weapons, vehicles, and other more expensive non-expendable items).

356-357 There is no evidence that any property, certainly not any victim property, was stolen from the Salzburg warehouse, and in sum no proof that "victims' assets subject to restitution were designated [mis-designated?], requisitioned, lost, and stolen."

370 The quoted admission that the "decision [not to return the personal property on the Hungarian gold train to the Hungarian government] was based on the fact that it was impracticable to return individual items to the original owners or heir and is believed to have been made in [the] best interests of the class which was despoiled" seems a reasonable explanation, without revisiting the "heirless" issue (which the study earlier pointed out had been decentralized to military decision-makers with the admonishment that cost effectiveness be a primary factor). But the matter begs the question of why the Hungarian Jews did not deal through their restitution agency in Austria--or why the commission researchers did not deal with the records left by the process and highlighted in the Center's report.

371-372 This quote makes it clear that the decision not to retribute the gold train material to Hungary was made at the highest levels and not at the country level; General Clark's contention--or that of his staff--regarding the identifiability of the property applied to its individual ownership and not its national origins. No one in Austria or the US Army questioned that it came from Hungary. Thus and in accordance with general US policy applied to other items, it could have well been returned to Hungary without reversing Clark's decision. Basically, this contention, whatever its origins (and I suspect that Marshall did not pen it personally as he was not even Secretary of State when Clark allegedly made this decision and communicated it to someone), is both irrelevant and illogical.

378 The example given seems to show that the system of going through the national commissions to retribute individual items could work--if the items were there and could be reasonably identified (could anyone do better or adopt different criteria?).

394/Conclusion The Becher ransom is an interesting case, but is there any explanation of why the Jewish agencies sought to bloc the return of victim property to its owners or why the State Department agreed?

395 The one bag of "gold fillings from teeth" needs explanation; perhaps the SS official's testimony should not be trusted.

Chapter 8 As noted earlier, the concluding chapter is extremely weak, non-existent for all practical purposes, and this should be the strongest chapter of the entire study. Fortunately, I think that this should be fairly easy to correct, on the other hand I'm not sure to what extent the study and the findings that flow from it will support the kind of recommendations that the commission wishes to make as explored in the July meeting.

28 Aug 00

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d. To effect the final changes and bring everything together, the report needs to have an experienced senior historian to oversee the effort--as was done in the two studies produced by Secretary Eizenstadt's interagency group.

4. The efforts of the commission to date are extremely promising, but much more still needs to be done. In this final effort, the Center of Military History will continue to support the work of your researchers and writers in every way possible.

Cf

ASA/MRA
Chief of Military History

Jeffrey J. Clarke
Chief Historian

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Chapter 6

implementing US policy in the field, and in the absence of contrary direction, ought to have followed such reasoning. Obviously, one longer-range problem was the difficulty in applying its "internal restitution" policies to Hungary as the US Army did not control Hungarian territory and could promulgate no restitution laws, etc.

229/3-7 Study notes that it was only in March 1946 that former belligerents such as Hungary were allowed to submit claims through the national commissions that were established. This would explain, again, why Hungarian organizations were rebuffed prior to that date and required to funnel their requests through those commissions following that decision.

231/3-11 Earlier commission studies blamed the US Army for not extending the deadlines for restitution. Such decisions not surprisingly appeared to have been made at higher levels, as indicated by the citation (#46), so I would think that the "discussion of the termination of the restitution program" noted in the footnote be summarized in the text.

232-233 The report notes the return of concentration camp assets to the countries of national origin by OMGUS; since the property is somewhat similar, these actions would in this case agree that the same ought to have been applied to Hungary. The contention by Marshal or one of his assistants that US policy toward the gold train property was thus determined by an Army decision that its contents were "heirless" seems incorrect, as everyone knew that it came from Hungary (whether or not specific heirs could be identified).

239/9-10 This statement is incorrect (see also 244/1-3). Instead the US government and the Tripartite Gold Commission took a narrow definition of both monetary and non-monetary gold, holding that the form not the content, or origin of the Gold was critical--thereby stopping Colonel Bernstein's efforts on behalf of OMGUS and the FED to investigate the issue of tainted gold (all covered in the first Eizenstadt report). (Calling this a "liberal interpretation" is extremely misleading. An explanation of the reasons behind that decision has never appeared (to my knowledge) and the commission report ought to cover that subject.

239-240 The discussion re material passed to the IGCR outlines clearly US policy regarding restitution implementation in a contentious area, and illustrates that the decision to make practicality a major factor in the process was made at the highest levels and not something made up in the field. In effect, military officials were charged with determining the practicality of implementing certain aspects of restitution with instructions that cost be a key evaluation factor. Similarly, the commission report criticizes the US government (244/1-3) for "seeking a speedy characterization of property as "unidentifiable" with the clear implication that the whole concept of recognizing successor organizations was unfair and ought to be discontinued (but elsewhere it seems to approve them and the concept that they represented).

182 Here and elsewhere (see also 188/9-10) the shortage of MFA&A officers is noted, but not explained. In part, the problem reflected the generally small number of experts in America, of general military age (18-50 in this case), who were qualified in such areas. In the same vein, Treasury, as we know from the Eizenstadt gold report, had an extremely difficult time putting a team of assayers together in the immediate postwar period to assist the FED in valuating the gold and other precious metals that had been seized (see criticism on 199/3-10 on problems in FED capabilities). And the problem is still serious today, with civilian or contractor deployments to combat zones limited legally--and when I last looked, there were only two art experts (one at the Met and one at the Smithsonian) in the Civil Affairs branch of the Army Reserves who could be legally called up to deploy overseas. Something ought to be said about the problem here as it could also translate into a recommendation that an adequate number of such specialists be retained in the Reserve Components or that other solutions be developed (which would mesh with any policy recommendations that the Commission wishes to make in the area of current policy and doctrine).

210/7-13 This paragraph contains a good, lucid statement of US policy regarding looted property as applied to art work and then, with many, many exceptions, to other assets. Three points with reference to the Hungarian Gold Train. First, German artwork was treated separately because Germany was a former belligerent, not because it was stolen--the same could apply to Hungary and other former axis powers. Second, German artwork was returned to the nation of origin and not to any national government, a situation that could not be applied to Hungary. Third, the spirit of the third category, personal property, was carried out when national commissions were established by both west and eastern European governments were established in Vienna to funnel all claims for property, to include looted property, back to the original owners if those claims could be substantiated (see also 220/1-10ff and 228-229) And many items from the Gold Train were returned to Hungarian and their Hungarian owners through this process, a process that is not discussed in this chapter nor on the later section on Hungarian gold.

213-215 Table 1 title refers to itemized description of the first 77 shipments to the FED but only 17 are actually listed.

Chapter 5: another clear, strong chapter, one that is well written and balanced but also ought to be more comprehensive. The discussion of US policy (which might have come earlier) is as welcome as it is thorough. As suggested earlier, sections on the Baltic countries and Hungary belong here, as like Austria and Germany they were "exceptions" to US general policy. In contrast, the section on the United States belongs elsewhere, and it would improve the overall study if the authors combined that material with some of the matter presented earlier in chapter 3 that focuses on postwar actions in America.

218/7-10 If consistency is a virtue (vice exceptions), then the US ought to have applied the same criteria to German and Hungary--or at least the officers in the American Army

129-132 If about 12,000 of the 19,321 vesting orders were issued after August 1946 (p. 129), or over 14,000 after 1945 (pp. 129-130), how can one conclude that "the postwar vesting program was therefore more limited in scope."? Or are the authors talking about only the vesting of items that might fall into the category of victim assets? And why would there be 62,000 claims for under 20,000 vestings? And if the JRSO instituted by itself 11,000 of those claims for 19,312 vestings, it suggests that that organization believed that most of the vesting were applied to victim property--which does not mesh with the general discussion of the issue in the text.

138-139 The study implies here that the US government ought to have slowed down defrosting so that its benefactors would not have to pay taxes on any funds returned, a rather strange contention.

Chapter 4: This is a fairly good chapter, comprehensive and well-balanced. The matter of US troop looting is handled quite well as are most other instances when US policy and execution was somewhat less than successful--but with both the challenges to US efforts and their successes also amply covered.

142/14 No significant assets were recovered in the field prior to the final offensive into Germany--substitute "during" for "just prior to."

156/6-9 Is May 1945 the first time that references to looted property is transmitted down to troop units or at least personnel executing Army plans? Previously, in North Africa and Italy (as in World War I), the emphasis is on preserving monuments, with art and archives slowly growing in importance, but still with the objective of just preserving. Knowing first time looted property is addressed and the first time the concept of restitution is addressed at these levels would give us a better idea of what was expected of the Army in the field.

162-163 The conclusion that "the Army [in Europe] likely used looted currencies or currencies obtained through the sale of victim's property to support the final American advance" is not supported by any evidence and is not logical. First, anything that would support the final advance through Germany, namely fuel supplies or vehicles--or even quarters--could be and was requisitioned in accordance with international law. But more important, the likelihood that US troops would have seized legal currency, turned that currency over to their division finance officer, who would then use that currency (rather than barter) to purchase something from German civilians, all with the supposition that those particular monies was connected directly with victim assets, is rather remote. It would be more accurate and useful to say something like: "The directive's failure to mention the possibility of finding looted currencies again demonstrated the Army's focus on more immediate concerns, with questions about victim assets something to be handled by others after the close of the war.". If that is in fact the case, such contention could be part of a more general effort in the study to recommend in its conclusion that these matters--how to handle victim property--be incorporated into Army doctrine and manuals today.

USGCC. The transfer of the MFA&A from the G-5 to the USGCC illustrates the transition, although the whole process was somewhat troubled by US and Allied policy indecision at higher levels.

50/6 What were the "three subordinate branches"?

62/5 "Muddled" is not the right word (indecision is not the same thing as confusion or indecisiveness); suggest saying "of complex policy making and execution."

75/7 Here is an example where the definition--or lack of a useful one--of "heirless assets" influenced US policy at the time and the analysis of the report as well. A broad interpretation of individual property ownership would ensure that no property was truly heirless--but was such a position practicable, and if not where does one draw the lines?

Chapter III This is a complex chapter, based largely on an unpublished history of the FCC, APC annual reports, and a few secondary sources. A strong editorial hand would easily be able to reduce some of the jargon and improve the prose, with commensurate gains in clarity. (If the authors of this section could use some concrete examples of the policies discussed--as they do in the matter of vesting--the presentation would be similarly improved.) A major problem is the absence of any estimate of the percentage or value of victim's assets that might have been effected by American policies. Even some anecdotal evidence, in the absence of hard data, would be welcome. But simply saying that "caught up in the blocking and vesting policy mechanisms were, without any doubt, victim's assets" (82/3-4) is not enough, especially when it is later admitted that most of the foreign assets were owned by large corporations or a few very wealthy individuals in Great Britain and Canada (pp. 88-91). We know that the JRSO filed 11,000 claims on vested property, but little else--and apparently no one else did which accounts for the bulk settlement. Finally, the sections on vesting, defrosting, and so forth is unduly complex and in part duplicates the more lucid account in Chapter 5 (pp. 264-278).

80/1 It is doubtful that the US tried seriously to undermine Axis economic strength before World War II.

87/1 How would the importation of looted assets for disposal "weaken the U.S. economy"? In general, the Axis supported such efforts to strengthen their own war efforts and did not employ such efforts as direct economic weapons.

104/3-10 Here is an example of the confusion in this chapter: What required FFC licensing? The WRB, its programs and/or actions, or just the money? Where did these private funds financing a government organization (!) come from? Why were (last sentence) appropriated funds used? (or does this reference mean that the board used 2.5 million of the 20 million as overhead in some way?) What does all this have to do with holocaust assets?

elsewhere as it upsets the logic of the chronological presentation--and duplicates in many cases material found later.

27-28/ The study generally makes an effort to show the significance of currency statistics by converting them into contemporary figures, but the practice is not always followed, and ought to be for such data to have any meaning.

29/10 ("Nor was the U.S. Army immune to anti-Jewish sentiments.") Seems gratuitous; suggest that it would be more effective to say "Such feelings, in fact, pervaded American society and were present at all levels of government, to include the U.S. Army." Although there is no evidence yet presented that it influenced Army actions or the postwar efforts of other U.S. agencies, it certainly should be said.

29/11 Indent and drop "throughout Europe" for accuracy (say "The horrors perpetrated by Nazi Germany during the 1930s drew little more than . . .").

35/3-6 Change for accuracy to read, "With victory over Nazi Germany secured, the US Army began separating itself from its British ally and on 1 July, 1945, established an independent American command Soon after SHAEF was dissolved."

41/2-9 Something is missing from this paragraph; need to check. Also, having a soldier make \$12,000 or \$110,000 from a few cartons (?) of cigarettes on the blackmarket needs a little explanation and/or a better footnote than a general text on modern German history

42/13-14 Something missing from sentence.

45/2-3 For clarity a bit more explanation is needed. Something like, "As American combat units moved through Allied nations, such as France and Belgium, their task was to reestablish the existing civilian infrastructure, using military supplies and capabilities only as a last resort. In Germany, however, their task was more complex as their mission slowly evolved into one of more direct involvement. And it was these tiny detachments that were often"

46/4-7 This does not appear to be accurate. The basic responsibility of the "5" staffs was to ensure that the legal responsibilities of the military commanders toward the civilian population were satisfied. Generally this meant that civilians in their area of responsibility had adequate food, shelter, medical care, security, etc. (and, for example, the problem of importing food received attention at the highest military commands levels because of the issue's complexity). Again, the best way for this to happen from a military commander's viewpoint was to reestablish civilian authority as quickly as possible--so that the civilian economy might even help the military effort (e.g., it was French officials and French civilian labor that reestablished the metropolitan SNCF rail network that was critical to Allied logistics in 1944 and 1945). The G-5 did not really have the expertise or training to establish or assist in the establishment of a new German government, so it was logical to create a new organization for that purpose, the

Enclosure 1

Chapter 1 (Introduction): Well written and organized, it borders on being an executive summary itself. In either case it ought to include the primary conclusions and findings of the study (the recommendations could be elsewhere), especially as it seems to lose all of its steam after the annotated chapter outline (p. 11). In this respect, the introduction also might want to take a positive tact, referring to the many innovative policies and procedures pursued by the United States during this period and the accomplishments that did take place. Compared to those undertaken by other victors then and in the past, US actions were markedly benevolent, setting high standards for the future--and that aspects of the program must also be captured.

Page/line

6/9-11 The third point says essentially that "we don't know if anything was stolen, but if it was we don't know about it" and suggests that looted property might have been re-stolen by "others" (Russian troops, DPs, the French). It would be more useful and accurate to say something like, "Third, the confusion that accompanied the closing months of the war provided many opportunities for the outright theft of such property, especially personal valuables, actions which undiscovered would have left no trace of their ultimate fate." That way, you would at least cast the net around US troops, who also did their share of looting, as pointed out by many studies including the report.

8/top paragraph When mentioned published works, those of Mike Kurtz ought to be mentioned prominently as they dealt with US policy regarding art work during this period. (And, of course, Mike is the deputy Chief Archivist at NARA and chairman of the Interagency Group on the Declassification of Nazi-Related documents.)

12/6-7 This statement is misleading, as its subject is generally limited to real estate and businesses, where a large number of German custodians were necessary, and not to art, cultural and personal property, and other financial assets.

12/10-14 This conclusion re the divesting and unfreezing of assets does not seem to mesh with the conclusion presented in the text.

12/bottom As suggested earlier, a stronger command of the terminology used (re "heirless," for example), might clarify the concluding sections here. The point that the US adopted a (is "revolutionary" too strong a term?) ownership restitution policy and implemented it pragmatically needs to be underlined--then other things make sense: Why, for example, former belligerents like Germany and Hungary were treated differently than France or the Netherlands, or Austria and the Balitics.

Chapter II This is a strong chapter, providing general background for the entire report, and more detailed scene-setting for the chapters that follow. But I strongly recommend that it be cut off in 1945, with that material focusing on the postwar period moved

**Comments on the Work Draft Historical Report of the Presidential Advisory
Commission on Holocaust Assets in the United States**

Gerald D. Feldman

I would like to preface these remarks by expression of my sympathy with the difficulties of the task faced by the Commission and by everyone who did the leg-work involved. On the one hand, there is an extraordinary amount of material available. On the other, there are huge gaps just where one would like to answers to key questions. I am also cognizant of the difficulties involved in putting together so much material from what appears to have been a set of disparate reports generated within the working group in what has clearly been too little available time. The report contains a great deal of information and is very useful as a factual account of military, civilian, and private organizations dealing with Holocaust assets. It is not, however, a very connected document. The report seems to be pasted together and lacking in the development of coherent themes in such a way that one knows what the chief problems are and what are the key messages the authors intend to convey. This is rather surprising given the three members of the research staff, who are not known to be shy about saying what they think or to be inexperienced in presenting their work. Is this their work or the distillation of their work? The report appears as an authorless composite, and one wonders what the criteria were for the selection of material and what was excluded and why. In some respects, the report is too long for what it tells us and too short on explaining why various things happened and what the most important issues are.

I will now briefly turn attention to each of the chapters and mention problems that drew my attention as well as comment more generally on them.

I was quite astonished that the discussion of who was a victim was "forthcoming." (p. 3) How can one discuss the control and restitution of victim assets when one does not have an agreed-upon understanding of whom one is defining as a victim? What, indeed, is a "Holocaust asset?" Obviously we are dealing with more than those who either died in or survived the concentration camps, but are we, for example, dealing with Jews who left Germany in the early phases of the regime and took up residence in this country and elsewhere, sometimes changing their citizenship, sometimes not? This is not a trivial question since the German Government frequently deprived individuals of their citizenship by decree and held all their assets forfeit to the German Financial authorities while, under the 11th Decree of the Reich Citizenship Law of November 1941, Jews living outside the Reich were stripped of their citizenship and their assets were declared forfeit. However, German financial institutions and authorities were quite worried about being sued in American and other foreign courts for the confiscation of the assets of German Jews who already had taken up American or some other foreign citizenship and who could not be deprived of a citizenship they had already surrendered. If such person's assets are to be included in the scope of what is under discussion here, then perhaps some discussion of the degree to which we provided protection or sought to provide protection for the interests of such persons both prior to and after the end of the war deserve consideration. In this connection, it would be of interest to know the position taken by our legal authorities toward, for example, the surrender of assets of our citizens to German authorities by Swiss insurance companies, banks, and companies operating in the Reich. In any case, I think it important to define and discuss who the victims are in order to determine whether the major problems have been adequately

covered and investigated. Let me urge, however, that the report make no effort to determine the magnitude of the assets involved (p. 6). The Volcker Commission quite rightly decided not to try this in their investigation and the Historical Commission of the Deutsche Bank has also decided against making uncertain and tenuous calculations in a forthcoming study of Aryanizations. There are simply too many gaps in the information to establish viable global estimates, and I would really want to be convinced that there is a viable way to extrapolate from what we know to what we do not know. The point I am making here is, in fact, made very well by the authors on page 409 of the Report. Also, I think that the use of 1999 values should be limited to where they make some kind of sense. There is no point whatever in saying that a lieutenant using his cigarette allowance on the black market could pocket \$12,000, or the equivalent of \$110,000 today, in four months at that time. (p. 41. See also page 66, bottom.)

Chapter 2 provides important background information, and I have no problems with the facts presented. I do have problems with the conclusion, which does not seem to take the reader anywhere. Obviously, the US Army had a big job on its hands. It would appear from the next-to-last paragraph that the Army operated without guidelines, while the only engaged department back at home was Treasury. Certainly more should be said about the implications of this situation, which deals with the central issues of the study. Clearly the context, which is well laid out in the chapter, is important, but the context often seems to overwhelm the central problem. It would be interesting to have an assessment in more concrete terms of the job done by the army and military government, the processes by which decisions were made, and the personnel involved in order to have

a deeper explanation of its successes and failures. There is more of this in Chapter 5, and it might be helpful to pull the material together in one place and expand on the problems.

Chapter 3 provides a wealth of important information, but leaves me curious about a few questions that may be of significance. I would like to know more about why the US decided not to respond to Germany's actions in 1938-1939 (p. 85), and I would also be curious if Poland was included in the freezing of assets discussed in the next paragraph. It is not mentioned, but I presume this is an oversight. I wonder if we could not learn more about the issue of looted securities and the problem of the control of imported securities. (p. 93) There has been considerable discussion about the role of the American banks in this area, especially Chase, and it would be useful to know if there is more information about this. How cooperative were the banks? How energetic was the control over their holdings in this area? Is there evidence of slippage? The problem of looted securities is left hanging in the conclusion to this chapter.(p. 139) With regard to the discussion of general licenses for the four neutral countries and the transfer of funds from the United States (p. 100), how effective was blacklisting of companies belonging to Germans that were "cloaked" in controlling potential abuse of the system?

I found Chapter 4 informative and convincing. However, on page 155 the reader is left hanging as to whether a standard documenting procedure was ever adopted and is only told that it was still under review in May 1945. If it was created, was it a good one? The conclusion to the chapter is a reasonable one, but it is perhaps more apologetic in tone about imperfections than it need be and less forthright than it might be about what might have been missed by way of assets or, perhaps, what has been found to have been missed in subsequent years.

Chapter 5 is filled with important information that really needs further development, and I had the constant feeling that one was getting near-judgments but that the authors then backed off from expounding on them with evidential authority. The turning of the job of restitution over to the Germans is a terribly important issue and has obvious parallels with the denazification, which was also turned over to the Germans. The results of denazification, as historians now generally agree, were terrible, first, because it was a misconceived program and, second, because the Germans finished the job as miserably as we started it. As I read pages 253-259 and especially the specific analogy made on page 257, I had the feeling that a more sustained and deeper discussion was desirable. Turning to another matter, I was surprised to find no discussion of the effects of the currency reform on different categories of restitution and how the knowledge of an impending currency reform and the actual implementation of the reform might have influenced the strategies of the parties involved. I also think that more needs to be said about the role of the JRSO in its role as an advocate of victim restitution in Germany and the United States and its role as a recipient and distributor of assets. The issue crops up in this chapter and then crops up again at the end of the next. I realize that this is an emotional and political issue that is very "touchy," but I think that this Commission, which has turned up important new material, can help clear the air and raise the level of the unavoidable discussion and debate by providing a balanced assessment.. At the minimum, it needs to pull together what it has to say on this subject. Similarly, the OAP story needs explanation and more needs to be said about whether anyone tried or succeeded in doing anything about the rather outrageous situation discussed on pages

276-178. What were the relations between the OAP, on the one hand, and the JRSO and Congress, on the other?

The discussion of the Jewish Cultural Reconstruction, Inc. is extremely interesting and important, although the description of Koppel Pinson's administrative performance rather depressing reading as is the account of the handling of the paintings. It might be worth noting in the text that Pinson was the author of what was the most widely used textbook on German history for a long time, and perhaps greater identification should be given to Hannah Arendt, Salo Baron, and Gershom Scholem. These were, after all, very important persons in American, as well as Jewish, intellectual life. Insofar as the paintings are concerned, here again one really needs somewhere an evaluation of the role of the JRSO, its accomplishments and its limitations. This is probably the chapter to do it, but then some of the material in earlier chapters dealing with the JRSO in Europe needs to be considered and perhaps placed here. The balance in the chapter is rather strange since most of the chapter deals with cultural reconstruction and then one gets a few pages on heirless assets.

Chapter 7 does a good job of presenting three big "screw-ups," but what exactly is the point of separating them out like this unless they are really exceptional? The concluding sentence on page 353—"Although they appear to be special cases, the degree to which they were exceptional is unclear."—is really not very illuminating. If they were typical, then they have consequences for the whole story being told.

Obviously there is a great deal more research and work to be done—I was very surprised to find no discussion of how so much stolen art found its way into American museums—and there is nothing wrong with the Commission saying so and treating its

report, which I hope will be revised along some of the lines I have suggested, as a basic assessment and point of departure for future historical research. I do think that even now it can say something more about the roles played by the Cold War and the creation of the State of Israel. In any case, having read other reports produced by U.S. authorities and by other national commissions abroad, I do find the report a bit too descriptive and agnostic when it comes to forming a critical judgment about the major issues. At the very minimum, it needs, on the one hand, to state what failures it considers overdetermined by the historical conditions under which the actors operated and the unprecedented nature of the problems faced and, on the other, where the actors faced genuine alternatives and made wrong decisions out of self-interest or questionable political and economic priorities. I presume that we will be informed at the meeting about some of the policy implications of what has been found and what the consequences of the report are supposed to be.

Professor Jonathan Steinberg, Walter H. Annenberg Professor of Modern European History
 Department of History, University of Pennsylvania, 3401 Walnut Street, 347D
 Philadelphia, PA 19104-6228, USA

Comments by Historical Consultant on the

Working Draft, August 11, 2000
HISTORICAL REPORT
The Presidential Commission on Holocaust Assets
In the United States

General Comments:

The report is well written, clear and has been prepared in a professional manner. It reads well, much of it is fascinating, some of it - especially the account of the fate of the Hungarian "gold train" or the mess with the books loaned to DPs from the OAD - quite disturbing. My uncle Phil (Rabbi Philip W. Bernstein) seems to have played an equivocal part in spiriting the "Scholem" books to Jerusalem.

Two main issues emerge: the first is the function of this report. I am not clear why it has been prepared, to whom it is addressed and to what end. An account of the treatment of Holocaust assets in the USA has no need of long historical excursions or descriptions of what was found in the Merkers mine. A report which simply set out the legal issues, listed the holdings and dealt with the problem of claimants would be quite adequate for the potential claimants. I suppose there are lessons to be learned from the treatment of assets in the aftermath of the war but they are pretty general, apply to a period which is unlikely ever to be repeated, and to an American administration which has moved on in the past fifty years. I may have missed something here, but, if I have not, a more substantial description of the report and a more explicit justification should be set out in the introduction, and there will, I trust, be a proper conclusion at the end.

The other reservation concerns estimates of total claims. The paragraph on "how much?" [pp5-6] must be cut and no other such calculations should be made. There are two reasons for my strong aversion to global guesses about the value of Holocaust assets. They are, firstly, impossible to do, as the authors themselves concede, and, secondly, dangerous. The press likes billion dollar sums and will blow them up. Anti-semites in Germany, Austria and Switzerland will immediately point to further greedy claims by "Jews" and cause trouble. We have no need to give these creatures free ammunition.

Finally, there must be a glossary of terms. "Escheat" "vest" etc are not household words. There must also be a good list of abbreviations and possibly a guide to the various Jewish organizations, whose names and abbreviations are simply impossible to remember and keep separate.

Detail comments:

p. 12 line 6 "80,000" German bureaucrats handle restitution in Germany. Where does that number come from?

p. 16 line 4 Dutch, Danish, Norwegian and other Scandinavians as well as Balts were "nordic" and not "inferior".

Footnotes 3 to 6 are feeble. There are plenty of better sources than Bullock's ancient biography of Hitler, which in his plain English common-sense way does not take

Professor Jonathan Steinberg, Walter H. Annenberg Professor of Modern European History
 Department of History, University of Pennsylvania, 3401 Walnut Street, 347B
 Philadelphia, PA 19104-6228, USA

Hitler's ideology seriously. A few quotes from *Mein Kampf*, Rosenberg's "Myth of the Twentieth Century", Hitler's 30 January 1939 "prophesy" or his "table talk" would do the job.

p. 17 line 11. It was not a "Civil Service Law" but a "Law for the Restoration of the Professional Civil Service"

p. 18, line 6 *Reichsfluchtsteuer* could not have been instituted under a democratic republic. Foreign exchange controls, on the other hand, were.

p. 25 The account of the mission of the *Einsatzgruppen* is wrong. The text should read: "Their initial mission has never been entirely clarified by historians and there are conflicting accounts given by those SS leaders who stood trial after the war. Documentary evidence does exist which shows that Bolshevik functionaries in civil and military administration and male Jews were to be singled out and executed. In August 1941, orders appears to have been given to extend the killing to Jewish women and children and old people over 65". Cite Christopher Browning or Christian Gerlach's recent work for the latest stage of research.

p. 26 line 4 The actual treatment of Soviet POWs is complicated. The sentence should read: "In due course, Soviet prisoners of war were allowed to starve or were deported to the Reich for forced labor. Estimates indicate that more than two million POWs perished between 1941 and 1943." Footnote Christian Streit and Christian Gerlach.

p. 26 lines 4-5 not "for the Jewish race in Europe" but "for the Jewish question".

p. 27 n. 44 insert "r" in "ermorderten"

p. 27 3rd paragraph. An exact description and numbers for so-called "Melmer" deliveries can be found in Jonathan Steinberg, *The Deutsche Bank and its Gold transactions in the Second World War*, (Munich: Verlag C.H. Beck, 1999) pp 33-6

p. 35 line 8, Lt Gen Lucius Clay "also loomed large over this period". What is that supposed to mean?

p. 36, line 6, Each zonal commander did not become "sovereign" in his zone. Sovereign authority was the Allied power which named him.

p. 37 n. 70 insert "i" in "allierter" and lower case "a"

p.38 2nd para. line 1 "32 million deaths": where does that number come from?

p.41 lines 10-11 missing

p. 147 line 1 up: *Obergruppenführer* (his SS rank) Karl Wolf is better than "General" because he was a "General der Polizei" and not the Wehrmacht

p. 160 line 11 space between "be" and "captured"

p. 257 line 2 up Federal not "F.E.D.eral"

p. 258 line 12 ditto

p. 284 the JRSO's charges: were they fair? unfair? Should the authors not comment on them?

p. 286 line 2up should read "Baden-Wuerttemberg" not the other way round.

p. 288 n.29 line 3up "conseil" and "jüdischen"

p. 289 n. 31, line 1, Leo Baeck not "Boeck"

p. 295 line 8 insert "American" after "Latin".

p. 289 How did the great Hannah Arendt get the job as Exec. Sec. of the JCR? Some biography here needed. Cite Elizabeth Young-Bruehl her biographer for the reference.

Jonathan Steinberg

Cambridge, England,

August 23, 2000

Commentary on PCHA Historical Report Ms DRAFT of 8/11/00

Robert P. Grathwol

August 30, 2000

Chapters 3-6 only

p. 133	War claims – no explanation, see p. 350, fn 318 for an adequate explanation
p. 149	What happened to Italian gold?
throughout	adviser or advisor – pick one and search and replace
p. 156+/-	descriptions allow shortening of ch. 2, I think. In cooperation with SHAEF the U.S. Army developed extensive policies and procedures for dealing with looted assets (see chapter 4). Advanced planning particularly for art and cultural property established units with well-developed guidelines for handling captured assets, but the Army's planning also included units and guidelines that covered gold and other monetary and non-monetary assets (see esp. ch. 4, pp. 143ff.). The guidelines, training, and numbers of personnel were inadequate to the enormity of the situation, however.
p. 206	parcel post packages sent back home. Not "loot" in commission's sense as described. Significance is that AG report exposes a hole in the system and no one knows how big it was. May be unknowable.
p. 210	Form for restitution to govts. Clause that govt agrees to hold items as a custodian pending determination of lawful owners. THIS IS A BIG DEAL and needs to be emphasized in the conclusion (to chapter and to whole). Of course, no mechanism for enforcement is provided (or perhaps even possible), and no procedure for review of govts' actions. Not the Army's job.
p. 210-11	Govts agreed to provide USFET with estimate of restituted objects value and any info. on possession of objects since 1939. ANY COMPLIANCE?? Need to say yes or no. Again, perhaps a pious hope.
p. 212	Chap. summary-conclusion: can reflect on shortcomings, losses of goods, "trust" of govts to whom restitution made and their obligation to identify victims/owners. Summarize lapses and failures: -- lack of experts, of guards, no time for inventories, lack of transportation, all resulting in imperfect implementation of procedures which on paper look pretty good.
p. 220	National govts' role – see ch. 4 p. 210ff. Need to emphasize that this policy guideline runs throughout operations from this early discussion to end of U.S. involvement with looted assets. It is crucial that U.S. policy discussions from very beginning give prominent role to govts rather than to individuals.
p. 222	More can be made of exclusion of household items. It eliminates vast categories of loot, perhaps relevant to Gold Train situation (rugs, dinnerware are household items, even if it is no justification for Collins' behavior). How does one categorize furs, for instance? <i>Is This Actual Policy? IF SO, NOTE DIFFICULTIES</i>
p. 222	Interdiv. committee discussed restitution to individual [Ellen Dulles], but rejected it as a paramount consideration in favor of restitution to countries. [By extension, perhaps, to collective entities, e.g. successor organizations acting for a whole category of victims as a country would presumably for its citizens.] This seems

Category in State Dept is for All Persecuted, but only Jews have big advocacy group.

	to me crucial for the direction of later decisions in implementing policy.
p. 223	Compensation for . . . racial and religious minorities. Should this be stressed in the conclusion (chapter or whole)? Compromise on restitution to Jews directly because of "resentment" that direct property restoration might provoke. Is this latent anti-Semitism? A tendency to blame the victim? <i>Reckless of antisemitic attacks?</i>
p. 223	German restitution by paying for resettlement of victims; thru international organization; pay an indemnity for each individual. What ever becomes of this, and why is it relevant to U.S. control of assets? - <i>Is this in the ISEG?</i>
p. 225	section most relevant - no absolute right to restitution; limited by practical considerations. <i>Emphasize as policy shift & principle implement of rest.</i>
p. 226	So the factors are: resentment, econ stability, social tensions, administrative burdens. All this produced a "twofold plan"
p. 227	opposing visions of postwar Germany - involved levels of conflict between State and Treasury over what kind of postwar Germany U.S. wanted. That set parameters for the POLICY. The Army developed its own set of guidelines for PROCEDURES for dealing with captured loot.
p. 228	restitution described here took place at same time that Army officers were working to consolidate and inventory assets that it continued to discover in vast quantities. See chap. 4, pp. ?? <i>TIE THIS BACK TO Chap 4</i>
p. 229	By 1946 U.S. govt had ceased restitu to Baltic states because. . . This principle influenced later decisions on restitution to Baltic states discussed in chap. ???
p. 230	Issue of restitution of securities - emphasize that restitution is to countries, not individuals.
p. 233	Again, principle of restitution to country prevails when restituting bonds, jewelry, silver bullion, precious stones, securities, wedding rings. Material found in envelopes, presumably with names, but went to countries.
p. 235	Paris Rep Agreemt. - all non-monetary gold to go to international relief organizations - not individuals - same collective as a country. By this principle, any non-monetary gold that went into gold pool wold have gone to international relief organizations. Victim assets to support collective relief.
p. 238	Aid to IGCR - to go to rehabilitation or resettlement of persons in the eligible classes" of uprooted. So, again, restitution to individuals (or aid) subordinated to a collective entity, a common good.
p. 239	"practicability" of determining ownership just an implementing principle of the general rule that collective relief more important than individual restitution.
p. 240	IRO had disincentive to investigate ownership - collective relief vs. individ right
p. 241	"practicability" rule applied to household items. Perfectly consistent with Interdivisional commission discussed p. 222. Worth pointing out here that Army is following policy enunciated in 1943 (?date)
pp. 243-4	In summary - handling of heirless assets shows a clear predeliction to favor restitution to the refugees as a class/category rather than as an individual.
p. 247	MG wanted money paid in restitution to stay in Germany (1946 discussion of Mil. Law 59). This is perfectly consistent with overall U.S. policy, implemented through the Army, to do everything possible to support the German economy.
p. 252	The flexibility/ease of filing under MG Law 59 does not come through here as it did in discussion on July 27. I think it is worth emphasizing

*Emphasize
that this is
the consistent
policy*

*How do
we get for
State Dept
1944 to
new restit
policy 1945-
46.*

*Geopolitical
reason
Baltics
Compulsory
reparations
to London*

Contextualize

p. 254	German involvement in administering Law 59 – consistent with progressive return of all govt functions (elections, constituent assembly, Basic Law) to Germans, but certainly compromised restitution. Again worth mentioning.
p. 257	Chance to mention that lack of success in German involvement in restitution paralleled lack of success with German implementation of denazification.
p. 258	Adviser/or on Jewish Affairs mentioned here and several other places, but as a FINDING we might say that role of Jewish advisor examined episodically but not systematically explored, and it ought to be.
p. 264	Austria – so where does discussion leave us – Austria vs. Germany, which did better or worse?
p. 270	Blocked assets released by FFC – again foreign govts responsible for determining ownership of property. The very consistent application of this principle is a major finding in my mind. Exceptions can be explained by Cold War politics or by placing another collective (Jews as a special category of victims) over the collective of the state. <i>COLLECTIVES AS TRANSITION TO JRSO</i>
pp. 276ff	Where is the documentation for the sample ? Shouldn't it be given?
pp. 281ff.	Whole discussion of successor organizations shows how prevalent "collective" restitution was both in U.S. govt and among influential Jewish organizations. This principle often overrode restitution to individuals.
pp. 282	fn 5, Jewish advisor comes up often in this chapter. We ought to collect documentary info and include ref. to it in What Remains.
p. 307	Magnes of Hebrew U. Not concerned with return to rightful owners. This again makes the point about collective vs. individual.
p. 314	Jewish adviser and loan of bks to DPs. Concern of officials at MFAA is restoration to individuals.
pp. 315-6	Overridden by arguments from Rifkind and acceptance by Clay. Whole episode illustrates the dilemma of the issue – conflicting interests and priorities, agents of the U.S. govt receiving conflicting instructions, seeming dereliction of duty explainable by countermands from higher authority, disregard of obligations undertaken when in fact people may have been following a "higher" moral imperative.
p. 321	Schildkret & reflection of clashes w/in Jewish community over how to handle restitution – indiv vs collective. Officer attitudes towards "Zionists" and towards getting "the organization off [OAD's] neck" for good and all."
pp. 325-6	smelting of ceremonial items – a practical decision that provoked dissent within the Jewish community that made the decision.
p. 330	Fkft museum objects to American museums rather than to Fkft. Another suspension of the p-ple of "ownership." Jewish community worldwide divided over which p-ple to follow.
p. 331	JCR made provisions for individ redemption of its holdings, even after they were transferred to museums
p. 332	JRSO didn't always take claims of ownership seriously, especially if paintings 'were ot very valuable.' Value then may not correspond to value today.
p. 335-6	JRSO paintings story shows range of opinion that emerged in the Jewish community on how to handle disposition of assets once they passed into their possession. Not surprising then that a similar range of opinion characterized

-Contestable

Policy
in principle

There see
at least
for what
remains
doing

|| Cultural
Commonwealth ||

Saying
heritage as
opposed to
individual
interests

The
Millia

Possession
Self-will
in series
of ideal

	policy and implementation among functionaries of the U.S. government as they dealt with the assets.
p. 339-40	Mil.Gov. reclaims 4 paintings, but JRSO sells them anyway – another example of competing priorities and values. Concern abt the auctioneer’s reputation.
p. 344-6	Senate Judiciary Comm, est. 500K to 2 mil., max in legis. draft of \$3 mil. exceeds that estimate. Set as a maximum. Make clearer.
p. 348	OAP, in reviewing JRSO claims, did find 200 owners
p. 350	fn 318 War Claims fund explanation needs to go much earlier, in Chap 5??
p. 359	Gold Train description of contents. Many of these items excluded from categories of loot to be restituted by definition formed by committee on which Ellen Dulles served. See chap. ?? or ??
p. 359	Collins’ requisition is before train unloads (7/13 vs. 7/23 – see p. 356 for latter date). Is this the explanatin of why train’s goods were treated as requisitionable? Explain dates. They don’t parse.
p. 361	mil. families not allowed into Europe til April 1946. Any evidence to contrary?
pp. 361-5	Gold train in gen. and loss of control/ pilfering in particular show in concrete terms some of the effects of inadequate personnel, no adequate security, turnover, breakdown of discipline, and esp. abuse of command authority. Illustrates with explicit detail what has been discussed in general terms. It is illustrative even if it is not typical.
p. 367-8	Robinson’s view that Gold Train valuables belong to “Jews at large” rather than to Hungarian govt or Hungarian Jews. Another example of collective good over individual ownership as value in broad Jewish community (or was it just American Jews?). Wise also. Zionists in Hungary also. Political pressure from American Jews to shape American mil. Gov. policy??? vs. Hungarian Jews who have no weight in U.S. consideration??? Decision to use proceeds for IRO is consistent with other decisions on “heirless” property, but other exceptions for owned property??? [I think so.]
p. 371-2	Marshall reply on Gold Train invokes Paris Repara. Agreemt of Dec. 45 on non-monetary gold applied to support displaced.
p. 379	Block quote on repacking of Hungarian Train goods – should go with description of unloading of train. It makes use of the material for requisition and sale much more understandable. Still have problem of Collins’ early requisition.
p. 379	Fate of Gergely materials. Colin’s chapter might end “Mrs. Joli Gergely’s hope of recovery of her personal belongings endured for three years and received only partial fulfillment (se chapter 7, pp. 3xx-xx). Or words to that effect to wrap up his reference to her.
p. 380	I still think that Gold Train illustrates a clash of principles – U.S. Jews (and perhaps others) and U.S. officials saw assets as benefiting a “class” of victims; owners (and the Hungarian govt.) wanted their property restored. Repacking changes identifiability. Collins’ very early confiscation/requisition still unexplained and unexcusable. Property officers caught in the middle with little power or authority but with lots of responsibility.
p. 389-91	Becher Ransom – what compelled JDC and JA for Palestine to seek this? Common good over individual good (ownership)? JA for Palestine assertion that it had right to ransom and that it would seek owners and retribute to them.

p.192 this para not quite clear- First it says local officers moved art and then says the fact that they were not authorized to do so slowed things up -perhaps clarify

p.194 Ranbach should be Ransbach

p.195 para 1 This is not quite true. Many items were identified in the repositories and in some cases sent directly back to the country of origin from there-viz Neuschwanstein.

"organizations responsible for restitution" What are these??? clarify that each victim country had its own such organization.

p.201 para 2 Maybe put this Wiesbaden para up with the other collecting point info. Instead of "shortly after the German surrender" say "late June, 1945"

Check "Rosbach" could that be "Ransbach" ?

p. 202 top statement that movement of works from repo "only added to the backlog ..." Of course it did-but the backlog was eventually cleared up. Also "In January 1946 Army officials "admitted" being unable to identify works....It seems to me that there was nothing bad about that-of course it would take time to identify objects and put things in order. This whole para (and indeed the whole chapter) is relentlessly negative. After criticizing for many pages the fact that the Army was slow to empty the repos they are now criticized for having too much in the collecting points. At least the fact that by April 1946-(pretty good considering the chaotic conditions of war-torn Germany)- Offenbach was already shipping out large quantities is mentioned, but seemingly as an afterthought. Also should mention that major shipments back to countries, which included victim art, began in early fall of 1945. Some indication of the quantities being handled would be good-the Monthly reports of the collecting points, I believe, kept a running total.

Section "Security issues"

Somewhere in these paragraphs it should be made clear that the local population as well as D.P.s and G.I.s stole things -viz the German guard who stole things from the Munich CP

p.204 Para 1 did the theft and vandalism "continue at an alarming rate..." There was theft and vandalism-but in relation to what was saved it does not seem very alarming.

p.206 Weimar was in the Soviet Zone of occupation. US forces were withdrawn from there on July 1, 1945, I believe. Check this story-unreconstructed Nazis loved to blame things on the Americans, especially after they had left an area and the case could not be investigated. (believe this case may have been in the news lately but I have no file on it here) Use another example?

p.207/208 last line-150 "presumed" stolen works is a minuscule number when compared to the several million works secured by the Allies. Is this for all of Germany or just Berlin?? Were lists actually distributed?? By which agency? Date?

p.211 para 1 "restitution...upon application" I think many of the early returns were initiated by the Allied Governments.

p.211 para 2 "in which case it was to be returned to USFET..." Is this really so? Was anything returned ?

Also-"providing of estimates of object's value"-I think maybe this was proposed as part of reparations policy but not implemented for art.

This chapter ends rather abruptly-perhaps somewhere in p211 add a reminder phrase saying restitution will be discussed in Chapter ___ or words to that effect.

CHAPTER V

P216 Not sure experiences of Ms. Gergely should be main example for restitution-The Hungarian train was certainly an anomaly-or at least some indication should be given of the tons of Jewish owned items which were successfully restituted in a number of the formerly occupied nations.

P. 232 para 2 should note that the "Jewish cultural property" referred to here consisted of books and religious objects and did not include Jewish owned fine arts which were handled at the other collecting points.

P.244 Somewhere should mention German compensation programs for art and other possessions which went on well into 60's i.e. the "Widergutmachtung" program

p.261 para 2-re items at Alt Aussee-should indicate that most of the very high grade looted art found at Alt Aussee, which was principally from Hitler's collections, was taken to the Munich CP and not left in Austria.

This chapter has little information on art restitution. Need to have some info on how many claims were filed -how much was returned. Present Ch IV does not tell us enough about what was actually done. Of interest might be yearly totals of things going in and out of Collecting Points, number of shipments with destinations plus some contrast with Soviet practice and a short discussion of politically motivated action concerning art. (Lubomirski collection, for example) Also some info on major Recuperation Commissions in France, Holland etc. would be good.

Chapter VI

p.292 para 2 In order to claim the books..... It seems only logical that the claimant would have to submit the titles of his books.

p332 last para It would be interesting to know how it was determined that these were Jewish owned if they were "unidentifiable" Maybe say they were "unclaimed" or "heirless" ie identified as Jewish owned but owners could not be located.

p. 342 Rothschild portraits. Did the Rothschilds agree to them going to Israel? Good to say so if they did.

p. 344 "former living persecutees" Clarify?

Chapter VII

Hungarian Train

Maybe should be called the "Werfen" train and not the "Gold" train as the gold was on a different train

While it is true that the train contained Jewish owned property, it was not, as is pointed out earlier in the report, US policy to distinguish between Jewish owned and other property at this time. Hungary had been an Axis country and was, in 1945 in the Soviet area of control. It was US policy to make Axis allies wait until last for restitution--this included Italy. Therefore the fact that the train contents were initially taken over as enemy property does not seem particularly out of line. The fact that the objects never did go back to Hungary seems to be principally a result of the approach of the Cold War and the greater influence of the Jewish Successor organizations--granting them preference was, of course a violation of original US policy. Somewhere in this report it should be noted, however, that by late 1947 thousands of Hungarian claims for all kinds of property had been processed by the Army and a great deal (including gold reserves and paintings, I believe) returned to that country. I remember in RG 260 documents on Hungarian claims. It would be interesting to know if any were Jewish claims and if so why the train stuff was different.

Re General Collins' and other requisitions Were any of these items ever returned to the warehouse or did the officers in question keep them? I have heard mention of receipts documenting the return of some things to Property control.

Also the dates of early requisitions are confusing--The train was "due" for unloading July 23 (p.356) (Maybe check when it was really unloaded) and the contents were taken into the control of Property Control on August 29. (Why the delay?) But General Collins received objects allegedly from the train on July 13 (p.359.) A mitigating factor in these early requisitions and in the classification of the train's contents as enemy property is that all documents cited indicating items on train were mostly Jewish are dated on or after Aug. 29- up til then the contents were described as "alleged" to be property of the Hungarian State. It should not be forgotten that other trains from Hungary had indeed contained state property such as Hungary's gold reserves and also the best pictures from the Budapest Museum.

p.372 "the official decision of Gen. Mark Clark" When was this made? Is it documented? Clark, I believe, did not even get to Austria until August 1945 so decisions on the status of the train would have been the responsibility of local commanders at the time the train was captured and unloaded.

Becher Ransom

Hungary again! Were there no examples from Western Europe?

Did any of the ransomed Jews make claims? Were the objects in any way identifiable? Was there a list of names of those who got out this way?

Erroneous Restitution

p.406 last para This seems a rather large generalization to extract from this case, which, I believe

was quite unique.

Conclusion-

Perhaps, for art and books anyway, in this section should have some statistics of the magnitude of the quantities actually restituted thru the Collecting Points and estimates of what percentage of the objects processed by the US went astray. I believe Jonathan Petropoulos has prepared something.

Bibliography?

Index?

Presidential Advisory Commission on Holocaust Assets in the
United States.

Comments on Working Draft of Staff Historical Report
Stephen Herbits
September 2, 2000

General

This is a well done report and will, I believe, help the Commission come to grips with what it must do in its Findings Chapter. It has a good voice, mostly consistent, and tone. It is readable, an important characteristic for a story with such technical detail. The footnotes add gravitas to the research and provide future scholars with a good head start. Congratulations.

Chapter I. Introduction

1. In addition to references in the text, it might be helpful to attach as appendices a list of interviewees, experts and staff, all with some designation of credentials. If possible, it might be useful to add an additional appendix noting the location of documents, or some reference to help further research by others. Finally, a third appendix which lists the 17 primary and 44 secondary country studies or Commissions would demonstrate the world-wide scope of the issue.
2. The chapter should be slightly edited to reflect the voice of the staff, rather than the Commission. Some of this language will probably be transported to the Commission Findings itself, but the introduction should probably read as a staff statement.
3. Page 2. Para 3. "This effort culminated..." has a difficult antecedent and culminated suggests a finality that is probably too strong so early in the document.
4. Page 3. Para 1. "...this research unprecedented in its scope if it is to be used to maximum advantage." This begs the question of purpose, which is not really discussed and is probably left to the Findings for elucidation. Moreover, maximum may be too shorthanded here. Perhaps: "...if it is to adequately inform the public and policy makers."
5. Page 4. Para 2. "...extensive consultation...the Commission..." suggests that the Commission itself did the consultation.
6. Page 4. Para 3. "...Our staff..."

7. Page 6. Para 1. This paragraph well addresses the amount of victim assets. Perhaps some reference in the Introductory Chapter should also be made of the intangible value question relating to religious objects or family heirlooms or photographs, etc.
8. Page 6. Para 3. Would it be useful to make some reference to the fact that not only were some of the vast sums unresolved until now, but that some who held these assets had in fact gained from holding them, while the victims themselves were denied them, or at least, were unable to be reunited with them?
9. Page 7. Para 2. While it would be cumbersome and to a large degree irrelevant to include throughout the document, it might be nice in the introductory chapter to include "homosexuals" as well as Roma and Sinti. The WJRO did, in fact, insist on their inclusion in the Swiss Bank deal and others.
10. Page 7. Para 4. "...Much of this work..." might be "our."
11. Page 7. Para 4. "...could not have been accomplished without this effort." Might be better framed to suggest in the time permitted. The Commission staff could well have done it, had it the time and resources and had it not been done.
12. Page 9. Para 1. Should the Office of the Comptroller of the Currency include the designation of US, having just discussed the disparate state problem? And should reference be made to the effort of the New York State Comptroller's assistance?
13. Page 10. Para 2. Does "overran" contain connotations which are superfluous?
14. Page 11. Para 3. "...Rather, they reveal that departures from policies..." Might this include the phrase "for the most part"?
15. Page 12. Para 3. "...but it is obvious that the bureaucracy..." might be better phrased that "our examination revealed..."

Chapter 2: Victims' Assets

1. This incredibly important chapter lays the groundwork for the rest of the report. It is replete with acronyms that become critical to the understanding of the role of the US Government. While each is defined, perhaps it would be useful, especially for lay readers and young researchers new to the topic, to have an appendix that lists alphabetically the acronyms of government bodies used, provides its actual title, and perhaps a third column describing its dates, predecessor organization, geographic scope and reporting lines.
2. This chapter treats currency values in three different ways: foreign currency without dollar equivalents, US currency at stated times without 1999 equivalents, and US currency at stated times with 1999 equivalents. For many readers, a lack of equivalence across the board will translate to reading a near meaningless statistic. A consistent policy should be used throughout; preferably one that translates all currency notations into 1999 US dollar equivalent. That can be done in text or as an appendix, although I think in text is much the preferable. The currency issues in this chapter continue throughout the report, adding some variations in presentation.
3. Page 15. Para. 4. "...loot..." This is the first time this word is used. It could use a definition here: does it refer only to victims, to anything taken by someone not its owner, etc.?
4. Page 37. Para 1. "...with military government personnel from Italy..." is ambiguous. Does it mean US government personnel coming from Italy?
5. Page 38. Para 2. This description of civil life is excellent. However, there is only one reference (next page) to displaced persons, presumably because DP's are discussed more fully later on. But its absence seems too gaping.
6. Page 39. Para 2. "...That amounts to more than the population..." is confusing.
7. Page 41. Para 2. Needs editing.

8. Page 44. Para 2. As DP's are discussed in the next section, apparently because different agencies handled the issues, some very brief reference to that topic being discussed next would alleviate the impression of its being overlooked. Moreover, despite different agencies having responsibility, some of the agencies in this section no doubt undertook some activities related to DP's, such as transportation of people and food, or in other ways.
9. Page 45. Para 2. "... 500 officers..." (last line) begs the question of what area they were responsible for.
10. Page 47. Para 1. The reference to gold or other financial assets seems to get shunted aside. Perhaps a word again about its role in war-making, then economic rebuilding, as well as reparations and restitution would be a useful precursor to the discussion coming later in the chapter.
11. Page 48. Para 1. "... These attitudes found their advocate in OMGUS..." This is the first reference, I think, of OMGUS. Towards the end of the next page it is defined.
12. Page 50. Para 2. "...also bore on the disposition of victim's assets." (last line). This begs the questions of whether we are interested in non-victim assets.
13. Page 75. Para 2. "The IRO..." Defined yet?

Chapter III. Assets in the United States

1. This is indeed a dense chapter, in part because of its technical nature. Nonetheless, I find the subject of assets versus victim assets to be unresolved. The first three pages place victim assets as the target of the Commission's research (page 80, end Para 1, page 81, end Para 4, and page 82, Para 2.)

I think it remains important that the research not show a bias towards victim assets at this point, as blocking or vesting assets for other purposes (noted, but not emphasized) were also important US government policies.

2. Having said that, it seems to me that almost all the content of the report talks about various forms of assets without much reference to that portion that might have belonged to victims.

4

3. Page 125, Para 1. "Relative to the amount realized, the US can hardly be said to have profited from the seizure of these businesses." This is an unusual construct for it offers a sweeping judgment, unlike most of the rest of the report, and again seems to exclude other legitimate purposes of control.
4. The chapter leaves me, as a reader without much knowledge of the subject, with lots of specific information, but little sense of what was left, where it went, how much was really involved. I'm not sure that's remediable, but perhaps either the conclusion or the Commission's Findings Chapter can help clarify what it all means.

Chapter IV. Assets in Europe

1. Comments on this chapter have already been discussed. Suffice it to say that upon rereading, I still believe that a careful editing by shifting order of material could give gold and financial instruments their rightful priority, especially during the war and lessen the seeming endless, and even overriding, fascination with art.

This becomes even more pronounced when one reaches Chapter VI, with its inclusion of books, ceremonial silver and Torah Scrolls, etc. Some mention of these earlier would, again, show a comprehensiveness of study, rather than a focus on paintings.

Chapter V. Restitution of Victim's Assets

1. This chapter, with the notable exception of the Section IV, uses a slightly different voice - it is chattier. It begins as a magazine article with a story, then returns to the research. Reversed, these would be consistent with the rest of the report. Moreover, throughout, there are references to "require more research," or "would require more space than is available here," or "so far this chapter.." etc. A slight editing would bring this style into concert with the other chapters.
2. This excellent chapter provides a good primer on efforts to retribute, including many references to values. There is no suggestion in the chapter, however, about the difficulties associated with even beginning to calculate what might have been sought, but was never addressed. The reason most mentioned for those not filing claims seems to be fear of tax implications, there should probably be a further explanation here, albeit speculative. But that is what the research is for, and would probably be useful if the Commission would want to suggest that amounts "not sought" were extensive, but immeasurable.

3. Page 250. Para 2. "... F.E.D.eral Register..." This formulation is repeated at least three times more.
4. Page 244. Para 2. Specific reference is made to the Commission here, as if the Commission itself wrote the staff research report. That is repeated on page 277, Para 1 as well.

Chapter VI. JRSO

1. Excellent chapter. Is it intended that the Library of Congress issue will be inserted here, or elsewhere?
2. Page 315, Para 1. Does "UNRRA" have an earlier reference, or does it need defining here?

Chapter VII. Case Studies

1. Page 354. Para 2. Perhaps "procedures" (penultimate line) should be expanded to include implementation.
2. Page 357. Para 1. Throughout this chapter, italics appear inside quotes. It is uncertain whether they were in the original or added by our researcher/writer.
3. Page 380. Para 1. Although a difference of viewpoints among the Jewish Organizations is noted earlier, Jews themselves escape any complicity in the Gold Train problem. Should they?

Chapter VII. What Remains to be Done

1. The use of "The Commission" should be amended throughout, to be replaced by staff conclusions. The Commission itself should take note of this important chapter in its Findings.
2. This chapter also provides a sense of the volume of documents actually researched and remaining studies. I believe it would add value to provide some sense of what was unable to be studied, noting the time and funds limitation provided the Commission for its task.

Aaron,

Thank you again for your help today. Another researcher, Colin Fallon, and I look forward to researching at the Museum tomorrow. We would like to request access to the following boxes:

RG-12 Benjamin B. Ferencz papers, 1924

12.001 *Ferencz family biographical information, 1919-1993*

12.001.01 *Benjamin B. Ferencz biographical, education, and career information, 1933-1993*

Boxes 1-4

12.007 *Records Relating to the Conference on Material Claims Against Germany.*

12.007.01 *Correspondence*

Boxes 1-2

12.008 *Correspondence and Related Records Regarding the Jewish Restitution Successor Organization (JRSO).*

Box 1

RG-12.009 *Correspondence and Related Records Regarding the History of Restitution (Wiedergutmachung)*

No box number given, but the files we would like to consult are:

12.09.01 Norman Bentwich file

12.09.02 Correspondence Relating to Norman Bentwich Article.
1957 - 1983.

12.09.03 Wiedergutmachung: Correspondence & clippings Re: Walter Schwarz [editor of six volume official German Books on Wiedergutmachung], 1983-1988

12.009.04 Walter Schwarz file, 1968-1979

12.010 *United Restitution Organization records,*

12.010.01 *United Restitution Organization chron files, 1962-1993*

Box 1

12.010.03 *URO Subject File.*

Box 12

12.011.05 *Correspondence and Related Records Regarding Amendments to the War Claims Act of 1948.*

Boxes 1-4

RG-12.018.01 *Alphabetical Reference Subject File*

Box 4

Archival Collections re: Restitution

USHMM

488-6113

Aaron Kornblum

RG-12 Benjamin B. Ferencz papers, 1924 [Draft Finding Aid/Inventory follows below]
12.001.01 Benjamin B. Ferencz biographical, education, and career information, 1933-1993

Box 1

12.001.01*05 Career related records, 1946-1956

Box 2

12.001.01*14 General biographical information on Benjamin B. Ferencz

Box 3

12.001.03*02 Personal correspondence, 1946-1954

12.008 Correspondence and Related Records Regarding the Jewish Restitution
Successor Organization (JRSO).

Box #1

12.008.01 a)URSO vs. Augsburg, Oct 29, 1954

12.008.02 The Cemetery at Fulda "The unknown story of the world's smallest and most ignored
synagogue--located under the German Customs House at Fulda"

12.008.03 JRSO 1966-1992

RG-12.009 Correspondence and Related Records Regarding the History of Restitution
(Wiedergutmachung)

12.009.01 Norman Bentwich file

12.009.02 Correspondence Relating to Norman Bentwich Article. 1957 - 1983.

12.009.03 Wiedergutmachung: Correspondence & clippings Re: Walter Schwarz
[editor of six volume official German Books on Wiedergutmachung], 1983-1988

12.009.04 Walter Schwarz file, 1968-1979

12.010 United Restitution Organization records,

12.010.01 United Restitution Organization chron files, 1962-1993

Box #1

12.010.01*01 URO Financial Statement and Report of Auditors, 31 Dec 56

12.010.01*02 URO Budget, May 1960 and Oct/Dec 1962-1963

12.010.01*03 URO Budget, Jan-Dec 1964

12.010.01*04 URO Budget, 1965

12.010.01*05 URO Budget, 1966

12.010.01*06 URO Budget Correspondence, 1967.

12.011.05 Correspondence and Related Records Regarding Amendments to the
War Claims Act of 1948.

Box #1

12.011.05*01 War Claims Act: Legislative history

12.011.05*02 War Claims Act: Amendments

12.011.05*03 War Claims Bills

12.011.05*04 War Claims: Congressional Bills

RG-12.018.01 Alphabetical Reference Subject File.

Box 4

12.018.01*12 "Wiedergutmachung"



PRESIDENTIAL
ADVISORY COMMISSION
ON HOLOCAUST ASSETS
IN THE UNITED STATES

Edgar M. Bronfman
Chairman

Kenneth L. Klothen
Executive Director

PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

FAX COVERSHEET

THIS IS A TRANSMITTAL OF 2 PAGES INCLUDING THIS SHEET.
PLEASE CALL IF INCOMPLETE.

To: Aaron T. Kornblum, Reference Archivist
Archives Branch, USHMM 202 - 479-9776

From: Evin Rodgers
phone: 371-6400, ext 462.

MEMO:

Aaron,

Thanks again for all of your help.
I look forward to consulting the papers
tomorrow.

Evin Rodgers

Aaron,

Thank you again for your help today. Another researcher, Colin Fallon, and I look forward to researching at the Museum tomorrow. We would like to request access to the following boxes:

RG-12 Benjamin B. Ferencz papers, 1924

✓ 12.001 Ferencz family biographical information, 1919-1993
 12.001.01 Benjamin B. Ferencz biographical, education, and career information, 1933-1993

Boxes 1-4 - only 2 boxes about him personally

✓ 12.007 1- Copies made 2- Harvard materials, brief
 12.007.01 Records Relating to the Conference on Material Claims Against Germany. b7D
 Correspondence
 Boxes 1-2 Box 1 = Mtg minutes, by-laws
 1952-59 Box 2:

✓ 12.008 Correspondence and Related Records Regarding the Jewish Restitution
 Successor Organization (JRSO).
 Box 1

✓ RG-12.009 Correspondence and Related Records Regarding the History of
 Restitution (Wiedergutmachung)

No box number given, but the files we would like to consult are:

12.09.01 Norman Bentwich file

12.09.02 Correspondence Relating to Norman Bentwich Article.
 1957 - 1983.

12.09.03 Wiedergutmachung: Correspondence & clippings Re: Walter
 Schwarz [editor of six volume official German Books on
 Wiedergutmachung], 1983-1988

12.09.04 Walter Schwarz file, 1968-1979

12.010 United Restitution Organization records,
 ✓ 12.010.01 United Restitution Organization chron files, 1962-1993

Box 1

*12.010.03 URO Subject File.

Box 12

missing relevant files in

✓ 12.011.05 Correspondence and Related Records Regarding Amendments to the
 War Claims Act of 1948.

Boxes 1-4 ↑

○ RG-12.018.01 Alphabetical Reference Subject File
 Box 4

see
 box

12.011.05 Correspondence & Related Records Regarding
Amendments to the War Claims Act of 1948

Box 1 War Claims Act

Legislative History; Amendments, Bills

91st Congress H.R. 2669, S. 941

12-010.01 URD Correspondence, Budget files:

LISHMM
3 Oct '00

26 12.008

~~File (Folder)~~ Folder 10 ("Clippings: JPSO + Reports, Early 1950s")

Clipping from New York Herald Tribune, 1 Sept. 1951, "Mostly About People" by Art Buchwald.

Interview with Prof. Herman A. Gray, treasurer of JPSO.

"Gray said that one of the difficulties of the restitution group was that they could not take the money out of Germany. 'Instead, we've made arrangements to take it out in goods,' he said. 'We've bought prefabricated houses for Israel and we're trying to get hospital equipment and medical goods now. We have to work fast while the occupation laws are still in effect. Once the Germans take over again we may have a great deal of difficulty collecting any restitution at all.'"

Folder 10

NY TIMES, FEB 13, 1951

Clip from ~~Stars + Stripes~~, no date, but around Feb 1950(?) / 1951(?)
(~~When the JPSO decided to make bulk settlement.~~)

Article entitled: "Jews' CLAIMS CUT TO AID RESTITUTION."

Quotes Ferencz: "We are selling under duress because we are afraid of what will happen when the Germans take over,"

Benjamin B. Ferencz, director of the JPSO, declared. 'At

best, we can only wind up with a poor amelioration of the desperate plight in which the Jews find themselves in tents in Israel, while the Germans will retain the Jews' former homes and properties."

RG 12/018.01
Box 4

RG-12.018.01#12 "Wiedergutmachung"
Alphabetical Reference Subject File

Folder "WIEDERGUTMACHUNG" RESTITUTION, 2

Copy of Ferencz's remarks at the International Conference
"The Aftermath: The Impact of the Holocaust on Jews and
Non-Jews in Europe" held in HAIFA, 21-24 MAY 1979

Remarks entitled "Wiedergutmachung to Holocaust Victims"
p. 4: "95% of the Military Government restitution program was completed
in about five years' time and about 100,000 former owners
recovered assets estimated to be worth DM 3 1/2 billion —
which was half of what was taken away."

JOHN H. BACKER, Priming the German Economy. American
Occupational Policies 1945-1948. Durham: Duke U. Press, 1971

p. 182. Currency reform: "All currency + savings, including both time- and demand-deposits, had to be registered and converted into the new currency, the Deutsche Mark, on a ten-to-one basis. Half of the new balances were blocked and 70 percent of the blocked accounts were eventually cancelled. The final result of the reform was a radical contraction of the money supply since it actually entailed a conversion rate of 6.5 Deutsche Mark for 100 old Reichsmark. Debts were simultaneously denominated at the rate of ten to one."

HANS-JOACHIM BRAUN, The German Economy in the Twentieth Century. New York: Routledge, 1990.

p. 154.¹⁵⁵ Currency reform: "The exchange ratio was graded according to the nature of the debt: wages, salaries and rents were transferred at the ratio of 1-1, mortgages and other private debts at the rate of 1:10. Holders of bank deposits and cash had to be satisfied with an exchange ratio of DM 6.5 : RM 100. Altogether 93.5 percent of the former stock of Reichsmark was withdrawn from circulation."

Later, p. 155: "Holders of both money savings and public debt ... came off badly in this transformation process, whereas private capital accumulation was promoted."

Records 28 through 28 of 77 returned.

Author: Breslauer, W.
Title: Die Arbeit des Council of Jews from Germany auf dem Gebiet der Wiedergutmachung : Bericht / erstattet im Auftrag des Council von W. Breslauer und F. Goldschmidt.
Published: [S.l. : s.n., 1966?] (Düsseldorf-Benrath : Kalima-Druck)
Description: 56 p. ; 24 cm.
LC Call No.: DS140.B73 1966
Dewey No.: 305.8/924/043 19
Notes: Cover title.
"Abgeschlossen am 1. August 1966."
Errata slip inserted.
Subjects: Jews -- Politics and government -- 1948-
Council of Jews from Germany.
Restitution and indemnification claims (1933-)
-- Germany (West)
Jewish property -- Germany.
Other authors: Goldschmidt, F. (Fritz)
Control No.: 3270732

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This display was generated by the CNIDR Web-Z39.50 gateway, version 1.08, with Library of Congress Modifications.

Ronald W. Zweig, German Reparations + the Jewish World
A History of the Claims Conference. Boulder:
Westview Press, 1987.

p. 5. "But Military Law No. 59, and the German legislation at the Land level fell far short of providing full restitution for all Jews who had suffered material losses at the hands of the Nazis throughout occupied Europe. There was no provision for the return of Jewish assets which could not be specifically identified in a court of law. Given the widespread destruction which the Holocaust entailed, it was inevitable that the vast bulk of Jewish material losses could never be established to the satisfaction of a German court. There was no provision for assets outside of Germany, and there were many other weaknesses in the existing, almost ad hoc legislation which had evolved."

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Records 15 through 15 of 21 returned.

Author: Köhler, Helmuth.
Title: Entziehung, Beraubung, Rückerstattung. Vom Wandel
der Beziehungen zwischen Juden und Nichtjuden durch
Verfolgung und Restitution.
Published: Baden-Baden, Jus-Verlagsgesellschaft, 1951.
Description: 205 p. 21 cm.
LC Call No.: LAW
Notes: Includes legislation.
Bibliography: p. 203-205.
Subjects: Restitution and indemnification claims (1933-)
-- Germany.
Jews -- Germany.
Control No.: 10249169

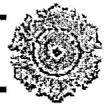
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This display was generated by the CNIDR Web-Z39.50 gateway, version 1.08, with Library of Congress Modifications.

Germany
7
Köhler
1957



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Database Name: Library of Congress Online Catalog

YOU SEARCHED: Name Browse = kapralik

SEARCH RESULTS: Displaying 1 of 1 records

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Brief Record
 Subjects/Content
 Full Record
 MARC Tags

Reclaiming the Nazi loot: the history of the work of the Jewish Trust...

LC Control Number: 64041804

Type of Material: Book (Print, Microform, Electronic, etc.)

Brief Description: Jewish Trust Corporation for Germany.
 Reclaiming the Nazi loot: the history of the work of the Jewish Trust Corporation for Germany; a report presented by C.I. Kapralik [general secretary]
 London, 1962-71.
 2 v. ill., diags (part col.) tables. 22 cm.

CALL NUMBER: LAW Europe West Germany 7 Jewi 1962
 Copy 1

-- **Request in:** Law Library Reading Room (Madison, LM201)

-- **Status:** Not Charged

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Which Format?	Print or Save Records
Plain Text--ASCII	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Print or Save Search Results </div>
MARC (save only)	
<div style="border: 1px solid black; padding: 2px;"> Email Search Results (plain text only) </div>	Email Address: <input style="width: 80%;" type="text"/>

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Peter Novick, The Holocaust in American Life New York: Houghton
Mifflin Co, 1999.

p. 91. "As early as 1947 the American Jewish Committee's representative in Washington reported that policy-makers were totally indifferent to Germany's Nazi past and concerned with Germany only as a bulwark against Bolshevism. Their commitment to this position was now so complete as to preclude any idea of changing it." By 1949 the Committee's foreign policy expert, Eugene Hevesi, concluded that "as far as Germany is concerned, America has almost completely lost the hard-won victory in World War II."



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Database Name: Library of Congress Online Catalog

YOU SEARCHED: Title = Nachkriegsdeutschland

SEARCH RESULTS: Displaying 1 of 2 records

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[MARC Tags](#)

Nachkriegsdeutschland : 1945-1949 / herausgegeben von Peter Bucher.

LC Control Number: 90168935

Type of Material: Book (Print, Microform, Electronic, etc.)

Brief Description: Nachkriegsdeutschland : 1945-1949 / herausgegeben von Peter Bucher.
Darmstadt : Wissenschaftliche Buchgesellschaft, c1990.
xxiii, 494 p. ; 23 cm.

CALL NUMBER: DD257 .N23 1990

Copy 1

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-- **Status:** Not Charged

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<input type="checkbox"/> Email Search Results <small>(plain text only)</small>	Email Address: <input type="text"/>

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NORMAN BENTWICH, "Nazi Spoliation and German Restitution. The Work of the United Restitution Office." in Leo Baeck Institute Yearbook, x (1965): 204-224.

p. 209. Council of Jews from Germany "took the lead in establishing an organization to assist indigent claimants for restitution by providing them with skilled legal aid. It was recognized that a measure of that kind was urgent in order to prevent those power victims of Nazi oppression, who could not afford to engage their own qualified lawyers, from being exploited by speculation agents." Joint, JAF, and Central British Fund for Jewish Relief provide funds necessary for establishing legal offices in Germany + outside Germany for the help of those claimants.

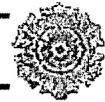
p. 211. First legal office in Germany established in Frankfurt as a department of the IJRO. Headed by Ferencz.

p. 212. Claimants on registration of their claim ~~paid~~ paid a token fee which was waived in case of need. After successful settlement, "modest percentage" charged.

p. 212. "Broadly the URO office represented 10% of the claims for restitution."



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Database Name: Library of Congress Online Catalog
YOU SEARCHED: Keyword = German + Economic + History
SEARCH RESULTS: Displaying 5 of 10000 records

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[Full Record](#)

[MARC Tags](#)

Perspectives on modern German economic history and policy / Knut Borchardt...

Relevance: ●●●

LC Control Number: 90001854

Type of Material: Book (Print, Microform, Electronic, etc.)

Brief Description: Borchardt, Knut.

Perspectives on modern *German economic history* and policy / Knut Borchardt ; translated by Peter Lambert.

Wachstum, Krisen, Handlungsspielräume der Wirtschaftspolitik. English
 Cambridge ; New York : Cambridge University Press, 1991.
 xvi, 277 p. : ill. ; 24 cm.

CALL NUMBER: HC286 .B6613 1991

Copy 1

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MARC (save only)	
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Jonathan/
Joel / Colin

Please see attached
note from J. Petropoulos
and review enclosed
discs.

We have looked through
them briefly & attached
some notes.

31 July 2000

Dear Gene,

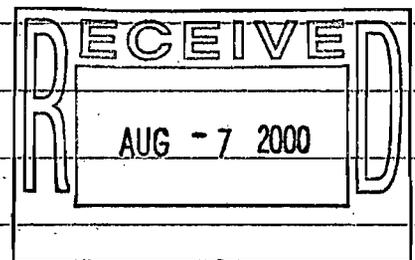
I am sending along some documents that I cited in the "AAs officers" paper. Specifically, they concern the idea of bringing the art collections of Hitler, Göring, Bormann et al to the USA and auctioning them off (with the proceeds to go to Holocaust victims). That is, they concern the Auerbach plan.

AID, I'm sending a document (the top one on the stack) that concerns the theft of art objects in Bavaria "since the invasion ("Eimarsch") of foreign troops." This might be of use to Albert or Joel/Jonathan.

Thanks for forwarding the docs to the appropriate people at Ft. McNair.

As ever, yours

Jonathan



P.S. All these docs. come from the Bayerisches Hauptstaatsarchiv or the Bavarian Main State Archives in Munich.



543180-2132
9.8.48
I

OFFICE OF MILITARY GOVERNMENT FOR BAVARIA
OFFICE OF THE LAND DIRECTOR

MUNICH, GERMANY APO 407 US ARMY

AG 153 - MGBPR

3 August 1948

Dr. Hans EHARD,
Minister President of Bavaria,
7 Prinzregentenstrasse, Munich.

SUBJECT: Transfer of Cultural Material.

Dear Dr. EHARD:

I am very happy to inform you that a decision has been reached by Military Government, whereby, in the light of the increased participation of Germany in its own affairs, and in view of the changes that will result from the formation of a Central German Government, certain changes in the custody of cultural property have become necessary. Specifically effective 31 August 1948 you will have the custody and the care, control and maintenance, and will accept in accordance with receipts to be approved by Military Government, and subject to such instructions as may be hereafter issued, the classes of cultural property designated below which are now held in the Central Collecting Point 10 Arcisstrasse, Munich.

The property to be turned over to you as aforesaid will be as follows, and will be held by you under the conditions specified:

All German privately owned cultural property, for return by you to the respective owners in accordance with their several rights, titles and interests as established in fact or determined in proper judicial proceedings.

All German publicly owned property whether of museums or other agencies of the Land or Länder, other German States, or Zones, to be held for delivery to such museums, or institutions, or Länder, or States, or Zones, as their respective rights, titles and interests may appear in fact or be determined in judicial proceedings.

All properties heretofore belonging to the Prussian State, or the former German Reich, to be held by you in sacred

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MK 51498

zurückhalten, d

zurückgeben, Zonen berechtigte und Anteile an diesen Gegenständen

SUBJECT: Transfer of Cultural Material.

trust until such time as a new Central German Government may determine and make proper legal and equitable disposition of such properties in accordance with Control Council and Military Government laws and directives, and under law to be promulgated by a German Central Government. And in the event no disposition is made by Control Council and Military Government laws and directives, or by any Central German Government, to hold said properties as bailee in sacred trust.

All properties heretofore owned by the Nationalsozialistische Deutsche Arbeiter Partei, or the National-socialist Government of Germany, and by the ministers, officials, officers and important personages of said NSDAP, or the National-socialist Government of Germany, whether the said property is to be considered either public or private, as the case may be, according to the means of acquisition, terms and manner of payment therefore and other factors. And said property shall be held by you in sacred trust until such time as a Central German Government may determine and make proper legal and equitable disposition of such properties in accordance with Control Council and Military Government laws and directives, and under law to be promulgated by a German Central Government. And in the event no disposition is made by Control Council and Military Government laws and directives, or by any Central German Government, to hold said properties as bailee in sacred trust.

Cultural Property falling in any of the preceeding classes which may prove or be determined to belong in one of the following categories will be kept under your strict possession, custody, maintenance and control, until further instructions are issued to you by Military Government:

- Property formerly located in Berlin.
- Property formerly located in the present Soviet Zone of Germany.
- Property formerly located in the present French Zone of Germany.
- Property formerly located in the present British Zone of Germany.

You will be responsible that all cultural objects and works of art of whatever form and which may seemingly fall within any of the foregoing categories (including such objects which may have been released to owners), which may prove or be proved to be subject to restitution under Control Council or Military Government laws, directives, agreements, regulations, will be held or made available for such restitution, and will be restituted and the physical possession thereof surrendered upon claim duly made and established.

SUBJECT: Transfer of Cultural Material.

All cultural objects and works of art, presently or hereafter identified as property belonging to Jewish individuals, firms, museums, institutions, communities, etc., will be retained under the physical control of Military Government in the Central Collecting Point for further disposition by Military Government.

Property already identified as being subject to restitution will also be retained under the physical possession and control of Military Government in the Central Collecting Point.

Custody, care of, control and security of the cultural objects, works of art, archives, etc., hereby transferred to you, will become a German responsibility.

Definitive and final receipts will be prepared by the staff presently working in the Central Collecting Point, which when coordinated with and signed by your representatives will effect the transfer of the custody, care, maintenance, control, security and responsibility herein defined.

It is to be hoped that in the not too distant future, with the repair of museums and art institutes and the increased activities of their staffs, that these priceless objects can again be placed on display for the benefit and enjoyment, and cultural enlightenment of the people.

Sincerely yours,

Murray D. Van Wagoner
MURRAY D. VAN WAGONER
Land Director

Telephone: MUNICH MILITARY 7-2208

BayHStA
MK 51498

Z. G. Hoffmann
ubl. 11. 1. 1949

Herrn

Staatsminister Dr. Hans Kraus

Bayer. Staatsministerium
der Finanzen

München

Prinsregentenstr. 5

Betrifft: Kunstwerke und Haalbesitz (Sammlung Hitler, Göring, Bormann, Hoffmann).

Sehr verehrter Herr Staatsminister !

Wie mir am 18.2.1949 Herr Dr. Philipp Auerbach mitteilte, beabsichtigt er eine grosse Ausstellung der z.Zt. im C.O.P. befindlichen Kunstwerke aus den Nazisammlungen in den U.S.A. zu veranstalten. Er glaubt, dass es sich hierbei um einen Wert von ca. 200 Mill. Dollar handelt. Er beabsichtigt während und nach der Wanderausstellung Teile dieser Kunstwerke zu verkaufen. Hierzu möchte ich nun folgendes bemerken:

1. Wie aus dem Schreiben der Mil.Regierung vom 3.6. mit der Änderung vom 21.9.1948 hervorgeht, sind die Kunstwerke dem Bayer-Ministerpräsidenten bis zur Errichtung einer Bundesregierung treuhänderisch übergeben worden. Höhere Einzelheiten bitte ich aus dem Schreiben an das Bayer.Staatsministerium für Justiz vom 30.12.1948 - VII 30075 25/17 a 13 d - zu entnehmen. Es scheint uns aus diesen Gründen unmöglich gegenüber der klaren Anordnung der Militärregierung jetzt schon Teile dieser Kunstwerke abzugeben.
2. Der grösste Teil dieser Kunstwerke ist nicht aus privaten Mitteln der betreffenden Nazi-Grössen erworben, sondern aus Reichsmitteln. Es kommen deswegen allenfalls Ansprüche der Bundesregierung in Betracht.
3. Im wesentlichen handelt es sich um die Sammlungen Hitler, Göring, sowie um die sehr kleinen Sammlungen Hoffmann und Bormann. Die

W. Hoffmann

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NK 51498

aus dem Bestand d. d. d.
später
Schätzung von 200 Mill. Dollar scheint viel zu hoch, weil es sich bei diesen Sammlungen in der Hauptsache um deutsche Bild-
des 19. Jahrhunderts handelt, die kleinen internationalen
Kunstwerke haben. Die wichtigsten Objekte internationalen Wertes
wurden bereits durch die Verordnungen der Restitution an die
verschiedenen Länder zurückgegeben. Wenige wenige noch hier be-
findliche Hauptwerke sind in ihren Besitzverhältnissen bestre-

4. Die von Hitler für Litz sammelte Sammlung wird ausserdem noch von Österreich beansprucht, da sie bei Kriegsende in
einem österreichischen Bergungslager aufbewahrt war. Eine Ent-
scheidung der amerikanischen Militärregierung hierüber liegt
noch nicht vor.

5. Zusätzlich besteht noch die Möglichkeit, dass alle diejenigen
europäischen Staaten, deren Restitutionsansprüche noch nicht er-
füllt werden konnten, da die Objekte bis heute nicht auffindbar
sind, eine Entschädigung in Kunstwerken fordern und daraus in
erster Linie auf diese Nazisammlungen zurückgreifen werden.

6. Ausserdem liegen gegebenenfalls Ersatzansprüche der einzelnen
deutschen Staaten für die im Jahre 1937/38 bei der Aktion "Ent-
artete Kunst" zwangsweise den Museen abgenommenen Kunstwerke
vor.

7. Bei einer Überführung der Kunstwerke nach Amerika besteht ins-
besondere hin die Möglichkeit, dass von privater oder öffentlicher Seite
auf diese Kunstwerke Beschlag gelegt wird, wenn nicht von State
Department, Washington ausdrücklich der Schutz gegen Beschlag
ausdrücklich übernommen wird.

8. Ich möchte darauf hinweisen, dass die Restitutionsregelung ^{nicht}
eine amerikanische, sondern eine gesamtalliierte Regelung dar-
stellt, die sogar verbietet, dass nur mit der Militärregierung
des Landes Bayern ein Sonderabkommen getroffen werden kann.

Ich möchte Sie aus den oben angegebenen Gründen bitten, in der An-
legenheit ausserst vorsichtig zu verfahren, da sonst die Möglichkeit
von Ersatzansprüchen an den Bayerischen Staat gegeben werden würde.

In Erwartung Ihrer baldigen Rückantwort verbleibe ich
mit vorzüglicher Hochachtung

1 Anlage !

Sattler
(Dr. Dieter Sattler)

28 - G. A. D. ... - 25

I. Vormerkung.

Am 25.2.1949 rief mich Mr. Munsing, der Leiter der Kunstschutzabteilung der Militärregierung an und teilte mir folgendes mit:

1. Eine Entscheidung in Bezug auf die Lizenzierung der Kunsthändler und Freigabe des Kunsthandels ist im Laufe der nächsten Woche zu erwarten.
2. Mr. Harrison wird bezüglich der Unterbringung der Institute aus dem Postbau im C.C.P. einen neuen veränderten Plan mit dem Gouverneur van Wagoner ausarbeiten und diesen in einigen Tagen dem Bayer.Ministerpräsidenten zu-leiten.
3. In Bezug auf die Pläne Dr. Auerbachs, den restlichen Besitz der Sammlungen Hitler, Göring, Bormann und Hoffmann in den Vereinigten zu bringen, erklärte Mr. Munsing, dass diese Pläne jeder juristischen Grundlage ent-behrten, da die betreffenden Gegenstände lt. den ein-schlägigen Schreiben der Mil.Regierung dem Bayer.Minister-präsidenten vorläufig als Treuhänder übergeben seien und dieser nicht das Recht habe, sie aus dem C.C.P. zu ent-fernen. Die Entscheidung ist vielmehr einer kommenden Bundesregierung vorbehalten, im übrigen muss die Mil.-Regierung bzw. der Kontrollrat zustimmen. Den Wert der betreffenden Sammlung, den Dr. Auerbach mir mit 200 Mill. Dollar angegeben hatte, hält Mr. Munsing für viel zu hoch geschätzt. Er nimmt nur ca. 200.000.- Dollar an, da die meisten jetzt noch verfügbaren Bilder deutsche Werke des 19. Jahrhunderts sind, die in Amerika keinen Markt haben.

II. Herrn Staatsminister Dr. Hundhammer mit der Bitte um gefl. Kenntnisnahme.

III. An Ref. 25 und 28 mit der Bitte um gefl. Kenntnisnahme.

TV 359.

[Handwritten signature]

MK 51498

[Handwritten signature]

7. 8.
Jahres

Herr Dr. Röthel rief an und bat, Herrn Staatssekretär folgende Punkte für das Mittagessen bei Mr. Munsing zu unterbreiten:

1. Frühere Hitler- und Göringsammlung.

Es besteht ein Vorschlag von Herrn Constable und Madame Valland, die Überreste aus diesen Sammlungen zur Befriedigung der noch nicht verantworteten Ansprüche der geschädigten Nationen zu verwenden. Im Hinblick darauf möchte Dr. Sattler bei Mr. Munsing in Vorschlag bringen, dass auf Grund des Schreibens des Militärgouverneurs an den Ministerpräsidenten vom 3.8.1948 die gesamten Bestände der Hitler- und Göringsammlung und der übrigen Nazigrößen dem Ministerpräsidenten übergeben wurden, und zwar einschliesslich aller noch nicht entschiedenen Objekte, die möglicherweise an Italien oder Österreich zurückzugeben wären. Mit den Objekten zugleich sollte die gesamte Dokumentation und das entsprechende Fotomaterial an den Ministerpräsidenten gehen.

2. Es bestehen schwerwiegende Bedenken auf Seiten von Mr. Constable, die von Auerbach geplante Ausstellung von Kunstwerken aus der Hitlersammlung in Amerika zu veranstalten. Sowohl aus psychologischen, politischen und taktischen Gründen.

3. Erörterung der Frage der Restitution nach Österreich.

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Betrifft: Verwendung der im C.Coll.Point befindlichen Gemälde usw.

I. Vormerkung.

Am 26.2.1949 fanden sich zu einer Besprechung bei Herrn Staatssekretär ein:

Staatskommissar Dr. Auerbach
Staatsrat Dr. Meinzolt
Ministerialrat Fruth
Gen. Dir. Dr. Hanfstaengl

Dr. Auerbach erörtert seinen Plan in Amerika eine Ausstellung der noch im C.Coll.Point in München verwahrten Kunstgegenstände zu veranstalten, diese dann dort zu veräußern und den Erlös über den Marshallplan nach Bayern zu lenken. Der Erfolg käme allein Bayern zugute, denn es würde der Haushaltsplan um jenen Betrag verringert werden können. Es sei Eile geboten, denn wenn der westdeutsche Bund einmal da sei, werde dieser das natsoz. Vermögen in Anspruch nehmen. Auch müsse bei der Aktion alles, was für Bayern kulturell wertvoll sei, gesichert werden.

Dr. Auerbach schätzt dafür die Wiedergutmachung in Betracht kommende Totalvermögen auf 774 Mill., das hier in Betracht kommende Parteivermögen auf 200 Mill. Dollar. Jedenfalls müßte auch alles, was durch Hitlers Testament ausgewiesen sei, als Privat- und nicht als Reichsvermögen deklariert werden. Von dem angenommenen 200 Mill. Erlös will Dr. Auerbach 40 Mill. für ausländische Ansprüche (Frankreich) abzweigen, den Rest von 160 Mill. nach dem Marshallplan verwerten. Dr. Auerbach erwähnt hier den Besuch einer französischen Delegation, die einen Verzicht Frankreichs auf alle weitergehenden Ansprüche angekündigt habe, wenn die Berechtigten in Frankreich eine Abfindung erhalten würden wie die deutschen Geschädigten.

Dr. Hanfstaengl führt aus, es könne keine Rede davon sein, daß die zur Erörterung stehenden Kunstgegenstände einen Erlös von 200 Mill. Dollar bringen könnten. Der gesamte Coll.Point habe ursprünglich vielleicht 7.600 Gegenstände gehabt. Davon seien rund 4.500 dem Bayer. Staat übergeben worden. Nicht übergeben sei alles herrenlose Gut und das unter dem Verdachte der Restitution stehende. Vom Vermögen der Nazigrößen müssen immer Restitution und Fremdvermögen abgezogen werden.

Von den Bildern seien 75 % Deutsche Bilder (meist 19. Jahrh., woran in Amerika kein Interesse sei), 15% Holländer, der Rest Italiener und andere. Die größten Werte seien bereits abgegeben (darunter 12 Stück an Italien), sodaß auch nicht entfernt ein Wert von 200 Mill. noch vorhanden sei. 3.800 seien Hitlerbilder, 3 - 400 Göring (eine schnell zusammengekaufte Ware), mehr hatte Bormann, auch viele Plastiken, Hoffmann habe nur 150 - 180 Bilder 19. Jahrhundert.

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Eine besondere Sache sei es mit der Linzer Sammlung. Oesterreich erhebe auf sie Anspruch, wie auf alles Nezigut, das bei Kriegsende in Oesterreich lag, also deutsches Nationalvermögen im Ausland. Es sei wichtig, daß dieser Anspruch Oesterreichs beseitigt werde.

Hinsichtlich des Vorgehens in Amerika warnt Dr.Hanfstaengl vor einer zu großen Ausstellung, die leicht von den Händlern heruntergesetzt und dadurch entwertet werden könnte. Man solle eine geringere Anzahl von guten Gemälden ausstellen, am besten Spitzensachen und einen anständigen Katalog bieten. Man könne bei etwaigem Interesse leicht darauf hinweisen, daß noch weitere Gemälde in Deutschland sind.

Im übrigen betont Dr.Hanfstaengl, daß er nicht berechtigt sei auch nur ein einziges Gemälde herauszugeben, solange der Rechtszustand der gleiche sei wie bisher.

Dr.Auerbach bemerkt, daß Oesterreich auf seine Ansprüche verzichten müßte, er werde jedenfalls darauf hinarbeiten. Hinsichtlich der Ausstellung in Amerika wünscht er die Mitwirkung Dr.Hanfstaengls. Ferner werde er seine Beziehungen in Amerika ausnützen um auf das State Departement einzuwirken, daß die Treuhandschaft aufgegeben werde.

Staatssekretär Dr.Sattler verweist auf den in Händen Dr.Auerbachs befindlichen Schriftwechsel, in dem die Sach- und Rechtslage dargelegt sei. Dies stehe also dem Vorhaben Dr.Auerbachs im Wege. Bedenken beständen auch hinsichtlich der Viermächtekontrolle.

Staatsrat Dr.Meinzolt erachtet es für wichtig, daß in erster Linie in rechtlicher Hinsicht eine Klarheit geschaffen werde. Er bezweifelt, ob die Militärregierung Bayern genügend Vollmacht habe um diese Klarheit zu schaffen, vielleicht genüge auch die Militärregierung der am.Zone nicht. Der Ministerpräsident müsse von seinen Pflichten entbunden werden.

Dr.Auerbach bemerkt, daß das Kontrollratsgesetz Nr.50 auch Erleichterungen ermögliche: Die Rückgabe von Vermögen, wenn der Zweck derselbe geblieben sei wie früher. Die Bayer.Militärregierung könne auf Grund Nr.50 Vermögen überschreiben also den Übergang auf den Bayer.Staat anordnen. Es müsse eben hinsichtlich des fraglichen Vermögens die Anwendung des Ges.Nr.50 aufgehoben werden. Unter dieses Gesetz fallen einwandfrei Vermögen der Partei und der verurteilten Nazigrößen. Diese Vermögen müßten aus der Kontrolle herausgenommen werden, unterstehe also nicht mehr der Jurisdiktion der Alliierten. Alles Vermögen der Reichsregierung und alles herrenlose Gut müsse für den Bund reserviert bleiben. Eine gewisse Bevorzugung Bayerns lasse sich durchaus rechtfertigen, denn die in Bayern lebenden Geschädigten hätten allein über 14 Millionen Hafttage im K.Z.

Staatssekretär Dr.Sattler faßt zusammen: der ganze Plan schein
doch nicht so phantastisch zu sein wie es ursprünglich geschienen habe.
Er liege auch im Interesse Bayerns. Interessengegner seien der Bund und
die Länder. Es wäre also folgendes zu tun:

- 1) Herbeiführung einer Entscheidung des State Departement über
die Aufhebung der Kontrolle bez. des in Frage stehenden Vermögens.
- 2) Übereignung auf Grund Kontr.Ges.Nr.50 auf den Bayer.Staat;
- 3) Ausscheidung der national wertvollen Stücke; Überführung der
übrigen in den Wiedergutmachungsfonds.
- 4) Freigabe ~~der Räume~~ für Amerika.

Dr.Auerbach wurde ausdrücklich gebeten den vorhandenen Schrift-
wechsel als Unterlage für die Verhandlungen nach Washington mitzunehmen.

*der Auftrag über den Formvertrag, der über das Grundstück eindeutig geschlossen
wurde & in der Sache steht, so gibt uns für den Fall der Abgabe der Urkunde*

II. Herrn Staatssekretär

Herrn Staatsrat vorgelegt, *73*

III. 2 Abschriften in Ref. 25

IV. Zum Akt.

München, den 2. März 1949.

Bayer.Staatsministerium für Unterricht und Kultus.

I.A.

Sattler

I. 3. 5. a. Hoffmann

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Considerations
for the use of confiscated
national socialist assets
and of frozen funds
belonging to beneficiaries
of compensation or restitution
for the benefit of the victims
of national socialism and of
the State of Bavaria.

1. The State of Bavaria wishes to meet its obligations towards the victims of national-socialism without increasing, in so far as possible, the financial burden of the State.

2. The South German Landerrat on September 27th, 1948 has adopted a Law for the Reparation of National Socialist Wrongdoings, which awaits the ratification and approval of the United States Military Government. In accordance with a conservative estimate one-fifth of the persons entitled to compensation pursuant to the aforementioned Law reside outside of German territory, and a large number of the emigrated victims are residents of the United States of America.

3. The State of Bavaria in accordance with Law # 103 and Law # 104 has taken possession of confiscated national-socialist property, and in accordance with Controlguidance # 50 of confiscated property formerly belonging to the national socialist party.

These confiscated assets to a large extent consist of works of art normally acquired in the course of the years by their convicted owners and are therefore not subject to the application of the Restitution Laws of 1947.

Paintings and sculptures are presently located at the official "Collecting Point" within the State of Bavaria, and their value has been appraised as between One Hundred and One Hundred and Fifty Million Dollars according to opinion of American art experts.

4. It ist the intention of the Government of the State of Bavaria, subject to the approval of the United States Military Government, to dispose of these works of art on the foreign market against payment in hard currency.

It ist the intention of the State of Bavaria to earmark twenty percent of the proceeds obtained from such disposal for the compensation of claimants residing outside Germany, and eighty percent of such proceeds for the compensation of claimants residing in Bavaria.

The hard currency earmarked for the compensation of claimants residing in Bavaria, would be paid such claimants in Deutsche Mark by the Government of Bavaria, whereas the hard currency could be used by the State of Bavaria for the financing of imports from hard currency areas.

5. In order to avoid any dumping of art works on the American market the disposal of the works of art is intended to be made gradually through the services of highly responsible American firms of art dealers and after the fixing of minimum prices by a committee of experts to be appointed by the Government of Bavaria, subject to the approval of the United States Military Government.

An exhibition in the United States of a selected number of the works of art would precede their disposal and such exhibition would be organized for the benefit of the victims of national socialism.

6. The Attorney General in the Department of Reparations of the Government of Bavaria during informal conferences in the United States with the representatives of Jewish and other organizations concerned with the problems of restitution and reparation has submitted these suggestions and has met with a very favorable response, and it is his intention to have these suggestions formally endorsed by said organizations.

II.

The existence outside of Germany of large numbers of claimants for restitution or reparation, and also of "successor organizations", results in the freezing for the benefit of such claimants or organizations of assets in Germany, which are of no practical benefit or use to the claimants and which might constitute a source of economic and possibly of political irritation.

The liquidation of such frozen assets could however be used for constructive purposes which would serve the claimants and the economy of the State of Bavaria.

Such "liquidation" is possible --

- A) By way of "Transfer agreements" especially with the State of Israel, and
- B) By way of private financing of Bavarian industrial projects especially from the United States.

A.

The value of unclaimed assets in the State of Bavaria to which successor organizations have received title amounts to more than Three Hundred Million Deutsche Mark. In addition individual claims against Bavaria of claimants residing outside Germany amount to more than One Hundred Million Deutsche Mark.

It is suggested that the State of Israel may settle all these claims on a basis to be agreed upon and receive in consideration of such settlement equipment or products from Bavaria, the State of Bavaria paying for such equipment or products with the blocked or frozen funds which will be the subject of such transfer arrangement, such as prefabricated houses which are presently a highly desirable commodity for such a transfer arrangement.

B.

Some private groups in the United States are interested in the financing of industrial projects in Bavaria.

Funds in Deutsche Mark earmarked for the compensation of claimants residing outside Germany might be put at the disposal of such groups against the obligation of such groups to compensate the claimants on a basis to be agreed upon between all the parties concerned.

III.

These remarks constitute merely a summary outline of constructive suggestions and merely constitute the basis of exploratory discussion to be implemented by full data for the start of official negotiations based upon the ideas outlined in the present memorandum.

Respectfully submitted,

gez. Auerbach

Dr. Philip Auerbach,
Generalanwalt in the Department of Reparation,
State of Bavaria.

UNITED STATES HIGH COMMISSIONER FOR GERMANY

Frankfurt, Germany.

Dr. Hans Ehard,
Minister President for Land Bavaria,
7 Prinzregentenstrasse,
Muenchen 22.

AUG 3 1950

My dear Minister President:

I am referring to Mr. Van Wagoner's letter to you of August 3, 1948, and to subsequent communications dealing with the trusteeship of the cultural materials at the Munich Central Collecting Point.

I am satisfied that the trusteeship administration has shown its good will and cooperation in seeking a solution to the many unresolved problems relating to the disposition of the cultural properties at the Collecting Point. However, I am concerned about the slow rate of progress with which the screening of the still unidentified material is proceeding. It is particularly important to complete the processing of the objects deriving from the Alt-Aussee repository with the least possible delay, and I should like to request that this project be given priority status.

In order to render all possible assistance on our part, provision is being made for the assignment of a limited number of HICOG personnel, both German and American, to engage directly in this work. They will establish themselves in the premises of the Collecting Point in the near future. Any additional contribution which you might be able to make by increasing the professional German staff in the employ of the Bavarian Government which is also devoted to this work would be greatly appreciated.

I am also somewhat disturbed by reports that the President of the Bavarian Landesentschaedigungsamt, Dr. Auerbach, has engaged in conversation or negotiations with various persons, including representatives of another government, in matters pertaining to the external restitution of art objects, and the disposition of certain properties held in the Collecting Point. In view of the large number of those items which are still unidentified, and the fact that several unsatisfied external restitution claims have not yet been acted upon, we are not prepared at this time to entertain any new proposals affecting the disposition of objects at the Collecting Point in a manner

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inconsistent with present policies and procedures. I would therefore appreciate it if you will bring these facts to the attention of Dr. Auerbach and request that, for the time being at least, he discontinue any further efforts along those lines. On our side, I have already informed the American attorney who also interested himself in this matter that any further representations are considered to be inappropriate.

Very truly yours,



JOHN J. McCLOY

U.S. High Commissioner for Germany

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