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Subj: Re: Essex/Bruhn -- Another attempt -- part I
 Date: Sun, 18 Jun 2000 10:57:10 AM Eastern Daylight Time
 From: EgonMayer
 To: Cfenyvesi

Richard Essex/Wolfgang Bruhn 1-22-98

Egon: Tuesday, January 22, and I'm visiting with Richard Essex in Sarasota. His former name is Richard Eichelbaum...

I'm trying to remember now when we first encountered one another. I think I had a letter to the editor of the New York Times, and you called me up, and you said "I knew Becher."

Essex: Mm hm.

Egon: And you said "I knew Kasztner."

Essex: Mm hm.

Egon: And so that's how I got very interested in, what was the connection, how did you get to know Becher and Kasztner, what was your encounter.

Essex: I'm a German-Jewish refugee...my father was an attorney and a professor for international law at the University in Berlin.

Egon: So you grew up in Berlin?

Essex: I grew up in Berlin. I went to school in Berlin, and in 19...my father was an officer, a German officer in the first world war, Jewish, and in 1934 when Hitler came to power, because he was not a front soldier, they took his license immediately. His law license. So although he just started to be a very well known lawyer and professor, as I said, for international law, he lost his livelihood. He went back to his office several times, and when he went back to his office--that was in the beginning of 1934--the SR man standing in front of the practice he had there, the law office...although he was the only Jewish partner there were two others there, non-Jewish. They arrested him and they put a sign around him--"Jew that does not want to cooperate." And they let him down on the Unter den Linden, and they beat him. Finally his other colleagues intervened, and he started immigration after that immediately. So we left very early. Because of that incident my father did not want to be in Germany any longer. And we left in 1934 in June, on my thirteenth birthday, for Italy. First for Como. People at that time said it's early to immigrate, Hitler is not going to survive, but he managed to get a position with a Universal...American movie studio as a lawyer in Rome in [?Cinacita?]. He was known in the movie circles. He had

certain clients that were in the movie business.

So we moved to Rome. And I went to school in Rome. At that time I was fourteen. First I went to school in Milano, to a Swiss school, and in Rome to a French college, because they did not take Jews in the German school, and the Italian school asked for too many exams and I wasn't ready for that. The French school just wanted money. Which later in my life was very essential--that I went to that school. I'll come to that later on. I was very knowledgeable with languages, I pick up languages in no time, but I had a very hard time as a young man. Today they would send me to a psychiatrist. You know, they do that, with being so mixed up. Anyway, my father started to recuperate, and we had our furniture come in from Germany, that was still there, they let it out. Oh we had it already in Switzerland, I forgot. That included my father's library, which was saved by the way, it's in here. And we started to live a normal life, and in 19...I went to the French school as I said, and we enjoyed Rome, and things looked up. My father had a very good position, and in 1938 we went on a vacation to Como to visit some friends. Como is near the Swiss border.

While we were there in June, 1938, a decree came out by the Italian government, which at that time was very friendly already with the Germans, that all foreign Jews but American Jews had to leave the country within twenty-four hours or be shipped to Abesenia. That came out--tzack!-- in the afternoon paper. Again, we were sitting in a cafe in Como in the afternoon. So my father, who was a man of fast decisions, did the right thing. We went back to the hotel, we packed whatever we had--we were on vacation--not much. We were at the Como railroad station at five o'clock in the afternoon, and the next train that came from Milan into Lugano was packed that people were sitting on top of the roofs with Jews hanging out of like...thousands of people on that train. It was almost impossible in Como, when it stopped, to even get near the train. However, we, mostly I, had two little suitcases and nothing, just an overcoat, we pushed...somehow my mother...somebody let her...picked her up and put her in. My father and I were hanging on the rails outside. We managed to get on that train, that twenty minutes later stopped in Lugano, which is not far. Maybe it's half an hour, but it's not very far from Como. The Swiss at that time were very surprised. They didn't know the decree. They couldn't figure out why that train was so filled up at that time. People were on the rooftops--sitting on the roofs with children. Anyway, the train stopped an hour, we did manage to show passports, and since they didn't know what to do with that train, the train took us into Lugano. The border is Kiasu, I'm sorry. Kiasu is the border....look...

Egon: I know the area.

Essex: It's twenty minutes, okay. So we did make into to Switzerland. By six, seven o'clock we were into Switzerland. By the way, in the New York Times in the last few days there's a lot of articles about the Swiss camps. I was in one of them. So, by the time we got to Lugano, we...my father still...we had some money, I guess...because we were devastated, we found out that the next train that came, two hours later, from Milan, the Swiss already stopped at the border. By then they already knew the decree and closed the border. So we managed to get in on that last train hanging outside on the rails. The reason I tell you all that might be a little...it's not long...

Egon: No, no, no. It's very important.

Essex: There is a book on my life here that gives that all in detail. But I'm just giving you how I got to all of this. Okay. So... Okay we're in Switzerland now...

Egon: And you're about eighteen years old.

Essex: No, I'm about fourteen years old. I'm...yes. I'm about seventeen years old, or eighteen years old. Right. I'm about eighteen. So now begins the odyssey in Switzerland. In Lugano they didn't give us permission to stay for some reason--why, I don't remember. We had to go to Lausanne, to the French part of Switzerland, which at that time gave us permission to stay in Lausanne. They were very tough, but not mean. I mean these articles are not right. And today, in today's New York Times, you didn't read it, there are five or six letters to the editor, all explaining, which I would also do, that the Swiss were son-of-a-bitches, but at least we survived, okay?

Egon: Well they had very demanding, difficult laws. They still do, by the way.

Essex: They still do, and it's still the same thing, and they've been attacked too much. But I don't want to defend the Swiss so much. We went to Lausanne. Then, they told us if we are not going to leave Switzerland within I-don't-know-what, they're going to turn us over to the Germans, which by the way they did. They sent a lot of people later on. It's even in today's paper. And children too. They did that. Because we were more or less in a panic, my mother...my father was a Kissinger-type man. A highly educated thinker, professor for international law. He was not good with coping with the world. His life was ruined anyway. He was only fifty-four at the time, when he had lost second time everything. The first time in the inflation in 1921. He had twelve good years in his life, and that was all he ever had, because America was the roughest thing that ever happened to us. And I'll come to that maybe, but that's not interesting enough. It's in the book. They made a movie out of it, by the way, also.

Okay, so now we're in Switzerland and we're trying to get out frantically, and apply for visas all over. A German, non-Jewish friend of my father's, an attorney, came with money that my father did not have coming, but he got, at that time, a think an equivalent of five, six, seven thousand dollars. Out of his pocket, a Schindler. Like most Jews had a lot of...he said "Kurt this is your [?Gaja?] from I-don't-know-what-case..." And with the help of a movie man that was already in Havana, Harold is his name, he was a...he's the Jew...that was Uffa...Uffa was the biggest German movie company at the time. Lubitch and everybody that came over here came from Uffa. We managed to get out to Cuba. The difficulties in between we can skip. In Switzerland I was in a camp three months. But we didn't have any more money. We managed to get out on a British ship--the "Reine del Pacifico"--which by the way was the last ship in 1939--but we didn't know that at the time--leaving from La Rochelle to Havana, and on the way, the St. Louis, and I think you know about the St. Louis case, I won't have to tell you, was right next to us. All the time. I mean within view. Also bound for Havana. With Jews that had paid for their visas already like we did. At that time I think it was a thousand dollars a piece. Today's money. Okay? Today's money.

So by the time we halfway got to Havana, the captain said already he has to deal with some... the "Reine del Pacifico" went to Val Cureza, went to Chile. Only stopped in Havana. He told us that he had information that the Jews that are on the ships that are bound for Havana might not be able to land in Havana, because by that time Battista had decided that the six thousand that he already took is enough, and he won't accept any more. And on that ship must have been about 1,200 passengers at the time, and 400 bound for Havana. The others were for Chile and whatever. So we paricked. You

can understand that. So by the time we got to Havana and the ship stopped, this business associate, my father was his attorney, Harold, he was a movie man, had managed to get us off the ship.

Egon: In Cuba.

Essex: In Cuba. We got off. Out of the 450, sixty got off, the others didn't. We were one of the sixty that got off in Havana. The St. Louis, I don't have to tell you what happened there. They didn't get off and they had to go back to Germany because the Americans didn't take them. They sent the Coast Guards in Miami to turn the ship around. It's a hell of a story. Okay. Anyway, we're in Havana. Very bad conditions. The joint was a few dollars a week. We had maybe, at that time, in today's money, 2000 dollars left, at the most. And we applied for visas all over South America and America. You know you had to apply for several countries because...

Egon: You never knew where you...

Essex: You never knew what's coming first. Then the war broke out, in 1939. I was sitting with my father on the [?Malaco?] in Havana... And then, at that time, an unfortunate thing happened again. Because the German quota now was empty--you understand it wasn't used anymore--all the people with German passports and a "Jew" in it, which I still have here, and the "Israel" in it--I have the authentic passports-- were permitted visas. Americans issued visas because the German quota was not used anymore. Visas to the United States, which for most people was the biggest event in their lives. Not so much for my father, who was a professor for international law, and if he would have gotten a visa for a South American country, where they have Roman law, and where they appreciated a professor for international law, he would have gotten a call to a university. Going to America meant washing dishes, because they couldn't care less about a German professor for international law. Or anything. You know how America is.

Anyway, in 1940 we came to America. The Eichlbaum family.

Egon: That means the three of you, your mother, your father...

Essex: My mother...yes. The other Eichlbaums perished, but that has nothing to do with that.

Egon: You have no siblings.

Essex: No. Just the three of us happened to make it. Okay, by bus, by the way, when we landed in Miami in 1940 it was in January, it was ice cold. In Miami we landed. The Evangeline, the ship that took us over, was in a hurricane that night...[tape interruption] ...around and we get [?caught?]. Okay.

NOTE: AT THIS POINT IN THE INTERVIEW WE WERE JOINED BY MR. WOLFGANG BRU A GERMAN NATIONAL WINTERING IN SARASOTA. HE AND RICHARD ESSEX HAD BEC ACQUAINTANCES JUST A LITTLE WHILE AGO.

That was about two months ago. We didn't know each other from Adam. So Mr. Bruhn, welcome, tells me that he's from Bremen, and that he's in the grain business, in the Getreide business. So I said "if you're in the Getreide business from Bremen, you must know Becher." And he said "And how I know Becher!" And now at least, that's all I want to say about that. That's how it all started...

Bruhn: Yeah, okay, but I also cannot say much more. I was...I met Mr. Becher in 1949 in October. And he just has...and I was his first employee. For that, it was not allowed for him to open a company... First he wanted to open a company in Hamburg. He is from Hamburg. But there the Chamber of Commerce didn't allow him to open a company out of his cost..

Essex: The German chamber didn't permit it?

Bruhn: No. I think the Chamber of Commerce didn't permit it. And I think also the Grain Exchange maybe didn't permit it, but this I don't know. And then he found a sponsor in Bremen. And then he was an employee in a company which owned him already, partly...of Johann Mayer. And then he got the permission to open this company, and this was on the first of October, and this was the day I started. So I was his first employee. Yeah, and I was there for two and a half years, and then I left the company. But of course, we always had a quite...let's say...well, it was...you see he was so much older than I was, and he really gave me a nice start.

Egon: He did.

Bruhn: Then I left him out of money reasons. So, I wanted to have more and he didn't want to...

Egon: That's the usual nature of business, right?

Bruhn: So, I left him, but I still was in Bremen, and I still was connected to him. I knew his different wives. There was this one, in which he was not married at the time. And...so...if you're in grain business, it's a big whole family...

Egon: In any business.

Bruhn: Ya, but grain especially, for it is really...ninety-five percent of the whole grain business is run by Jews since the end of the war.

Egon: Really? That's interesting.

Bruhn: Yeah. The only not-Jewish company is Cargil, here in Minneapolis.

Egon: Isn't that interesting, I had no idea.

Bruhn: And this was rather...just in case of Mr. Becher was rather astonishing...

Egon: Because he was not Jewish.

Bruhn: For he was of course not Jewish! I don't know if you can manage that--becoming a Standartenführer and you're Jewish! But there were only two companies in the world which were not trading with him. And I was always astonished about that. Everybody was astonished about that. Then he became very, very quickly very, very important...a very important company in grain business. In Germany he was at least the number two.

Egon: What was the name of the business? Did it have a corporate name or just his own name?

Bruhn: No. Kurt A. Becher. Kurt A. Becher. And A is for Andreas, but he called himself always Alexander. So most of the friends were calling him Alexander. So all these grain traders are really very tight, in a very tight contact. You have exchanges, grain exchanges together, at which you meet each other. Grain is not only grain, it's also oil seeds. They're trading soya beans, etcetera, so you have these...

Egon: Does he have children?

Bruhn: Ya, he had out of his first marriage, he had four children. Two boys and two girls. This was the marriage during the war. And before the war, of course, at that time. And the wife got divorced...divorced him, for after his past she didn't want that her children are in connection with him. So I think this was kind of a...when it was Nuremberg, and all these trials, I think, I don't know really how long he was in prison...not very long...

Egon: Could not have been very long.

Bruhn: So his wife divorced him. And then he married a second time, and this must have been short before I came, or short before...for she died after two or three months. After the marriage.

Essex: The wife?

Bruhn: Yes. A countess...Flaten Halamut. You speak English...German.

Egon: I understand a little bit.

Bruhn: At least the pronunciation. But she died after two months. I think it was his girlfriend in the war. And the SS people always wanted to have some aristocracy around them, nobles, where they can say "oh, my girlfriend the countess," or "may I introduce you to the countess so-and-so..." and you know in Germany this is still something. And then he married again. A very, very nice lady. The wife of his best friend. And so there is a similarity in this whole thing. And they met...they were together skiing, and he had a...hexenschuss...

Egon: I know what that is. Unfortunately I know what that is.

Bruhn: And she wanted to help him, and she never left Bremen, and divorced later and married him. And then he married another girl, which was a very, very good rider. A European dressage champion, and so on and so on. A very famous German rider girl. Much younger--twenty-five years younger. And from this girl he has a daughter.

Egon: So that would be the fourth wife.

Bruhn: This is the fourth wife.

Egon: I'm keeping count.

Bruhn: The third one killed herself. I think she was alcoholic and she was playing out of the window in the hospital or something.

Egon: So the daughter from the fourth wife is actually quite a young girl.

Bruhn: She's just...I was on her birthday...she is thirty-six.

Essex: She lives in Zurich?

Bruhn: She lives now in Berlin. Ya! That's all I can tell you.

Egon: [question inaudible above passing plane]

Bruhn: No I didn't marry... The last one, she divorced him, and I divorced my wife. We divorced for each other. And I had a son the same age as the girl, so we were also in skiing...there was a ski resort in which the biggest grain trader in Austria had a hotel in Zefet. Hotel Astoria I think.

Essex: I know, I lived there.

Bruhn: Ya. This is hotel and the guy is Mr. Mautner. So in this hotel we met each other, the first time, and out of this was then a big romance. But this stopped after five or six years, for he...he is so...as that time, he was so tremendous rich, really, that I had really no chance. And I think she underestimated with all these horses...this is really a thing of 100,000 marks a month, what you get with all these things. She believed she could do it, and finally...and she remarried him.

Egon: She had divorced him, and then she remarried him?

Bruhn: Short before he died. But this was obviously out of tax reasons.

Essex: What, now? Because he only died, what, two years ago or something.

Bruhn: He died...yes, a year ago. One and a half years ago. Or two years ago. Two years ago.

Essex: He was close to ninety.

Bruhn: No, he was I think eighty-five. Eighty-six.

Egon: So basically his fourth wife remained his widow.

Bruhn: The fourth wife is now his widow, yeah.

Essex: And inherited.

Bruhn: Inherited...yes, okay, but the company was bankrupt, or nearly bankrupt. This is not the old time when you had to spend all your money to pay all your debts as my grandfather has done it and as my father has done it...

Egon: You let the bank take care of it.

Bruhn: Yeah. They were limited companies, and so I think he had a rather...He was a long time really subsidizing his company. And the last years, when he got older, he really couldn't. The company was still big.

Egon: So the children are not in the business. They did not go into...

Bruhn: No...yes, yes. The son was in the business. So, out of these first four children, one son died. I think was...he had epileptic...he was ill. He was fallen from a horse and he died. So there are one son

left--Michael...

Egon: Where does he live?

Bruhn: Yeah, he lives... now he was...okay this company, the company of Becher, was bought by one of the biggest American agriculture companies...now, my Alzheimer's is coming...I cannot tell you now the name. But it's very, very famous. It's like Archer-Daniels. It's a very, very big company. And they bought first fifty percent, and after that the rest. So he had to go out. And then this company took his son...[telephone rings...]

Egon: So Michael...

Bruhn: Michael got some very nice window job called European...European manager of the interest of this company. And then I think he made a mistake and he bought a chewing gum factory in Istanbul. In Turkey.

Essex: Becher?

Bruhn: No, the son. ...for this American company. This is as far as I know.

Egon: They didn't expect him to take things seriously.

Bruhn: Ya, but this thing was very serious and cost a lot of money. So I think they're throwing him out when Becher left the company...they were throwing him out or... And then I think, as a golden handshake, he got this factory.

Egon: The chewing-gum factory?

Bruhn: Ya. And I met him just two months ago on this birthday, and he still lives and works, and has this company. And the daughters are married. The two daughters are married to different guys.

Egon: Do you know their names?

Bruhn: No. One daughter is married...was married to a diplomatic corps man in Germany. And he was called...it's a noble...his name was von Werk. And the other one was married to a very big, very early already...to a very big shipping agent in Bremen, and also they divorced. So they are not longer married. And the others, I don't know with whom they are married now. I just met them. And this was twenty years ago that I haven't seen them.

Egon: So this birthday party was kind of like a...

Bruhn: A reunion. Yeah.

Egon: So what is the youngest daughter's name?

Bruhn: The youngest daughter's name is Alexandra. From Alexander of course, Alexandra. And she is called still Becher, and she will keep the name. She is also married the second time now, and she still has her name.

Egon: And she lives in Bremen?

Bruhn: In Berlin now.

Egon: Oh in Berlin rather.

Bruhn: She just married, on this day...she married in Antigua, I think, on the fifth of December.

Essex: And wealthy?

Bruhn: I really cannot estimate. At least...okay, I think the heritage was quite good. But I cannot estimate that. I don't know, really, what was left, moneywise.

Egon: What was your impression of Becher? I'm surprised, actually, that you say that his first wife divorced him because of the war. Obviously there must be other reasons in any marriage, but my impression of Becher was always a very favorable one.

Bruhn: Which...

Egon: That he ultimately acted very honorably, vis-a-vis the Hungarian Jews who he helped save. So now what happened long before then I cannot say. Obviously we're talking about a long stretch of time in which people have the opportunity to do honorable things, and also dishonorable things. So I'm only aware of the honorable things. I don't know much about the dishonorable ones.

Bruhn: Okay, I personally must say that he was, in a certain way...My father was...my step-father, was an admiral, and he was taken by the Americans and English after the war to London. Immediately in '45.

Essex: Who is that, your father?

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Subj: Re: Essex/Bruhn -- Another attempt -- Part II
 Date: Sun, 18 Jun 2000 10:59:55 AM Eastern Daylight Time
 From: EgonMayer
 To: Cfenyvesi

Bruhn: No, my step-father, with whom I lived the longest time. And he was writing there naval history until '53. So he was twentieth of July. Nobody knows really, but I think if the war had been a little bit more longer, I think they would have caught him. Let's say for the last three quarters, let's say, in the end of the war, he had no post at all. So he was also windowless...

Egon: He was an admiral [?of window dressing?].

Bruhn: Right. And for Dönitz, which was the same age as he vice-admiral and Dönitz was...told him that...So, he was the commander-in-chief in the Mediterranean until '43. So with all these ships to Africa to support...and so on and so forth came back to Berlin and then they were sending him around, an instance, he told me he was in Norwegia...

Essex: Norway.

Bruhn: Norway...and then he had, there, to talk about...I think after the landing in Normandy, and then he said, to these officers it would be very difficult to get the Americans out. And then an officer came to him and said "I don't understand, yesterday there was a big fight, and they said okay it would be a question of four days, and then the Americans would be out of Europe." This was, of course, a big fight with Dönitz, and then Dönitz cannot use an admiral who is not believing in the end," or in the end of the war...or I don't know what.

Essex: Endlerdung..

Bruhn: Ja...no, nicht enderldung...

Egon: I understand. He needed somebody with confidence in t
If somebody doesn't have confidence...

Essex: In the favorable ending of the war.

Egon: Sure. Sure..

Bruhn: I think he was a total tactic and strategist. So he
before the war made all these big maneuvers, and the English
very much liked him. Otherwise they wouldn't have put him up
They know his big science about the history and strategy.

Egon: So he knew Becher as well?

Bruhn: No, he didn't know Becher. And I think...I don't eve
he knew... And I, of course, when I came in this company, I
Becher was. I didn't know nothing about his past. The only
was... So this was on... I came on first of October.

Egon: What year?

Bruhn: In '49. And at that time the company was maybe six p
people. And most of them were SS officers.

Essex: Ex-SS officers.

Bruhn: Right, ex-SS officers. But very low ranked. Let's s
lieutenants...

Egon: Do you remember any of their names?

Bruhn: Yes of course. There was a Dr. Pinkpan, which was h
life his second man in the company. But he was an SS officer
automobiles, or something like that. So which doctor he was,
doctor he was I cannot remember.

Egon: Maybe economics.

Bruhn: I don't think so. I don't think so. Then he wouldn'
such a low...he was maybe a second lieutenant at that time.
a year after Becher, or something like that. So he must have
bit younger. And the other one I don't remember. There were
The bookkeeper, and he also was a...I don't know even if he w

Egon: So did you learn at all about his wartime activity? D
about this?

Bruhn: Okay, then, after a short time, of course on the exchange I was an apprentice in Kiel, which is really countryside. Kiel. And my father was a grain trader. And it was very difficult job at that time, in 1947. I made my habitur, and then I was country grain traders, let's say. So I never was on the big Hamburg or Bremen. Point one, there was no exchange any longer, there was no grain trade after the war. And I was not in contact with traders. But now, of course, I came in regular contact with with Italian, with French, with Dutch people, and so on and so more and more I heard about him. And of course I spoke with sometimes, when we were together, we were talking hours and he has done, when I knew of course... There is no question of telling all these stories in favor, of course, of him. He was that. Especially against a young guy. So really, I didn't.. that time, and in the later time, for then it began in Bremen Hakenkreuze...

Essex: Swastikas.

Bruhn: On his house, and so on, and so on.

Egon: Really?

Bruhn: Yeah. And this they have done until the nearest future think it was eight years ago, or ten years ago, where they were in the board, I think of Harbag-Lloyd. Harbag-Lloyd is a big you know that. And I don't know which idiot, really...and he so...he was so...

Egon: He seemed like a very gentle man.

Bruhn: Yeah, not a gentle man, but he was always overestimated. He knew, of course, who he was, but he thought that his power of Harbag, to get him in the board--I think it was done by... of...any bank. I don't know. So this is...I'm coming later point...he never... Richard was asking me if I believed if B after the war. And I said to Richard, "I cannot believe that penny." He was very, very well dressed. Extremely well dressed nice lifestyle. But he was earning, already in this time, a

Egon: From the grain business?

Bruhn: No, at that time there was no grain business, and we American surplus, army surplus, that he bought these army...we put your food in or whatever...

Egon: Mess kits.

Essex: Mess kits.

Bruhn: Mess kits? So ganz dickes, bewechtes, Material...

Essex: Ja, ja.

Bruhn: He bought, 150,000...200,000.

Egon: But where did he have the capital from?

Bruhn: Yeah...I will tell you this later. And he bought the 200,000, which was a piece, maybe ten or twenty pfennigs, and came. A shoe factory came, and needed this als Brandtsoles..

Egon: Soles.

Bruhn: Ya, these interior soles. And they paid him two or t this piece! It was so highly...

Egon: Valuable.

Bruhn: ...highly valuable material. It was very valuable.

Essex: It was not mess kits then, it was...

Bruhn: Nein, nein, das war bewechte...

Egon: It was the lining.

Bruhn: Absolutely. It was the lining, and das war so...in k next thing he has done was a total failure. For he wanted to thing with belts, but he underestimated the little holes in t the shoe factory said "no go!"

Essex: He what?,

Bruhn: There were little holes in these belts.

Egon: It was defective.

Bruhn: And the shoe factory couldn't need the sole with the see?

Essex: I understand that, yes.

Bruhn: So, we had to burn everything. So I went down...At t could trade grain, for it was only the old companies got a ce

import grain from the United States--on which they earned a 1 it was a guarantee. There was no speculation at all, it was price. So these so-to-say traders had very early to do other

Essex: Well, may I ask one question? You said...Where did h from?

Bruhn: Okay. Na gut. This is the next thing. I cannot tel background is, really. So from the beginning, when he starte bank who would give him everything what he wanted, and this w There is...he knew the Baron Oppenheim. But, it was, and now story, that Oppenheim had to give his bank away to a man who first...was heisst "Berater?"

Essex: Advisor.

Bruhn: Advisor of Adenauer. A very, very famous German poli cannot tell you the name...[tape ends]...

NOTE: AT THIS POINT BRUHN LEFT THE CONVERSATION AND ESSEX RES NARRATIVE, SWITCHING TO THE TIME HE WAS IN DEGENDORF WIT KARL HAD - BY HIS OWN ACCOUNT - MET BECHER.

Essex: ...So Karl [Kittstein] said to me "this is either the in the world, or we got a story that is unbelievable. You kn going to do?" And I said "we could do anything." You know i the army you had to ask permission to go to the toilet...some "Let's go to Switzerland and see if..." oh yeah, he gave us t number of Sali Mayer in Zurich, he did that. He's the head o gave us his telephone number. And he said "you could check a So we put uh...we had the report...and I'll come to that, her "let's pack up and go, and tell them that we're on a secret m know we had to tell somebody in regimen what we...we were CIC off for the Swiss border. We got there to St. Margareten in The morning we took off from Degendorf...

Egon: And where is Becher at this point? You left him at th

Essex: No, no, we put him back in the camp.

Egon: I see. So he finished his report...

Essex: He finished his report, and we read the report, and w believe what he said...about selling Jews, and trucks, and di money, and vice, and Jews that he saved...which I'll come to, something different. Anyway, Karl and I take off for the Swi without permission, as CIC. As I said, we could do that. We

border in the evening. Karl speaks good German, but not very. He speaks with an accent, but enough German that he was...I always did all the talking. So I walked up, in St. Margarete Swiss...

Egon: Border patrol...

Essex: Border guards. Pulled up in that Mercedes, by the way a photo of that car. Four door, open Mercedes. Today worth had it. And I asked for a guy by the name of Mustachio. Now American uniforms on, and the Swiss were very....

Egon: And his name was Mustachio?

Essex: No, Mustachio means...

Egon: Oh I see, the one who has a mustache.

Essex: ...with the big, red mustache. They're called a "mus told us, "you ask Mustachio to lend you phone." And luck that Mustachio was there! He was on duty. And he said, in a Swiss imitate it but you don't understand!--what he can do for us, he ever heard of a certain Becher. "Oh! Der herr Standarten He snapped to attention. "Oh I know Becher! I put the chair the American gentleman by the name of..." McCoy, or what...I Something like that. "Yes, they discussed several times out and I had to put up two chairs on the middle of the bridge," had to sit on the German side of the bridge--the bridge was half Swiss, over a little river. And he knew all about Beche Standartenführer, and felt very important. So I asked him if telephone call, it was by that time about eight o'clock in the called the numbers he gave me...

Egon: For Sali Mayer.

Essex: For Sali Mayer, and who answers the phone? Sali Mayer the telephone, not Karl. I said, "Sinned Sie der Chef von 'j Schweitz?" And he was very "who are you!?" And I said "I'm you know a herr Standartenführer Becher?" He says "Becher? not say another word on the phone. Where are you?" I said "Margareten at the border." Mind you that was Zurich, about a drive. I said "Becher told us..." "Don't discuss Becher on Where are you? "I'm in St. Margareten." "Are you an officer States Army?" "Yes, we are, we want to talk to you about Sta Becher." He says "stay where you are, you're going to be pic hours." Is that clear?

At eleven o'clock...we stayed there, somehow we got somet

Because...somehow we managed to get something to eat, because on the German side. About eleven o'clock in the evening, thr a car showed up, I don't know what it was, and two Swiss army motorcycles with the car. We were not permitted to take our Switzerland. We were permitted into Switzerland without a vi passport. The army people talked to Mustachio, he didn't hav to let us into Switzerland mind you. We were American soldie desert. We could do anything. Once we're over that border w return. Okay?

Egon: I hear you.

Essex: Then it's done. The war is over for us. No more sch Anyway, he saluted, and he says "die Herren können in die Sch into the car, two motorcycles, and drivers, and both of us dr Gallon, which is the next town, about thirty kilometers. Not stop at some Gasthaus in St. Gallon, which by the is Switzerl Switzerland! I mean we were out of that scheiss-dreck in Swi you could buy a meal and a beer in a store and pay for it!

Egon: A normal society.

Essex: Normal society. And in the Gasthof, the soldiers too and an old man was sitting there, maybe eighty, and he says " We sat down at the table with him...

Egon: It was the middle of the night?

Essex: It was about eleven, twelve o'clock at night. Yes. was eleven... And that's when Karl said "I'll talk now." Ok started very rough. Too rough. You know he could give me di Don't forget he was a captain.

Egon: I understand.

Essex: I was a sargeant. I mean we were buddies, but when h talk..."

Egon: He was your boss.

Essex: He was my boss. When we talked to the Germans, we we very polite. And we were army, front. We were [?shelled?], guns, we were front soldiers. We weren't exactly very clean we wore better uniforms than the front soldiers. We had U.S. started to talk to him, in my opinion, in the wrong tone of v eighty-year-old man and he asked him, immediately, "is that t money? Where is the money?" You know? And in the report he millions that were transferred. Millions and millions of Swi

transferred by the Hungarian Jews into Switzerland via Sali M joint. He gave names and addresses, and Karl was after the m started to scream at the old man. I thought it's horrible th it, it's wrong, but I couldn't say a goddamn word. You know, way. In the army.

Egon: You didn't want to risk your neck.

Essex: No. He said "where is the money, and how much money I get at the money..." So he started crying.

Egon: He was not a very intelligent man.

Essex: No, he was very clumsy. So the guy had tears in his eighty years old, and started crying. Really crying. And Ka of a bitch, you got the money." You know?

Egon: Why was he willing to meet with you? He could have to jump in the lake.

Essex: My personal opinion is that he had a bad conscience.

Egon: About what?

Essex: About somebody who knew that he had the money.

Egon: So, let me be sure I understand what you're saying, ok saying, and obviously you're saying it based on what Becher s transferred money into Switzerland via Sali Mayer.

Essex: Yes.

Egon: Period.

Essex: Yes.

Egon: And that he, Becher, felt, that on his say-so, Sali Ma the money back to you in order to...

Essex: No. Give money.

Egon: Give money. So from Becher's vantage point, the guy w even talk to him at certain points, and would only meet him o

Essex: No, no, no. He didn't meet Sali Mayer. On the bridg American envoy to discuss the 10,000 trucks. How he met Sali know.

Egon: Well there is some indication that Becher and Sali May

Essex: Also met on the bridge? I don't know.

Egon: Either on the bridge or in St. Gallen itself. But the have read it in certain places, is that Sali Mayer was extrem him, saying "I'm not willing to deal with Nazi butchers," and out. So it's a little puzzling... Why would Becher think... Becher had a reason to believe that Sali Mayer would transfer his ass, to put it very bluntly. .

Essex: Yes. That's the address he gave us. I don't know th I'm only a sargeant in the army.

Egon: All right, I hear you. But obviously you went to Swit

Essex: We went to Switzerland and it was important enough fo come from Zurich to St. Gallen in the middle of the night, la evening, to send a car to pick us up from the border with two maybe they were police, maybe they were an army outfit, I for

Egon: Okay, whoever they were.

Essex: Anyway we sat there, he bought us a meal, and Karl ra he started crying, really crying. It was my personal opinion Karl's, that he...

Egon: You touched a raw nerve...

Essex: No. That he saw...that he didn't want to tell us det whatever reason, where the money was, or whatever. Anyway, a noticed that there was nothing we could do. He didn't talk a little bit embarrassed to tell you the truth. I would have other way around, but it was done. He said "can I do somethi And he was a schnapps l... He said "Yes, I wouldn't mind get cognac somewhere." And he, at the würtzhaus where we...the G whatever it was where we were sitting...they had three or fou cognac, which he bought and paid for. Then he walked down on with us. It was by that time one o'clock or two o'clock in t walked to a jewelry store on the main street, rapped on the..

Egon: Window...shutters.

Essex: The guy got out of bed and bought us each a chronogra that time for me was like a Rolex plus. It had...you know, o that. He had his, whatever...five bottles of cognac, and we say a word, because we didn't...he didn't tell us where the m

did say that the money was there...

Egon: In Switzerland....

Essex: That I remember. We went back and Karl said "you know report...this is a very hot case, because," and he was at the camp I was...I said to Karl "you know, can you imagine, in the middle of 1944, an SS colonial sits on the bridge and talks to an American sent by Roosevelt,?" that's what he said, "about ten thousand Hungarian Jews out of Hungary? That's a hot story. And the story ever comes out, it's very embarrassing for somebody." "yeah...mostly very..." I mean, that we have to turn in that this guy is hot...we got to tell somebody. He didn't tell me in the house. He wrote the report, we read the report, we went to Switzerland to see if we...

Egon: And you did that all on your own authority?

Essex: We did that all on his authority. On the captain's authority. On our own authority. We didn't say anything about it, the camp, nobody knew who he was. So we sat down in Degendorf, we talked, after we slept a little. I said to Karl, "you know, said "get the son of a bitch again, and get it in writing with us we go back and get the son of a..." You know he was that kind of a know, "the son of a bitch," and "the bastard," and "the money." So we got him out of camp again. And now comes another interesting story. I said "Karl, let me talk to him, okay?" And Karl, after a couple of schnapps...but you're not ever going to show it to him? After a couple of schnapps he let me talk to Becher.

....[telephone interrupts]...

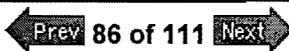
...we put him up again, I gave him a meal and a couple of cigars. He was very elegant in his way, and very... I said "tell me about where are the Jews that you allegedly saved?" I told him I'm not surprised a bit. He said "I noticed that immediately you could be, speaking German?" He was very surprised that Karl...

He said "I saved several hundred Hungarian Jews personally. A thousand were sent away by train. But personally I saved a few and I had...I attached myself to a tank battalion that left Hungary to get...to be taken prisoners by the Americans. That's how I got to be a prisoner--with that battalion. And on the tanks we had along with us Jews and children that I loaded personally...personally load tanks."

Which sounded very strange to me. That an SS officer loaded on a tank to take them along! And he says "I put them up in

he gave me the name of the villages, which were five or six..

Egon: Around Degendorf?



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Subj: Re: Essex/Bruhn -- Another attempt -- Part III
 Date: Sun, 18 Jun 2000 11:01:54 AM Eastern Daylight Time
 From: EgonMayer
 To: Cfenyvesi

Essex: Around Degendorf. So the next day I put him back in in the evening. Karl and I went...yeah...And then he says "a Jewish...I girlfriend. And I understand...a lady friend. the captain likes to drink cognac. She has a few boxes of ve that I left with her." And he wrote us...hand wrote us a not should give us a box of cognac.

We went to, in Degendorf...wherever it was. It was somew forget. We found her in an attic, a very beautiful Jewish wo That was his mistress. I remember that I was very impressed these old suitcases, you know, that you open up, like in the you...

Egon: Trunks.

Essex: Trunks. Several of them standing there. And Karl ga and she was mad. She turned green, and didn't want to give o and she went in the cellar and gave him the cognac, and we le about that story only before he turned into the vegetable, he true. I'm imagining things. He said to me. He doesn't want that.

Anyway, he had a Jewish girlfriend that he had saved. Bu to see the families that he told us--the Hungarians that he h wanted to see if the story is true. And we went to these far they had dozens of Hungarian Jewish families in the barns, an Herr Standartenführer, where is the Herr Standartenführer?" the camp. They rushed into the barns, got a wurscht, got a p "Take that to the Herr Standartenführer, he saved our lives." Standartenführer, and the Herr Standartenführer and they coul it. So the story that he did save Jews...I personally saw an least two dozen, if not more, of Jewish people in barns, that tanks into Germany and placed, on orders of a Standartenführe with farmers, and left them there, and they were safe. And w that he's in the camp they said "Herr Standartenführer, give eat and bring him this..." And I said "what did you pay him

"Nothing," they said, "we paid nothing." "Did you give him j We gave him our jewelry, and he said he was going to deposit Switzerland. We wrapped it up and put our names on it."

Karl said "that can't be. The story cannot be true. The Standartenführer saving the Jews...where are the...we ask him him out of camp again, we took him out, we said "where's the happened to it?" "When I was taken prisoner I had it on my t was a CIC team also there, and I gave them the jewels:" A CI them the jewels. I said "do you remember who you gave it to? name of...and officer by the name of Slater."

Egon: Slater.

Essex: S-L-A-T-E-R, I remember that name. Okay. Later I fo forget how, that Slater delivered the jewelry to Salzburg, wh was the headquarters of counterintelligence, and that the jew deposited in a safe in the Landners Bank in Salzburg. Landes judge, the courthouse. And from there they disappeared. Tha heard. The jewels were delivered by Becher. He did not kee were delivered by Slater into the Landesgericht, where later office--the CIC later had an office in there--and from there anything anymore about what happened to the jewels.

Now, we finally went up to Munich, at the time it was our a few days later, to tell a colonial of the CIC the story...o story. Okay?

Egon: Who actually arrested Becher? Or was he not arrested,

Essex: Yes, he was arrested with that tank unit and put in a really arrested him...

Egon: I see, so it was nothing personal, he was probably goi

Essex: It was in a group of maybe hundred Panzers...that's t it. I wasn't there, okay, but that's the way I understand it Panzer unit drove into the American sector to be taken prison in that Panzer unit and we were the first ones he told that s

Egon: Understood.

Essex: When he typed the report, somehow Karl kept the repor sudden got a little secret with me. He kept the report. Now into Salzburg to see the high-ranking counterintelligence off not take me along. I went into Salzburg, but not into the co there. I know that we wanted that Mercedes to be registered he wanted to make a deal there. Which, by the way, worked ou

the officers in there I don't...I wasn't in there.

But three days later I was called Salzburg...some had...I where we were that we...I think we went back to Salzburg from because that was our headquarters for the counterintelligence was called to the Landesgericht, where the officers were, to he said to me, "Sargeant," or "Mister," or whatever they call CIC, I don't remember, "you know about the Becher deal? I sa interrogated hm." "I don't want you to say anything to anybo case, and that's a goddamned order." "Yes sir." What was I. army, you know, I don't give a shit about Becher. He screame Karl and I were really buddies by that time. We did all kind this was only one of them. They separated us. All of a sudd transferred and I don't know why. And I was transferred to B Hitler was born, to another intelligence team. I kind of kep myself. Later, and this is of course getting too far now, Ka up in Braunau, also with the CIC again, and from then on we l track, and whatever happened from him then...and he got into Americans did with him and where they hid him and why they di the end of my story, okay? I only heard about Becher later o in Der Spiegel. I was interrogated about Becher maybe twenty again by journalists, only last year by the Suddeutsche Zeitu Becher story ends right there.

Egon: The date is about what at this point? This is 1945, S

Essex: The date is about October, 1945. Now the report that the typewriter, the original report Karl kept. I don't know. other reports later on, okay, Becher did. And Karl kept them

Egon: 150 pages.

Essex: Whatever.

Egon: Whatever, let it be forty, let it be eighty...

Essex: No, it was like this.

Egon: He just kept it.

Essex: The original. I was later transferred out of the arm into the CIC as a civilian in the rank of an officer. I stay for another ten years, as a civilian, in Europe. I was disch took me as a civilian. Well paid jobs and I didn't care to g America--it wasn't my cup of tea. The Becher story always ca people started to interrogate me about books, and this and th out that he went to Bremen, and that he started a big busines guy that wrote the book about me wanted to know all about Bec something about it, and that Becher became the first billiona

after the war. They only had four, and Becher was one. That got. Where he got the initial money to start the business he know. He didn't have anything, but all of a sudden he bought Okay? Where did he have the money from if he didn't have any hundred percent personally convinced that he got the money... the money that he deposited in Switzerland was under Sali May almost certain, I don't know for sure, that he deposited som under other names, because he got rich so fast, and he was ab many things after the war. I am personally convinced that he money came from. Maybe the Weiss family gave him money after he saved them. Maybe some of the Jews gave him money, but wh the money from right away? I mean they were poor, okay?

Anyway the report that he wrote, Karl didn't want...Okay. what, about 1980, Die Stern magazine, you Die Stern magazine They wrote a big report on Becher. And they had à guy by the of...here's my Alzheimer's...a famous journalist who said he Tagebücher, you know he had the Hitler...

Egon: Diaries.

Essex: Diaries...

Egon: Oh yeah.

Essex: I'll think of his name right away. He came to my off about Becher, before he had that Hitler story. A guy by the of...whatever. And I told him about Becher, and I also said original report that Becher wrote, a guy by the name of Kitzs a captain in the army, but I haven't seen him for thirty year lost track of Karl. I've always wanted to see him again. I track of him. So this guy from Die Stern did like the newspa the journalists can do, went to the army headquarters somewhe Karl living in Sarasota. Okay?

Egon: At this point you were in Europe still?

Essex: I was still in Europe, he was here already. And he w discharged from the army. He was by that time a full-colonia He had his twenty years in and he had a business here in Sara gave me his telephone number, and I called him up. And we go you still alive?" And...okay. And he says "well this journ to see you about the Becher story..." I'll think of the name had it ready for you, because later he went to jail...

Egon: Karl...Irving...

Essex: Nein, nein, nein, Irving is the writer in England.

Egon: Another fraud.

Essex: A fraud, yeah.

Egon: I remember the whole big story.

Essex: Anyway, this guy went to see Karl, and Karl is...when about Germany and Nazis...I...I love the guy, even if he's... say too much. He gave him the original.

Egon: He gave him the manuscript?

Essex: Yeah.

Egon: Never got it back obviously.

Essex: Never got it back. He kept a photocopy. That he gav original...why I could never find out, and I better not ask h ask him. I have the name for you, by the way.

Egon: Okay.

Essex: Anyway, later we found out that he, that journalist, the Hitler story, worked with some neo-Nazi organization, for destroyed all these things so there'd be no more trace. And although he worked for the Der Stern, and was highly paid, di that report. Okay. The only one who had a copy of that repo That's where the shit hit the fan with him. Now I got to Sar see each other, and I still like him, and he still has the re year I tried to get the report, even for you. But he refused and he got very antisemitic.

Egon: What does he hope will happen...

Essex: I don't know. He just...you might as well not ask hi getting vicious...

Egon: No, no, no, I'm asking you, in your opinion, what do y thinks is going to happen with that report?

Essex: I don't know. Maybe he doesn't want to turn it in be have turned it in, as an officer at that time. It's possible far with him...

Egon: I understand that.

Essex: But last time you called me and you didn't show, I sa

man coming," and no way he wants to meet you, no way he wants said "let me at least have a little bit of the report," and I pages, which I have here. These are the original writings, i pages of that report on that typewriter at that time. It's i have a copy somewhere, but I don't have it, and I don't know You would have to have it translated. It has some interesti just a page here or a page there.

Egon: I understand.

Essex: But this is the original typewriter. [tape is interr book is about the Hitler diaries. Kubi is a German journalis Joel Brand book. You have that in English?

Egon: I don't think so.

Essex: The...

Egon: Oh, the old Brand book. Yes, the old Brand book I hav

Essex: In German?

Egon: In English.

Essex: They have it in English?

Egon: Yes. It's called The Desperate Mission.

Essex: This is one of the very few leftovers in German, from

Egon: No, I have it in English. It was published in 19...

Essex: Fifty-something.

Egon: Yeah, '57 or '58. And it in he talks about how Becher of Jewelry and gold and money to the CIC.

Essex: See! That's absolutely...I heard the same thing. By Slater.

Egon: There's no name there.

Essex: I remember the name, and I think somebody kept it. S Sddeutsche wanted to know when they were here is the story i talked about not only Jews but, by the away about gold. That Standartenführer SS man did turn gold belonging to the Hungar people over to Switzerland, and it disappeared afterwards. T

interesting on the story.

Egon: Well, the point is that there are two different issues he said he turned it over to Switzerland. And why would he send it to the CIC, or is it different...

Essex: No different things...

Egon: Different amounts of money.

Essex: A different matter. The Jews were turned over to the tank battalion, when he evacuated the Jews on that was not commander there...he was riding along. He said some report about the gold that he turned over to the Swiss author gold disappeared in Switzerland, not by the German SS men who that's what the German paper wanted to know. that was the story

Egon: I see, I see.

[tape is interrupted again]

Egon: I guess the other interesting...working now...I guess thing here is that he seems to have given some money to Sali Switzerland. There seems to have been some other moneys that the CIC. Two different sums.

Essex: Yes. But I was only a small, small little flame in that thing. By coincidence I got...you know, by coincidence I met a book...I want to tell you about my book which is...it's full of things that just don't happen happened to me, although I was I? A private, and later a sergeant in the United States involved in all kinds of things, not only the Becher affair. Straus. Straus was a German minister. He was Verteidigungsminister was...

Egon: Commerce?

Essex: No, Verteidigung is army. And Lockheed, and what have always involved in things by coincidence because I was a long coincidence! By coincidence I met this guy sitting in a cafe on! In Sarasota, fifty years later. He told you what he had done with Becher. I don't know anything about what he did later on. A business with him. I mean that's...incredible.

Egon: It is an amazing series...

Essex: Amazing story.

Egon: An amazing series of coincidences.

Essex: So I don't know if I could help you with what I have

Egon: Well you've helped me an enormous amount, an enormous deeply grateful.

Essex: What do you do? Do you work that into history?

Egon: Well look. I'm trying to write the story of this part transport, and the whole transaction with...

Essex: So maybe one or two sentences you can use...

Egon: More than one or two.

Essex: ...you think that you can use. But I want to build u you understand how it works.

Egon: The most important thing is to understand the dynamic relationships. This is all about relationships, and you can't hard sitting in the United States, fifty-five years later, to mentality of how could Jews and Germans interact with one another, victims, on the other hand, trading partners. I mean, moment the German could kill the Jew, but at the same time ne

Essex: Needed the Jews, yeah.

Egon: This is the most incomprehensible relationship. In th we see things much more in black and white.

Essex: Right. You know, I come into contrast here with Amer people. I very seldom deal with them at all. Very seldom. that, but since I'm in America, which, I mean continuously, i 1990. I didn't come back. I love America but...look what's president now with all these women! I was a bachelor until I would have been in jail here! And I don't appreciate all the whatever he does...They dirty up the government with these women...these...not my cup of tea. But I was a faithful sold and I did my duty. So does Karl. He was a great officer. G the silver star and the bronze star, he was a hero.

Egon: He deserved it.

Essex: A hero. And he was good to me. At that time he was And if he wants to give me the report now, or not the report, things back then... Karl came from a lower middle class Bava he was a bad boy when he was a kid. He always told me "you k

lived in Achsenstrasse in Munich, and one day I opened the wa the street with the fire engines, and I flooded the whole str basements, and they almost put me in jail but I was only ten my uncle," he lived with an uncle, "he couldn't take me any l shipped me off to some relatives in America." And that's how America. During the war, when we got to Munich, you know, we first divisions in Munich, he says "get in the car Richard." got to go down town." I said "captain, you know there are ar the goddamn place. We don't have to do that." We don't go d when the artillery is still firing all over the goddamn place in the fucking car." Jeep. So I got in. I didn't know Muni Munich later for forty years and I loved it, but at that time ruins. I mean smoking all over, dead people on the street, h street, dead... So he drives right to Achsenstrasse...

Egon: Where he grew up.

Essex: Where he grew up. He disappears in this cellar somew with a wrench, opens the water hydrant, the water splashes al goddamn place, he stands there, grinning. He's that type of he looked like Clark Gable. And then people come out of the house still had a few windows. "Karli! Der Karli is da! Ka They recognized him! Karli was back. And he stood there. A asked "you're chargierte,"--you're a captain. And the water he..."rahhhhhhh!" That's the kind of a guy.

Egon: Does he have any kids?

Essex: Yeah. Three, four sons.

Egon: Are they military also?

Egon: One is a major with West Point. The others are here. every once in a while, and I'm going to see him again he's... doesn't want to have anything to do with that, you know she's and I've known her for forty years. She came over to Europe

Egon: She's an American girl?

Essex: American girl. She came to Austria. We were both st Austria with the counterintelligence... So I don't want too with him. If... if...

[tape ends]

Essex, tape 2:

Essex: ...discharged a few months later, and I became a civi

shipped me to Braunau. They had a CIC team therein Braunau, b an interrogation camp nearby. So all of a sudden, another CI and Karl was amongst them. He was a special agent at that ti rank of a major already, okay? A special agent. And his nam I said "what?" He says, "That's the way it is. My name is you're Richard Essex. I changed my name to Essex." Okay? W to say? So he's another Essex. And we got all mixed up all got the wrong calls, for this Essex, for that Essex. So, a f later...okay then we left...we were friends. Then I lost him years, until this guy Heidemann found us again. Then I read Wiesenthal book, okay, Right, not Revenge, in German. And I Essex in here. Okay? Essex. Page thirty-six. So I read, i that Wiesenthal, at that time, is an employee with the CIC in that time. You know who Wiesenthal is?

Egon: Of course.

Essex: Of course. And before he came to be anybody, he work agents in the CIC. And he worked for one agent....Wiesenthal CIC unit in Linz, Austria. And there is an agent there, a sp the name of Essex. Okay? And, he writes here, "...this spec this is, I'm translating. "You are a very capable man, Wiese boss, a Mr. Essex, said to his Jewish employee." The agent. capable man. People like you can make a big career in our co tell you that. Red and green lights are regulated by the tr other things are regulated by the Jews."

Egon: That's Essex talking, meaning Karl.

Essex: Karl. I showed him that. That that wasn't me...cert was an Essex at the time that he made that antisemitic remark America...

Egon: Everything but the traffic lights are regulated by the

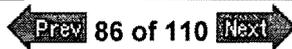
Essex: ...that everything else is regulated by the Jews, he book. Okay. So, no sense of talking to him. He has his son ideas, and size him out. Finished anyway...

Egon: Well I guess the only question really, for my purposes right, I mean he's gone, he's finished. That document sits s think it's a tragedy if history...that it will not...

Essex: But I don't think there are any other things in that this book here...sorry, it's in German...

Egon: I understand that. I'll make the notation in any case

Essex: It can still be gotten, I guess, but it's in German. in there, that I was the first one to find it, as I CIC Agent the signature of Becher: Reichführers most obedient Becher. signed his mail.



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Subj: Re: Essex/Bruhn -- Another attempt -- Part IV
Date: Sun, 18 Jun 2000 11:11:31 AM Eastern Daylight Time
From: EgonMayer
To: Cfenyvesi

Egon: Do you think that he showed that document to his child

Essex: Yes.

Egon: And do you think that they...

Essex: No, they couldn't care less. The son--he only has on son, that's the major in the army, and he's a Birch...Birch..

Egon: John Birch Society member.

Essex: Yeah, yeah, yeah. They're super-right, all of them. are handymen. Couldn't care less. Nice guys, I see them. O handyman, he came and fixed my something-or-other.

There's a lot of details in there. This is very anti-Bec explains how many killings he personally did and whatever. S where she got the information from. It's a woman.

Egon: Maybe from his ex-wife. His ex-wife didn't much care

Essex: So, you got information today!

Egon: Unbelievable, thanks!

Essex: Do you have anybody who could somehow translate parts

Egon: Oh sure.

Essex: Yeah?

Egon: I'll get a hold of it. Not a problem. Look, in a uni just want to take down the title of your book.

Essex: You know... My gift to you.

Egon: Oh thank you very much! That's wonderful. Thank you

Essex: The book is someday going to be...

Egon: I will look for it in English when it comes out. I will look for it in English. This is on the inside.

Essex: That's okay. You know, my father was a doctor of law the youngest doctors of law at that time ever in Germany. He was a law with twenty-one. He was very young and he was a genius that At that time you could pass schools, you know, jump classes. you can do that today.

Egon: Yes, tests. If you take tests.

Essex: So I still have his doctor's here. He was twenty-one he became a doctor and wrote a thesis, and my grandfather on was a wealthy silver merchant, and he delivered to the Kaiser that time wore helmets with silver on it, and the officers in Prussian army wore silver-plated uniforms, and my grandfather the Kaiser. And when my father was twenty-one, the Kaiser was but as a kid he played with the Kaiser's son. So my father and grandfather was very proud when my father, at so young, made Today it's different. We didn't have that many students at that had the book nicely bound, I have it here. And at that time all libraries, big libraries all over the world. That was part

Egon: Sure. When you publish a book it gets sent to the major

Essex: So in 1941, when we were in New York, and we both were twelve or fourteen dollars a week washing dishes, I met my father downtown. We met, not my mother, he came from Yonkers, and with much money and we sat on the steps of the public library in New

Egon: And his book was inside?

Essex: And my father said let's go and have water inside. That ice water. We didn't have the money for...five cents, I didn't spend. So we sat in the library for a while. He said, "you I got to take a look if my book is in the library, because the Public Library has almost every book in the world." So he didn't have the book there but you could be these...

Egon: Card catalogue.

Essex: Cards, and they had Eichlbaum, General der Infantry--

Infantry, vorwärts, wir nehmen England!--let's go and take En
"Eichlbaum, Doctor Jurakurt..." They had the card in there.

Egon: Wow!

Essex: So he said "here I am, I can't even afford a Coca Col
have my book in the library!"

Egon: Oh my God! What a story.

Essex: Those are refugee stories. But now you see I'm livin
well. I'm grateful to this country, they were good to me. I
for America, but they also did their share for me. I'm not a
I'm doing pretty good. I have a nice wife, and grandchildren
okay. But I'm one of the last cookies alive who can tell sto
was. When I'm gone, and my generation is gone, and that's go
another ten years...

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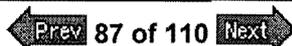
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For citation:

See CMS #15.265, p. 586.

Charles Fenyvesi: Notes on an interview with sisters Maria de KORNFIELD (MK) and Hanna SZEGEDY-MASZAK (HSM), granddaughters of Manfred Weiss. June 24, 2000

MK called Kurt Becher "a thief with taste and good manners... He cleaned out the house of my uncle, Ferenc Chorin, on 116 Andrassy ut. He took not only the paintings and the furnishings but Uncle Feri's silver toiletries." She thought that Becher probably shipped the items to Switzerland. She said Chorin's daughter, Daisy von Strasser who now lives in Austria, went to see Becher in Bremen in the 1960s or 70s. Becher was "very cold and distant and would not answer her questions."

According to Chorin, as quoted in his daughter Daisy de Strasser's book "Chorin Ferenc Emléknyv" (A Book in Ferenc Chorin's Memory), Becher demanded not only the Manfred Weiss Concern but also the entire personal wealth of the extended Weiss family. Becher wanted the trusteeship to last 33 years and one fifth of the family (and the leading personalities) as hostages staying behind in Germany as "guests of the Reich."

Both sisters thought Becher was "very handsome, tall and with good manners." They called Vilmos Billitz "a proud Jew, a real Jew," "trusted by everyone in the family," and "a wonderful person who was probably killed by his SS guards in Vienna, possibly on orders from Becher." They said their uncles believed that but did not have proof.

Chorin was probably the only family member present at the April 4 negotiation session with Becher. Chorin, then recovering from a serious illness and brought home from the Oberlanzendorf internment camp near Vienna only to be placed in house arrest, named Billitz as the family negotiator.

The May 17 signing of the contract was in the country house owned by the Mauthner branch of the family, just outside Budapest, on Budakeszi ut. Family members, some of who had been hiding, were collected by other family members in cars. The message from Becher was that if only one family member was missing, the deal is off. All family members were present, plus the families of Billitz and another lawyer, Gyorgy Hoff, a total of 41 people. For the first time since the March 19 invasion, the family saw Chorin, "very thin and very much older," (MK) as he was held in house arrest in his own house. Chorin asked everyone to sign the document, as he agreed to the terms and because the transaction will allow the family to leave for Portugal or Switzerland.

All 41, including small children and two pregnant mothers, were packed into SS cars that could hold only 4 people. The caravan, protected by machinegun-toting SS in armored cars in the front and the back, arrived in Vienna early in the morning of May 18. The commanding officer told the family that in case the Hungarian border guards created any problems (the Weiss had no permission to leave the country), the SS would have to shoot them. On the German side, they were told by SS headquarters to let the convoy through. There was no problem.

The next two and a half weeks were spent in a train consisting of three wagons and equipped with a kitchen and bathrooms, parked in Purkersdorf, just outside Vienna. SS personnel guarded the train around the clock and no one was allowed to leave the train. On one occasion Becher visited the family. But in a few days the prisoners were allowed to take walks in the nearby Vienna woods. Once a week they were taken to a public bath in Vienna, Bad Diana, as the SS were very worried that family members might develop infectious diseases. Then a day or two after the landing in Normandy on

June 6, they were taken by train to Stuttgart, Germany, then by one plane to Switzerland, and two planes to Portugal. 32 people went to Portugal, 9 to Switzerland. The Portuguese police arrested the male family members as all the visas were forged, presumably by the SS. It took the intervention of British Ambassador O'Malley (previously stationed in Budapest and the former Hungarian ambassador Andor Wodianer to arrange their release.

RG 260
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 Entry FINANCE
 File FED
 Box 161

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 Authority NND 765038
 By WDP NARA Date 6/29/00

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OFFICE OF MILITARY GOVERNMENT FOR GERMANY, (U. S.)
 Office of the Finance Adviser
 Berlin, Germany
 APO 742

19 March 1948

MEMORANDUM

SUBJECT: Gold and Silver delivered pursuant to Military Government Law No. 53

TO : Mr. Theodore H. Ball

1. The gold, other than gold coins, delivered pursuant to Military Government Law No. 53 has been broken down as follows:

a. gold bars	241.949 kg
b. pieces of gold in various shapes	73.338 kg
c. leaf gold	.391 kg
d. dental gold	2.430 kg
e. strip gold	2.899 kg
f. wire gold	.005 kg
g. commercial gold	280.821 kg
h. miscellaneous gold	1.901 kg
total:	<u>603.734 kg</u>

2. The silver deposited pursuant to Military Government Law No. 53 has not been broken down. An examination of the records shows that the silver delivered falls into the following main classifications: bar silver, leaf silver, dental silver, strip silver, and silver plates.

3. The total amount of silver now held under Law No. 53, except for silver coins is 6,245 kg. A breakdown into the above classification, if required, could be accomplished in approximately two days.

WHP
6/29/00

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Authority NND 765072
By JR NARA Date 6-23

RG 59
Entry LOT 62D115
File ITAL LAW #53
GOLO
Box 59

Law 53
453

BRITISH EMBASSY,

WASHINGTON 8, D. C.

July 30th, 1947

Ref: 4118/167/47

Dear Dr. Fletcher,

You asked me some time ago how much gold had been recovered in the British Zone of Occupation in Germany.

There were no German bank gold reserves found at the time of occupation, as the Reichsbank holdings were deposited in Frankfurt.

Monetary Gold held by the Reichsbank under Law No.53.

- (a) Bars.....fine weight.....kilos 422,769
- (b) Coins.....fine weight.....kilos 851,176

Information regarding the total volume of monetary gold held in the British Zone is obtained from declarations and deposits under Military Government Law 53 and a proportion may well be returnable to legitimate foreign owners in due course.

The above figures do not include certain gold bars and coins of unknown standards, of which the amount is comparatively small.

Yours sincerely,

A. F. Geelot

Dr. Otto Fletcher,
Division of Economic Security
Controls,
209 Premier Bldg.,
718 18th St. N.W.,
Washington, D.C.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY EC DATE 3/27/85

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TRIALS
OF
WAR CRIMINALS
BEFORE THE
NUERNBERG MILITARY TRIBUNALS
UNDER
CONTROL COUNCIL LAW No. 10

NUERNBERG
OCTOBER 1946-APRIL 1949



VOLUME V

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1950

For sale by the Superintendent of Documents, U. S. Government Printing Office
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Subject: Loan to the Economic Enterprises of the Schutzstaffel [SS]

With the permission of SS Gruppenfuehrer Frank the following loans, as per 31 May 1943, will be repayed:

German Equipment Works.....	RM 1,500,000.00
German Food	RM 300,000.00
Freudenthal Beverages	RM 936,777.19
German Experimental Institute.....	RM 3,590,415.73
Allach	RM 504,086.62
	<hr/>
	RM 6,831,279.54

You are requested to undertake yourself the calculation of interest for the months of April and May, with the enterprises concerned. The refunded sum is to be used for the repayment of the Red Cross loan, according to the instructions of Gruppenfuehrer Frank.

Heil Hitler!
German Economic Enterprises Limited
[Signed] DR. WENNER

[Handwritten] To be filed under Secret Documents
Copy for file D 4 B

[Stamp] Confidential!

To SS Gruppenfuehrer Frank
Please forward to
SS Hauptsturmfuehrer Melmer
in the building

[Initialed] Po/6
-WL/Kue.- 7 June 1943

Subject: Loan from the Reinhardt Fund.

With reference to the various verbal discussions it is requested that RM 8,000,000 may be transferred as a first installment of the planned Reich credit. The sum is to be used as follows:

1. *Repayment of the loans of the SS Savings Bank Association*

a. German Equipment plants.....	RM 1,500,000.00
b. German Food	RM 300,000.00
c. Freudenthal Beverages	RM 936,777.19
d. German Experimental Institute	RM 3,590,415.73
e. Allach	RM 504,086.62
	<hr/>
	RM 6,831,279.54

2. *Direct loans of the Red Cross*
Office W IV of the Economic and Administrative Main Office..... RM 1,000,000.00

RM 7,831,279.54

3. In order to make a round sum, as loan to the
DWB

RM 168,720.46

Total RM 8,000,000.00

Permission is requested for the following transfers:
RM 6,831,279.54 to the SS Savings Bank Association (e. V.)
Bank of German Labor AG, Berlin
account 68 556.

RM 1,000,000 to the Red Cross
post office account 13 013, Berlin.

RM 168,720.46 to the German Economic Enterprises,
Dresdner Bank, branch bank 12
Steglitz, account 2300 Z.V.

Heil Hitler!
German Economic Enterprises Limited
[Signed] Dr. Wenner
[signature illegible]

TRANSLATION OF DOCUMENT NO-059
PROSECUTION EXHIBIT 488

REPORT BY GLOBOCNIK, UNDATED, ON ADMINISTRATIVE
DEVELOPMENT OF "ACTION REINHARDT"

*Report on the Administrative Development of the Operation
Reinhardt*

I

All valuables accrued from this action were seized centrally by the administration created by me, accordingly classified and entered. The seizure extended to the entire Government General. The officials came from the SS Economic and Administration Main Office.

The use and materialization of the valuables were carried out according to the directives of Reich Leader SS, summarized during the course of the action in directives of 26 September 1942 and 9 December 1943, and the Economic and Administration Main Office was entrusted with the settlement as over against the Reich offices.

The valuables collected by me were continually handed over on receipt to the SS Economic and Administrative Main Office

and the latter forwarded the stocks to the Reich Bank, Reich Ministry for Finance, and Textile Works, etc.

On order of the Reich Leader SS, essentials were permitted to be drawn for Racial Germans for their supply, for the purpose of the SS itself, the SS Reich Leader forbade any use.

The remarkable thing of the account is that the collection of the revenue was not absolutely binding as the collection of the stocks was only carried out on order, and only the decency, purity, and also the supervision of the SS men employed in this operation could guarantee an absolute delivery.

However, what had been seized and collected then and taken by the department Reinhardt, has been accounted for and delivered with the greatest expediency and without defrauding.

A preliminary examination prior to 1 April 1943 by SS Obersturmbannfuhrer Vogt of the SS Economic and Administrative Main Office has already taken place and proved to be in correct order. For the rest, the preliminary examination has still to be carried out.

On the basis of an agreement with the Reich Finance Ministry this preliminary examination is final and, without the Reich Accounting Court, the vouchers and documents will be destroyed in accordance with secrecy regulations.

II

The valuables accounted for are—

1. *Reichsmarks and Zlotys—amounts.* This revenue covered the total expenditures, transport costs, duties, etc., which arose from this operation. The by far greater part was placed at the disposal of the SS economist in the Government General and the amounts credited in Reichsmarks to the operation Reinhardt in clearing by the SS Economic and Administrative Main Office and handed over to the Reich Bank.

For reasons of foreign exchange, a small part was used as credit for various economics offices and then also credited by the SS Economic and Administrative Main Office in clearing.

Moreover, the urgent provision of material was covered by price differentials. All these transactions were carried out with the approval of the SS Economic and Administrative Main Office. A further amount was currently placed at the disposal of the concentration camp in order to carry out constructions, to build up the administration, and to provide the necessary agricultural machines. Accurate bookkeeping kept on these matters, the purchases were constantly confirmed by me and all documents added to the final balance.

The books were kept by the chief administrator of the concentration camp, more precisely separate from my administration,

as the administration of the concentration camp was, by order of SS Economic and Administrative Main Office, independent of the SS Garrison Administration Lublin. Compensation to Reinhardt for these expenditures had still to be made by the office which will finally take over the enterprise.

2. Currency in notes or gold mint were collected, sorted, and handed over to the Reich Bank also via the SS Economic and Administrative Main Office.

3. Jewels, trinkets, watches, and the like were assorted according to their value and were delivered to the Economic and Administrative Main Office. On the latter's directive, watches made of non-rare metal were delivered to the armed forces; glasses were put at the disposal of disabled soldiers after adjustment, and other worthless items were mainly delivered to the army offices to cover urgent needs. The corresponding vouchers are available.

4. Textiles, clothing, linen, bed feathers, and rags were collected and assorted as to their quality. The assorted items had to be searched for hidden values and finally had to be disinfected. More than 1,900 wagons had been put at the disposal of the agencies designated by the Reich Ministry of Economics on order of the Economics and Administrative Main Office. These items were not only used to provide clothes for workers of foreign extraction, but a considerable part of them was used for respinning. No case of sickness became known though the clothing was mostly taken from spotted fever patients, which proves that the disinfection was adequate. The most valuable clothing was put aside and was used for the supply of racial Germans [Volksdeutsche] on order of the Reich Leader. Shoes were also assorted as to their usefulness and were then delivered either to racial Germans and to the concentration camps for supply of the inmates, or they were made over and were utilized for wooden shoes for prisoners.

5. Valuable items of different types such as stamps, coins, and the like were assorted and were delivered to the SS Economic and Administrative Main Office, worthless items were destroyed.

6. Other items such as soap, lotions, plates, and the like were used in the Jewish camps; glass, old iron items, etc., were delivered to the utilization places, to be remanufactured.

7. The food kept during the transportation was used for the supply of Jewish camps.

8. Valuable furniture and household items were reconditioned and mostly given to racial German settlers for use. But German agencies and army agencies got also such furniture as a loan against issuance of a bill. Items of minor value were either destroyed or given to the population as premiums for good har-

vests, etc. Efforts were made to dismantle parts such as locks, hinges, and the like from items which could not be used, and to use them again.

The vouchers for the items delivered as a loan were turned in to the Higher SS and Police Leader East on a monthly basis.

According to an order of the Reich Leader SS dated 22 September, the whole supply was finished, utilized and delivered, so that hardly a great quantity will still be available.

Available is furniture which was necessary for the carrying out of the operation such as premanufactured buildings, frames, vehicles, etc., which had been purchased with the available means. These means have been received; however, a decision has still to be passed on their utilization.

The total value of these items amounts to approximately 180,000,000 RM according to the attached list.* The lowest value was taken as a basis so that the total amount is probably twice as high, apart from the value of the received items which are short, such as textiles of which more than 1,900 wagons had been delivered to German industry.

[Signed] GLOBOCNIK

SS Gruppenfuehrer and Major General of the Police

TRANSLATION OF DOCUMENT NO-062
PROSECUTION EXHIBIT 489

DETAILED LIST OF MONEY, PRECIOUS METALS, JEWELS, OTHER
VALUABLES, AND TEXTILES, SIGNED BY GLOBOCNIK AND WIP-
PERN (UNDATED)

Precious metals

236 gold ingots	.....	2,909.68 kg	at RM 2,800.00	RM 8,147,104.00
2,143 silver ingots	.....	18,733.69 kg	at RM 40.00	RM 749,347.60
platinum	.....	15.44 kg	at RM 5,000.00	RM 77,200.00
				RM 8,973,651.60

Foreign Currency, notes

USA Dollars	.....	1,081,521.40	at RM 2.50	RM 2,703,803.50
English Pounds	.....	15,646.11	at RM 9.30	RM 145,512.80
Palestinian Pounds	.....	4,922.50	at RM 9.30	RM 45,779.25
Canadian Dollars	.....	8,966.25	at RM 2.50	RM 22,415.62
Rubles	.....	2,454,278.35	at RM 0.10	RM 245,427.84
French Frs.	.....	1,468,486.35	at RM 0.05	RM 73,424.31
Swiss Frs.	.....	119,302.33	at RM 5.80	RM 691,953.51
Lire	.....	6,465.03	at RM 0.10	RM 646.50
Prct. Kr.	.....	1,745,601.50	at RM 0.10	RM 174,560.15

* Document NO-062, Prosecution Exhibit 489.

Turkish Pounds	.....	39.50	at RM 1.90	RM 75.05
Belga	.....	12,449.25	at RM 0.40	RM 4,979.70
Lei	.....	55,975.54	at RM 0.02	RM 1,119.51
South African Pounds	.....	119.50	at RM 4.40	RM 525.80
Dutch Guilders	.....	133,986.95	at RM 1.33	RM 178,202.64
Leva	.....	5,995,421.00	at RM 0.01	RM 59,954.21
Australian Pounds	.....	55.00	at RM 2.50	RM 137.50
Dinars	.....	435,641.00	at RM 0.05	RM 21,782.05
Karbowanets	.....	164,169.00	at RM 0.10	RM 16,416.90
Pengoe	.....	28,392.50	at RM 0.60	RM 17,035.50
Slovak Kronen	.....	103,538.35	at RM 0.10	RM 10,353.84
Drachmas	.....	4,875,419.70	at RM 0.02	RM 97,508.29
Swedish Kronen	.....	4,377.00	at RM 0.60	RM 2,626.20
Norwegian Kronen	.....	775.00	at RM 0.60	RM 465.00
Argentine Pesos	.....	977.55	at RM 1.00	RM 977.55
Pesetas	.....	1,471.00	at RM 2.40	RM 3,530.40
Finnish Marks	.....	1,140.00	at RM 0.05	RM 57.00
Danish Kronen	.....	1,270.00	at RM 0.52	RM 660.40
Brasil Milreis	.....	63.00	at RM 0.09	RM 5.67
Egyptian Pounds	.....	20.00	at RM 4.40	RM 88.00
Litas	.....	175.00	at RM 0.10	RM 17.50
Yen (Jap.)	.....	4.00	at RM 0.50	RM 2.00
Lats	.....	20.00	at RM 0.10	RM 2.00
Paraguayan Pesos	.....	12.00	at RM 0.60	RM 7.20
Cuban Pesos	.....	57.00	at RM 0.60	RM 28.20
Uruguay Pesos	.....	1.00	at RM 0.60	RM 0.60
Bolivian Pesos	.....	4.50	at RM 0.60	RM 2.70
Mexican Pesos	.....	3.00	at RM 0.50	RM 1.50
Albanian Frs.	.....	195.44	at RM 0.10	RM 19.54
Rhodesia Pounds	.....	8.00	at RM 4.00	RM 32.00
New Zealand Pounds	.....	.50	at RM 4.00	RM 2.00
Algerian Frs.	.....	30.00	at RM 0.10	RM 3.00
Lux. Frs.	.....	40.00	at RM 0.50	RM 20.00
Java Guilders	.....	10.00	at RM 1.30	RM 13.00
Danz. Guilders	.....	1,038.00	at RM 1.00	RM 1,038.00
Columbian Pesos	.....	1.00	at RM 0.60	RM 0.60
Mozambique Esc.	.....	1.00	at RM 0.60	RM 0.60
Manchukuo Cent	.....	15.00	at RM 0.50	RM 7.50
Chinese Dollars	.....	1.00	at RM 1.50	RM 1.50
				RM 4,521,224.13

Minted gold currency

USA Dollars	.....	249,771.50	at RM 4.20	RM 1,049,040.30
English Pounds	.....	610.00	at RM 20.40	RM 12,444.00
Rubles	.....	198,053.00	at RM 2.15	RM 425,813.95
Austrian Kronen	.....	73,230.00	at RM 0.85	RM 62,245.00
French Frs.	.....	38,870.00	at RM 1.62	RM 62,969.40
Reichsmarks	.....	23,485.00	at RM 1.00	RM 23,485.00
Portuguese Reis	.....	20,000.00	200 Esc. at RM 1.00	RM 200.00
Swiss Frs.	.....	6,970.00	at RM 16.50	(for 20 Frs) 23,001.00
Ducats	.....	6,614.00	at RM 10.00	RM 66,140.00
Lire	.....	3,740.00	at RM 0.50	RM 1,870.00

Austr. Shillings.....	2,925.00	at RM 2.3	RM 1,950.00
Turkish Pounds.....	417.75	at RM 3.50	RM 1,462.12
Belga	1,740.00	at RM 0.50	RM 870.00
Leva	30.00	at RM 0.50	RM 15.00
Lei	1,177.50	at RM 0.50	RM 588.75
South African Pounds	4.00	at RM 20.40	RM 81.60
Dutch Guilders.....	905.00	at RM 17.00	(for 10 guild- ers) 1,538.50
Australian Pounds ..	7.00	at RM 20.40	RM 142.80
Dinars	41.00	at RM 0.50	RM 20.50
Swedish Kronen....	30.00	at RM 11.20	(for 10 Kr.) 33.60
Norwegian Kronen..	55.00	at RM 11.20	(for 10 Kr.) 61.60
Pesetas	50.00	at RM 1.50	RM 75.00
Finnish Marks.....	80.00	at RM 1.00	RM 80.00
Zlotys	2,060.00	at RM 0.50	RM 1,030.00
Danish Kronen.....	360.00	at RM 11.20	(for 10 Kr.) 403.20
Czech Ducats.....	17.00	at RM 10.00	RM 170.00
Yen	2.00	at RM 0.50	RM 1.00
Cuban Pesos.....	10.00	at RM 4.20	RM 42.00
Mexican Pesos.....	111.50	at RM 4.20	RM 468.00
Albanian Frs.....	20.00	at RM 0.50	RM 10.00
Yugoslavia Ducats..	1.00	at RM 5.00	RM 5.00
Tunesian Frs.....	180.00	at RM 1.62	RM 291.60
Peru Libras	1.00	at RM 1.00	RM 1.00
Chile Dollars.....	1.00	at RM 4.20	RM 4.20
			RM 1,736,554.12

Jewels and other valuables

		Average RM	RM
15,883	pieces	gold rings with brill. and diam.	1,500.00 23,824,500.00
9,019	pieces	gold ladies' wrist watches....	250.00 2,254,750.00
3,681	pieces	gold gentlemen's pocket watches	500.00 1,840,500.00
353	pieces	bracelets with brill. and diam.	3,500.00 1,232,000.00
1,716	pairs	earrings, gold with brill. and diam.	250.00 429,000.00
2,497	pieces	brooches, gold with brill. and diam.	2,000.00 4,994,000.00
130	pieces	separate large single brilliants	1,000.00 130,000.00
2,511.37	carats	brilliants	100.00 251,137.00
13,458.62	carats	single diamonds.....	50.00 672,931.00
291	pieces	pins with brilliants.....	100.00 251,137.00
660	pieces	gold gentlemen's wrist watches	100.00 66,000.00
458	pieces	ladies' lapel watches, with brill.	500.00 229,000.00
273	pieces	ladies' platinum watches with brill.	1,200.00 327,600.00
349	pieces	ladies' gold lapel watches.....	250.00 87,250.00
362	pieces	ladies' gold watches with brill. and diam.....	600.00 217,200.00
27	pieces	bracelets with brill. and diam...	250.00 6,750.00

		Average RM	RM
40	pieces	gold brooches.....	350.00 14,000.00
18	pieces	cuff links with brill. and diam..	150.00 2,700.00
114.20	kilos	pearls	6,000,000.00
63	pieces	diamond-studded platinum watch cases.....	1,000.00 63,000.00
4	pieces	ladies' platinum watches.....	300.00 1,200.00
5	pieces	gentlemen's pocket watches with brill.	600.00 3,000.00
4	pieces	necklaces with brill. and diam.	1,500.00 6,000.00
8	pieces	ladies' gold ring watches.....	150.00 1,200.00
4	pieces	ladies' lapel watches with pearls	200.00 800.00
18	pieces	gold fountain pens.....	20.00 360.00
5	pieces	gold automatic pencils.....	15.00 75.00
1	piece	gold cigarette case.....	400.00 400.00
60,125	pieces	watches of all kinds.....	10.00 611,250.00
7.80	kilos	corals	600.00
3	pieces	gold compacts.....	50.00 150.00
103,614	pieces	watches to be repaired.....	2.00 207,228.00
29,391	pieces	spectacles	3.00 88,173.00
350	pieces	razors	2.00 700.00
800	pieces	pocket knives.....	1.00 800.00
3,240	pieces	purses	1.50 4,860.00
1,315	pieces	pocketbooks	2.50 3,287.50
1,500	pieces	scissors	0.50 750.00
230	pieces	flashlights	0.50 115.00
6,943	pieces	alarm clocks, to be repaired....	1.00 6,943.00
2,343	pieces	alarm clocks in working condi- tion	4.00 9,372.00
627	pieces	sun glasses.....	0.50 313.50
41	pieces	silver cigarette cases.....	15.00 615.00
230	pieces	clinical thermometers.....	3.00 690.00
			RM 43,662,450.00

Textiles

1,901	boxcars with clothes, linen, feathers for bedding and rags; average value.....	RM 26,000,000.00
	stocks, average value.....	RM 20,000,000.00
		RM 46,000,000.00

Summary

Delivered money, Zloty and RM notes.....	RM 73,852,080.74
Precious metals	RM 8,973,651.60
Foreign currency, in notes.....	RM 4,521,224.13
Foreign currency, in minted gold.....	RM 1,736,554.12
Jewels and other valuables.....	RM 43,662,450.00
Textiles	RM 46,000,000.00
	RM 178,745,960.59

[Signed] RZEPA
SS Oberscharfuehrer and Cashier

[Signed] WIPPERN
SS Sturmbannfuehrer and
Administrative Director

[Signed] GLOBOCNIK

TRANSLATION OF DOCUMENT POHL 8
POHL DEFENSE EXHIBIT 7

EXTRACTS FROM GOERING'S DECREE, 12 JUNE 1940, CONCERNING
MAIN TRUSTEE OFFICE EAST AND ADMINISTRATION OF POLISH
PUBLIC AND PRIVATE PROPERTY

*Ministerial Bulletin of the Reich and Prussian Ministry of the
Interior*

Published by the Reich Ministry of the Interior
Number 27 Berlin, 3 July 1940 5th (101st) year of issue
Page 1254

Main Trustee Office East. Decree issued by the Chairman of the
Council of Ministers for the Defense of the Reich and Commis-
sioner for the Four Year Plan, of 12 June 1940—V P 7713/1.

The activation of the administration for the Incorporated
Eastern Territories has been carried out. The legislation required
thereto has, on the whole, been passed. In consequence to the
changes occasioned thereby, I decree:

Article 1: Main Trustee Office East

(1) The Main Trustee Office East is an agency of the Com-
missioner for the Four Year Plan, which carries out his tasks
within the frame of competency imposed on it by myself.

(2) Its authority will be regulated by the following provisions:

Article 2: Tasks

The Main Trustee Office East has the following tasks:

a. The administration of the property of the former Polish
State, according to the decree of 15 January 1940 (Reich Law
Gazette I, page 174), and of other public and publicly owned
properties * * *.

b. (1) Seizure and administration of properties of members
of the former Polish State.

(2) The Main Trustee Office East may make final transfers of
property according to directives issued by myself.

(3) It remains up to future regulations in which manner and
degree compensation is to be granted for property losses.

* * * * *

Article 3: Confiscation, and Administration by
Commissioners

(1) Within the sphere of its tasks, the Main Trustee Office
East alone has the right to order confiscation of property, and to
appoint and recall commissioners of administration.

* * * * *

Article 6: Sphere of authority to transact business

The Incorporated Eastern Territories are the sphere of au-

thority to transact business by the Main Trustee Office East.
The competency of the Reich Commissioner for the Strengthen-
ing of Germanism with regard to agricultural property (inclusive
of secondary agricultural industries) remains untouched.

Article 7: Official Aid

(1) All Reich district and municipal authorities, as well as
their subordinate agencies, must furnish official aid to the Main
Trustee Office East and its organs.

(2) According to an agreement made with the Reich Leader
SS and Chief of the German Police in the Reich Ministry of the
Interior, the Polish authorities are at its disposal for the com-
pulsory execution of its orders.

* * * * *

TRANSLATION OF DOCUMENT POHL 7
POHL DEFENSE EXHIBIT 6

EXTRACTS FROM GOERING'S DECREE, 17 SEPTEMBER 1940,
CONCERNING TREATMENT OF POLISH PROPERTY

Reich Law Gazette
Part I

1940 Published in Berlin, 28 September 1940 No. 170
Page 1270

Decree concerning the treatment of properties belonging to
Members of the former Polish State.

17 September 1940

According to the decree for the carrying out of the Four Year
Plan, of 18 October 1936 (Reich Law Gazette I, page 887), com-
bined with the decree to introduce the Four Year Plan into the
Eastern Territories, 30 October 1939 (Reich Law Gazette I,
2125), the following is herewith decreed for the area of the
greater German Reich, including the Incorporated Eastern Ter-
ritories:

Article 1

(1) The properties of the members of the former Polish State
are, within the area of the greater German Reich inclusive of the
Incorporated Eastern Territories, subject to confiscation, admin-
istration by commissioners, and seizure, according to the follow-
ing provisions:

* * * * *

Article 2

(1) Confiscation must be ordered in the case of properties
owned by—

a. Jews,

b. Persons who fled or who are permanently absent.

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By JW NAPA Date 6-26

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ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON



Mr. Buel

AIR MAIL

LEGATION OF THE UNITED STATES
OF AMERICA
AUG - 6 1946
STOCKHOLM

July 30, 1946

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No. 1503

To the
Officer in Charge of the American Mission,
Stockholm.

The Secretary of State transmits for the information of the Officer in Charge a copy of the Minutes of the Swedish-Allied Safehaven Negotiations held on June 13, 1946.

Copies of this instruction and its enclosures are being transmitted to American Missions at London, Paris, Bern, Madrid, Lisbon and Ankara and to the United States Political Adviser at Berlin. Additional copies formerly transmitted to the United States Political Adviser, Berlin for forwarding to General Clay and Mr. Samuel Kramer, will be forwarded to the Civil Affairs Division of the War Department for direct transmittal to General Clay and Mr. Theodore Ball.

Enclosure

Minutes of Swedish-Allied
Safehaven Negotiations of
June 13, 1946.

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Minutes of the Swedish-Allied Safehaven Negotiations

June 13, 1946
Morning Session

The Swedish Negotiators presented the Allied Negotiators with a corrected statement described as a "list of gifts and credits to various nations to aid in their relief and rehabilitation" (attached as Exhibit A) and after brief comment on the Swedish interest in their properties in Germany, submitted another statement entitled "list of Swedish subsidiaries in Germany" (attached as Exhibit B). The Swedish Negotiator then suggested that the discussion be on looted gold. Mr. Rubin expressed a preference for a discussion of patents pending the arrival of M. Valensi, the French Negotiator.

Patents

The Swedish View

Justice Sandström explained that Swedish patent law is quite similar to U.S. patent law. Patents in Sweden have a life of 17 years and may be continued on payment of a fee which is progressive. Patent application may be made by either the inventor or his assignee. The Swedish Negotiator explained that patent applications are carefully examined as to novelty, as a result of which examination many foreign inventors seek Swedish patents. He stated that a patent good in Sweden is usually good in other countries also a result of the very careful Swedish examination procedure.

Justice Sandström stated that another reason for the increase in patent applications in Sweden during the war was the unusually more rapid development of industrial techniques as a usual concomitant of war. The Swedish Negotiator stated that he does not believe that the Germans made any effort to use patents as a hiding place for flight capital. He pointed out that all foreign patents in Sweden are under Swedish legislation, and the movement of German patents is controlled by the ECOC. As a result of non-payment of fees some German patents are lapsing while others are being paid for by licenses and subsidiaries of German patent owners, he stated. Justice Sandström pointed out that the Swedish Government takes little initiative in the direction of protection of patents.

The Swedish Negotiator explained that before he could take any action in connection with the disposition of German patents, it would be necessary to receive instructions from Stockholm, inasmuch as patents are now frozen under Swedish law. Under this freeze existing licenses under Swedish patents continue to stand, he stated.

Justice Sandström pointed out that at an earlier stage in the safehaven program the Swedish Government had offered a patent fee moratorium which the United States rejected. As a result of that rejection many patents are now lapsing, he stated.

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The Allied View

The Chief United States Negotiator, after making certain initial inquiries answered in the Swedish view presented, suggested that the ultimate disposition of German patents in Sweden be postponed until after the patent conferences between the IARA countries planned for July. The Allies would like to leave open the patent portion of any agreement to be signed following these negotiations with a view to inviting Sweden to consider the proposals arrived at at the proposed IARA conferences.

By way of explanation Mr. Rubin pointed out that the general United States policy in connection with German patents was one which intended the opening of German-held patents to the general public in signatory countries (IARA countries). Mr. Rubin stated that the Swiss had agreed to a similar proposal. The British Negotiator pointed out that the freezing procedure attempted by Sweden, if not modified to meet the Allied proposal, might put certain persons in a preferred position. He stated the British belief that German patents in Sweden represent flight capital to a sufficient degree to cause us concern.

Mr. Rubin suggested that the Swedish Government might find considerable advantage in reciprocity to be expected to grow out of becoming a signatory to an IARA patent agreement. All three Allied negotiators explained to Justice Sandström that they would of course expect careful consideration to be given to either a Swedish or an Allied request for special consultations in special cases. The three Allied negotiators also explained that it was highly desirable to include a patent provision in the final draft agreement following these negotiations. Mr. Schmidt suggested to Justice Sandström that the lapsing of German patents, now fairly wide-spread, would not injure the United States position at all, and in consequence our request that the Swedes consider adherence to any later IARA patent determinations were therefor predicated on the desire to establish uniform practices throughout the world in these and other matters.

Gold

The Allied View

The United States Negotiator suggested that the submittal by the Swedes of a corrected copy of their records of German gold transfers to Sweden established a principle that corrections are sometimes based on later discoveries. He explained to the Swedish Delegation that M. Valensi had requested from Paris the desired information regarding lists of numbers on bars of looted Belgian gold re-melted by the Germans. Mr. Rubin then alluded to the Swedish suggestion in a previous conference that we seek restitution from Switzerland of any looted gold sold by Sweden to Switzerland. He stated

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that it was his understanding that Sweden intended to restitute all looted gold now, or at any previous time, in her possession. After Justice Sandström responded that the Swedish intention to restitute concerned only that gold now in their possession, Mr. Schmidt inquired whether they would restitute any looted gold now in their possession regardless of source. Upon receiving an affirmative reply to this suggestion M. Valensi explained that it would be necessary to examine all Swedish gold purchases during the war years, as opposed to examining only the transactions with Germany. It was suggested that Sweden should subscribe to the theory that the first purchaser of loot is liable for restitution, in order to avoid a claim arising against a first purchaser after loot had been restituted by a second or later purchaser, as in other business transactions. M. Valensi pointed out that the Swiss Government had settled on this first purchaser principle. In support of the first purchaser principle Mr. Schmidt explained that law and equity considerations lead to the utilization of this particular theory as well as practical considerations. Mr. Schmidt explained that in our view Swedish hands were clean in the gold dealings with Germany, but that Sweden should have examined more carefully gold purchases for loot bearing in mind the old concept of caveat emptor.

After some discussion of the applicable date in accepting the United States principles on restoration of loot as expressed by the declaration of January 5, 1945 against Axis Acts of Dispossession and the Gold Declaration of February 22, 1944, it was suggested that the Swedes would be liable to restitute in the gold listed on page 1 and the gold included in items numbered 6, 8, 10, 7b, and 7c, on page 2 of Attachment A of the Minutes of June 12, 1946 previously published.

In response to Justice Sandström's statement in this matter, each Allied Negotiator in turn expressed the appreciation of his government for the Swedish response in this matter which will benefit mainly such countries as Belgium and Holland.

It was agreed by the negotiating groups that there would be an extensive exchange of information and thorough re-checking of all figures of gold transfers to establish the final total. The United States Negotiator suggested that December 31, 1947 might be a good date to set as the time limit for exchanges of information on gold, and to consider a settlement made on information discovered up to that time to be final.

The Swedish View

Justice Sandström reiterated it was the Swedish intention to restitute only looted gold now in their possession, regardless of source, and that the Allies should approach the Swiss for any looted gold which might be found in the lot sold to the Swiss by the Swedes. He pointed out that Sweden had purchased gold during the war years from Germany, Switzerland, South Africa, and the Bank for International Settlements. These purchases would not require any particularly greater amount of checking than the German purchases, he stated.

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The Swedish Negotiator inquired whether gold which might be restituted by Switzerland out of a total lot sold by Sweden would give rise to a claim by Switzerland against Sweden. Justice Sandström accepted Mr. Schmidt's explanation of the first purchaser theory but with the reservation that he believed that it was not the simplest method. The Swedish Negotiator stated that he believed Sweden had shown reasonable care in their gold buying. The Germans had stated that there was no loot in the gold sold them; they had received pre-war ingots, and could go no further at the time of the purchase. He stated that he believed, however, settlement in this matter could be reached without Sweden expounding her principles and agreed to make restitution for any looted gold sold to Switzerland provided the Allies would furnish Sweden with a Swiss quit claim in the matter.

Justice Sandström responded to the Allied expressions of appreciation that Sweden was only doing its duty and affirmed the Allied agreements for exchanges of information but suggested the determination of a final information exchange date at a later meeting.

Repatriation

The Allied View

The United States Negotiator expressed appreciation of the activity of the Swedish Government in repatriating undesirable Germans, and stated that the only Allied request was that the Swedes complete the investigations in those instances yet pending. He suggested that there might be other names not yet submitted to the Swedish Government as nominees for repatriation and would appreciate it if the Swedish Government would allow us to present additional names in the next month or so. Mr. Rubin agreed, in response to a question from Mr. Grönwall, that data would be furnished concerning the reasons underlying any future Allied requests for repatriation.

With respect to the property of repatriates, the Allied Negotiators requested that it be treated as the property of any other German in Germany. Regarding the family of a repatriate, which family might remain in Sweden, it was suggested that those persons could be cared for under normal peacetime procedures.

The Swedish View

The Swedish Negotiator stated that the Allies could expect continuation of the Swedish activity in the direction of repatriation and could rest assured that all those persons nominated for repatriation, and determined to be obnoxious to Sweden, would be repatriated.

Mr. Grönwall explained that since Sweden was a democratic country we might naturally expect certain delays occasioned by appeals inherent in democratic handling of even enemy problems.

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WESTERN HEMISPHERE CONTROL OVER
ENEMY PROPERTY:
A COMPARATIVE SURVEY

By
MARTIN DOMKE



Reprinted from the symposium on
"ENEMY PROPERTY"
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WESTERN HEMISPHERE CONTROL OVER ENEMY PROPERTY: A COMPARATIVE SURVEY

MARTIN DOMKE*

Measures which have been taken for the administration of alien property in wartime must be considered from the viewpoint of an economic warfare which has wholly changed from the experience of World War I. Economic warfare had been waged in the Western Hemisphere by the Axis powers long before diplomatic relations between the American Republics and the Axis were severed. Countermeasures were enacted in most of the American Republics when it became evident that Germany had long prepared systematically to loot the European countries which it invaded in 1940. Germany tried to send over here foreign currency and securities which it found hoarded in Western Europe, and to use them in the countries of the Western Hemisphere for various purposes of espionage and fifth column activities. It tried to do more, namely to use the assets abroad which belonged to residents of the invaded European territories. Such assets located within the Western Hemisphere were not to be returned to Europe; on the contrary, they had to be used here in order to foster subversive activity within the various American countries in favor of the Axis powers. At the same time other techniques of waging economic warfare were developed by the Axis in the Western Hemisphere. This included the use of business firms (e.g., I. G. Farben, Siemens & Halske, German banks acting as Nazi party financial backers, etc.) directed to the purpose of world domination. The effort has not ceased. Said the United States Department of State recently:¹ "In anticipation of impending defeat, the enemy is increasing these activities in order to salvage his assets and to perpetuate his economic influence abroad and his power and ability to plan future aggrandizement and world domination."

Countermeasures had to be introduced in this Hemisphere. They are generally known as the blocking of foreign assets by the so-called freezing regulations. Further restrictions have been placed on the import and export of foreign currency and securities. The blacklisting system is another means of waging economic warfare.

*Dr. Jur., 1915, University of Greifswald, Germany. Legal Research Director, American Arbitration Association. Author of books and monographs on economic emergency legislation, especially foreign exchange control, and of *TRADING WITH THE ENEMY IN WORLD WAR II* (New York, 1943; forthcoming supplement as of April 1, 1945). Contributor of articles on international law in American and foreign legal periodicals.

¹(1944) 11 DEP'T OF STATE BULL. 383.

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Finally, administration of enemy and enemy controlled property through supervision of management (and other intervention) and liquidation of seized assets by different means of expropriation and nationalization are some of the legislative and administrative measures which were enacted in the countries of the Western Hemisphere to counterbalance the effects of the Axis' economic warfare.

I

When Germany invaded Western Europe in the spring of 1940, the only country of the Western Hemisphere which had already enacted measures against this Axis power was Canada, at war with Germany since September, 1939. The Trading with the Enemy legislation of September 5, 1939,² was applied to the assets belonging to residents in territories occupied by Germany, in ordering "the protective custody of property of persons residing in proscribed territory."³ The United States reacted to the prospective use of looted assets with a measure which might not have been foreseen by the invader: it blocked immediately, on April 10, 1940,⁴ all assets belonging to residents of the occupied countries to nullify "attempts by the Axis to gain title to the billions of dollars in assets belonging to nationals of the countries overrun by the Axis."⁵ At the Havana Conference of the American Republics held in July, 1940, it was agreed that each of the governments should take the necessary measures to suppress activities inspired by foreign governments or by foreign nationals which might subvert the democratic institutions of any of the Republics.⁶ Some of the Latin-American Republics followed the example of the United States in enacting freezing regulations against Germany's use of assets of invaded countries, e.g., Argentina, Brazil, Colombia, Costa Rica, Paraguay, Uruguay, and Venezuela.⁷ The effectiveness of such measures, however, might sometimes be considered doubtful, as, for instance, the freezing regulations introduced in Argentina as early as April, 1940.

When Germany undertook new aggressions in the spring of 1941 against the Balkans, and later against Russia, the freezing regulations of the United States were extended to the assets of nearly all European countries on June 14, 1941⁸ and

² Regulations Respecting Trading with the Enemy (1939), established by Order in Council, P. C. 2512, were replaced by the Consolidated Regulations, P. C. 3959, as amended, in turn replaced by the Revised Regulations Respecting Trading with the Enemy (1943), Order in Council of November 13, 1943, P. C. 8526, C. C. H. 1943, War Law Serv. (Foreign Supplement) ¶65,612.

³ May 11, 1940, Order in Council, P. C. 1936, 2 PROCLAMATIONS AND ORDERS IN COUNCIL 85 (1940).

⁴ EXEC. ORDER No. 8389, 5 FED. REG. 1400 (1940), as amended; C. C. H. 1942, War Law Serv. (Statutes, Proclamations, Interpretations) ¶14,011. For amendments and further regulations see U. S. TREAS. DEPT., ADMINISTRATION OF THE WARTIME FINANCIAL AND PROPERTY CONTROLS OF THE UNITED STATES GOVERNMENT (Dec., 1942); U. S. TREAS. DEPT., DOCUMENTS PERTAINING TO FOREIGN FUNDS CONTROL (March 30, 1944). The latter will be hereinafter cited as "DOCUMENTS."

⁵ Treas. Dept's Press Release No. 34, April 21, 1942, DOCUMENTS, *supra* footnote 4, at 122; C. C. H. *op. cit. supra* footnote 4, at ¶14,633.

⁶ (1941) 35 AMER. J. OF INT. L., SUPP. 10.

⁷ PAN AMERICAN UNION, PROCEEDINGS OF THE INTER-AMERICAN CONFERENCE ON SYSTEMS OF ECONOMIC AND FINANCIAL CONTROL (Congress and Conference Series No. 40, 1942) 12, 17, 22, 37, 39, 45.

⁸ EXEC. ORDER No. 8785, 6 FED. REG. 2897 (1941).

on July 26, 1941;⁹ when Japan overran Indo-China, the control was invoked against Japan and China. In the same way, Canada extended its Trading with the Enemy legislation to apply to all countries occupied by the Axis powers as "proscribed territories."¹⁰

On July 17, 1941, the United States issued the Proclaimed List of Certain Blocked Nationals, known as the blacklist, which was officially recognized or used as a basis for local controls by some of the Latin-American Republics.¹¹

After Pearl Harbor, the declarations of war by the United States were immediately followed by nine American Republics, while other countries broke off diplomatic relations with the Axis powers in December, 1941, or shortly after the Third Meeting of the Ministers of Foreign Affairs of the American Republics, held in Rio de Janeiro on January 15, 1942.¹² A Resolution adopted at that meeting recommended that the American Republics "cut off for the duration of the present hemispheric emergency all commercial and financial intercourse, direct or indirect, between the Western Hemisphere and the nations signatory to the Tripartite Pact and the territories dominated by them."¹³ It further provided for the supervision of all transactions of aliens of enemy nationality who are residents in the American Republics, and for a conference of representatives of the central banks of all Republics to draft standards of procedure for the uniform handling of all transactions of "real or juridical persons who are nationals of a state which has committed an act of aggression against the American Continent."¹⁴ Accordingly, the Inter-American Conference on Systems of Economic and Financial Control was held in Washington in June-July, 1942. The Final Act of July 10, 1942,¹⁵ recommended measures to be adopted by each country for the elimination of Axis influence. Of special interest is the seventh recommendation regarding control of business enterprises. It aims at a policy under which "in accordance with the constitutional procedure of each country, all necessary measures be adopted as soon as possible, in order to eliminate from the commercial, agricultural, industrial and financial life of the American Republics, all influence of governments, nations, and persons within such nations who, through natural or juridical persons or by any other means are, in the opinion of the respective government, acting against the political and economic independence or security of such Republics."¹⁶ By this literal language, conceivably every foreign influence, not only that emanating from enemy nationals,

⁹ EXEC. ORDER No. 8832, 6 FED. REG. 8786 (1941); see Press Release No. 7, C. C. H. *op. cit. supra* footnote 4, at ¶14,607, DOCUMENTS, *supra* footnote 4, at 106.

¹⁰ Orders in Council: of March 4, 1941 (P. C. 1561, 1562; Bulgaria, Hungary); of December 7, 1941 (P. C. 9590; the Japanese Empire and Japanese occupied and/or controlled territory).

¹¹ See *infra* footnotes 69-77.

¹² See the tabulations in (1944) 10 DEPT. OF STATE BULL. 373, 413, and (1945) 79 BULL. OF THE PAN AMERICAN UNION 31.

¹³ (1942) 36 AMER. J. OF INT. L., SUPP. 71.

¹⁴ *Id.*, at 72.

¹⁵ (1943) 37 AMER. J. OF INT. L., SUPP. 9; cf. Manuel Felix Maúrtua, *Consideraciones al margen de la Conferencia de Control Económico* (1942) 2 REVISTA PERUANA DE DERECHO INTERNACIONAL 422.

¹⁶ (1943) 37 AMER. J. OF INT. L., SUPP. 18.

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might thus be eliminated through blocking of assets and other forms of control. The nationalistic tendency of such measures appears further from this recommendation: "The alienation, in any form, of the said properties and rights can only be made to nationals of the respective country or to juridical persons formed by them."¹⁷

Thus, the administration of alien property in Latin-American Republics will have far-reaching consequences, beyond the temporary elimination of Axis influence from wartime economy. These resolutions which were adopted with reservations both by Argentina and Chile,¹⁸ were carried into execution in a variety of ways (and degrees of effectiveness) through legislative and administrative measures in the American Republics.

II

For the purpose of administration of enemy property it is necessary to determine which individuals and corporations have to be considered enemies. They are the nationals of enemy countries who are residing within enemy territory, and corporations registered under enemy law. Nationals like Americans living in enemy or enemy-occupied territory have also been considered enemies within the meaning of the Trading with the Enemy legislation during both World Wars.¹⁹ The territorial test is a decisive one; who stays in enemy territory is deemed to help the enemy economy.²⁰

On the other hand, aliens of enemy nationality who are residing in countries of the Western Hemisphere are generally not restricted in their financial and commercial transactions. Such alien enemies when they have been residents of the United States since February 23, 1942,²¹ are so-called generally licensed nationals of a foreign (blocked) country who are subject to practically no financial restrictions. The situation, though similar in Canada,²² is different in some Latin-American Republics. There the so-called nationality test prevails. The resident of enemy nationality is subject to almost the same restrictions which are applied to assets belonging to enemy nationals residing abroad. This is the case, for instance, in Brazil,²³ Colom-

¹⁷ *Id.*, at 19.

¹⁸ *Id.*, at 20.

¹⁹ As to cases, see DOMKE, *TRADING WITH THE ENEMY IN WORLD WAR II* (New York, 1943) 26.

²⁰ This territorial test has been adopted in the Rumanian, Bulgarian, Finnish and Hungarian Armistices. They provide for the control of alien property belonging "to Germany, Hungary or to their citizens, or to persons residing on their territory, or on territory occupied by them." Art. 8, Rumanian Armistice of September 12, 1944, (1944) 11 DEPT. OF STATE BULL. 289; Art. 13, Bulgarian Armistice of Oct. 28, 1944, *id.*, at 492; Art. 16, Finnish Armistice of September 19, 1944, New York Times, September 21, 1944, p. 12, col. 2; Art. 8 of Hungarian Armistice of Jan. 20, 1945, N. Y. Times, Jan. 23, 1945, p. 4, col. 2.

²¹ Treas. Dep't, General License No. 42, as amended, 7 FED. REG. 1492 (1942); cf. General Ruling No. 11, as amended June 30, 1944, 9 FED. REG. 7379 (1944), DOCUMENTS, *supra* note 4, at 34.

²² See Trefnick v. Martin [1939] 4 D. L. R. 737; J. G. White Engineering Corp. v. Canadian Car & Foundry Co. [1940] 4 D. L. R. 812.

²³ Brazil: Decree-law No. 4166, March 11, 1942, PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 18.

bia,²⁴ Guatemala,²⁵ Haiti,²⁶ Mexico,²⁷ and Peru.²⁸ This problem, namely to subject residents of enemy nationality to financial restrictions, becomes rather important in this war where funds within the countries of the Western Hemisphere have been used for Axis purposes and other fifth column activities. Evasion of financial wartime controls, and other inimical activities, however, are not dependent on residence, nationality, or allegiance to a foreign country. It comes down to a matter of loyalty. Thus, "the ideological and racial nature of the present war appears, in many respects, to have cut across national lines and destroyed the value of old distinctions based on nationality."²⁹ Under the legislation of most of the countries of the Western Hemisphere individuals and corporations acting on behalf of or for the benefit of enemy countries may be assimilated to enemies by administrative decision.³⁰ This happened during this war with American citizens residing within this country. They were considered acting in the interest of the enemy and determined as nationals of a foreign (Germany) country and thus blocked in their financial activity.³¹

In other respects of wartime controls the loyalty test is a decisive factor too; aliens of enemy nationality may be naturalized even during the war in the United States after their loyalty has been ascertained by investigation.³² On the other hand, naturalized citizens might be faced with the cancellation of their certificates of citizenship by court decision when it becomes evident from their attitude favoring Axis aims that they took the oath of allegiance to their new country with mental reservations.³³ This is especially true with former members of the American-German Bund in this country.³⁴ Their internment after denaturalization, however, does not subject their property within the country to control as enemy property,³⁵ whereas in Cuba, for instance, all assets of interned citizens of countries at war with Cuba shall be vested in the Interventor for the Property of Enemy

²⁴ Colombia: Decree No. 915, April 9, 1942, Diario Oficial, April 17, 1942.

²⁵ Guatemala: Decree No. 2655, December 23, 1941, as amended, Diario de Centro América, February 24, 1942.

²⁶ Haiti: Decree-law No. 80, December 18, 1941, Le Moniteur, December 18, 1941.

²⁷ Mexico: Decree, June 13, 1942, PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 35.

²⁸ Peru: Decree No. 9586, April 10, 1942, El Peruano, April 22, 1942.

²⁹ Note, *Alien Enemies and Japanese-Americans: A Problem of Wartime Controls* (1942) 51 YALE L. J. 1318, 1337.

³⁰ Treas. Dep't, Public Circular No. 18, March 30, 1942, C. C. H. *op. cit. supra* footnote 4, at 514,526, 7 FED. REG. 2503 (1942); Canada: Revised Regulations, *supra* footnote 2. For Canadian cases, see *Ritcher v. King* [1943] Ex. C. R. 64; *In re Shawaga Estate* [1943] 4 D. L. R. 610.

³¹ *Dracger Shipping Co. v. Crowley*, 49 F. Supp. 215 and 55 F. Supp. 906 (S. D. N. Y. 1943, 1944); *Alexewicz v. General Aniline & Film Corp.*, 181 Misc. 181, 43 N. Y. S. (2d) 713 (Sup. Ct. Broome County, 1943); *Hartmann v. Fed. Res. Bank of Phil.*, 55 F. Supp. 801 (E. D. Pa., 1944).

³² EXEC. ORDER No. 9372, August 27, 1943, 8 FED. REG. 11887 (1943); naturalization of aliens of Axis nationality has been expressly prohibited in Mexico (Diario Oficial, January 24, 1942) and suspended in Argentina (Boletín Oficial, September 2, 1943).

³³ Preuss, *Denaturalization on the Ground of Disloyalty* (1942) 36 AM. POL. SC. REV. 701.

³⁴ Among the numerous decisions rendered by Federal courts during this war, see *Baumgartner v. United States*, 322 U. S. 665 (1944).

³⁵ *Ex parte Kumezo Kawato*, 317 U. S. 69 (1942); Note (1943) 43 COL. L. REV. 944.

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Aliens.³⁶ On the other hand, the exemption of Italian nationals residing in this country from qualification as alien enemies³⁷ did not automatically release their property from the control of the Alien Property Custodian.

The loyalty test plays a decisive role in the whole field of administration of enemy property.³⁸ Nationals of countries of the Western Hemisphere often serve in their own countries as cloaks for Axis interests. They control, as stockholders or through management, domestic and neutral commercial enterprises in the interest of the enemy.³⁹ Controlling enemy interest has usually been assumed when twenty-five percent of the shares of a domestic corporation are held in the interest of enemies. Such control has often, however, been exercised through long-term credit or patent agreements within the framework of international cartelization.⁴⁰ The Axis-controlled corporation is considered an enemy for the practical purpose of administration of alien property in Canada,⁴¹ in the United States,⁴² and in some Latin-American Republics such as Brazil,⁴³ Costa Rica,⁴⁴ Nicaragua,⁴⁵ and Uruguay.⁴⁶ Said the recent statement of the Department of State:⁴⁷ "The enemy has also been attempting to conceal his assets by passing the chain of ownership and control through occupied and neutral countries." Thus the final liquidation of enemy-controlled corporations in the common interest of the countries of this Hemisphere will involve many legal and economic problems extending well beyond the war.^{47a}

III

Perhaps the most effective measure of administration of alien property in war-time has been the one which was undertaken first, as a countermeasure against the use of assets abroad of individuals and corporations which resided in the European countries invaded by Germany in 1940. In varying degrees, the freezing regulations first introduced in Canada and in the United States in the spring of 1940 have also

³⁶ Cuba: Decree No. 3343, December 21, 1941, PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 26.

³⁷ October 19, 1942, 7 FED. REG. 8247 (1942). For a similar measure in Mexico: Executive Order of April 27, 1944, Diario Oficial, April 29, 1944.

³⁸ For cases, see *supra* footnote 31.

³⁹ Domke, *Compañías Controladas por el Enemigo* (1943) 22 REVISTA DE DERECHO INTERNACIONAL 184.

⁴⁰ CORWIN D. EDWARDS, ECONOMIC AND POLITICAL ASPECTS OF INTERNATIONAL CARTELS, 78th Cong., 2d Sess., Senate Committee Print, Monograph No. 1 (1944) 62 ("A study made for the Subcommittee on War Mobilization of the Committee on Military Affairs, United States Senate, pursuant to S. Res. 107.").

⁴¹ Canada: Revised Regulations, *supra* footnote 2, at §8.

⁴² EXEC. ORDER No. 8389, as amended, §5E(ii), C. C. H. *op. cit. supra* footnote 4, at ¶14,011; ALIEN PROPERTY CUSTODIAN (FIRST) ANNUAL REPORT (1944) 22.

⁴³ Brazil: Resolutions No. 64 and 65, Economic Defense Commission, May 10, 1943, Diário Oficial, May 12, 1943.

⁴⁴ Costa Rica: Decree No. 52, December 26, 1941, Gaceta Oficial, December 27, 1941.

⁴⁵ Nicaragua: Presidential Decree No. 52, December 26, 1941, La Gaceta, December 27, 1941.

⁴⁶ Uruguay: Exec. Order No. 700-40, September 14, 1942, Diario Oficial, September 19, 1942.

⁴⁷ (1944) 11 DEP'T OF STATE BULL. 383.

^{47a} See DEP'T OF STATE, UNITED NATIONS MONETARY AND FINANCIAL CONFERENCE (Pub. No. 2187, Conference Series 55, 1944) 22.

been enacted in most of the Latin-American Republics.⁴⁸ Exactly how tight are these regulations, in action as well as on paper, is not exactly known; Argentina, which introduced such measures as early as April, 1940, is a case in point.

Freezing regulations in all Latin-American Republics were facilitated through the existing foreign exchange control.⁴⁹ The central banks already controlled all foreign assets and prevented them from being used outside of the country. No longer was protection of the national currency now the main purpose of foreign exchange control. To prevent these assets from being used for Axis purposes within the country now became of primary importance.

The introduction of freezing regulations, however, encountered difficulties in some Latin-American countries. Special compensation or barter agreements with Germany existed, as, for instance, in the case of Brazil,⁵⁰ Chile,⁵¹ and Colombia.⁵² Such agreements made it impossible to cut off all commercial intercourse with the Axis powers which were debtors of the American Republics. Difficulties involved in introducing freezing regulations were further mentioned by Bolivia at the Inter-American Conference in June, 1942.⁵³ Special supply services in Bolivia have been operated by German firms for over forty years. These firms with a capital of about six million dollars reacted to the blocking of their funds in 1941 by restricting their imports to the eastern part of Bolivia. Thus the native population soon felt the effects of an insufficient food supply. The Bolivian government was obliged to make the blocking measures more flexible, and to allow the operation of German-owned business to a certain extent.

IV

Other measures were taken in the countries of the Western Hemisphere to prevent the Axis powers from benefiting from foreign currencies and securities looted within the occupied territories. In European countries a tax stamp had to be attached to all securities. Bonds and shares which were sent to the United States shortly after the occupation of Western Europe, though through neutral channels, were barred from import and from any dealing by banks when they bore tax stamps or evidence that stamps had been attached.⁵⁴ Even securities already in this country but in the name of neutral banks have rigorously been controlled. Any disposition requires formal declarations of these banks that the transfer will not be of any interest to a national of the Axis powers.⁵⁵

⁴⁸ *Supra* footnotes 4-7.

⁴⁹ See OLSON AND HICKMAN, PAN AMERICAN ECONOMICS (New York, 1943) 320.

⁵⁰ See U. S. TARIFF COMMISSION, FOREIGN-TRADE AND EXCHANGE CONTROLS IN GERMANY (Report No. 150, Second Series, 1942) 171; TENENBAUM, NATIONAL SOCIALISM VS. INTERNATIONAL CAPITALISM (Yale Univ. Press, 1942) 93.

⁵¹ PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 21, 48.

⁵² *Id.*, at 22.

⁵³ *Id.*, at 15.

⁵⁴ Treas. Dep't, Gen. Ruling No. 6, as amended May 18, 1943, 8 FED. REG. 6595 (1943), C. C. H. *op. cit. supra* footnote 4, at ¶14,206, DOCUMENTS, *supra* footnote 4, at 31.

⁵⁵ Treas. Dep't, Gen. Ruling No. 17, October 20, 1943, 8 FED. REG. 14,341 (1943), C. C. H. *op. cit. supra* footnote 4, at ¶14,220, DOCUMENTS, *supra* footnote 4, at 40.

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Similar measures were provided for in Mexico by a Presidential Decree of August 4, 1942,⁵⁶ requiring the registration of Mexican government obligations and railroad securities within a certain period. All non-registered bonds would be considered as held by enemies. The New York Stock Exchange excluded unregistered Mexican bonds from being traded. Thus about sixty million dollars of Mexican bonds presumably in enemy possession were reached by this regulation. A similar measure was enacted in Guatemala,⁵⁷ which suspended the service of its four percent foreign debt pending the restamping of bonds and coupons in order to prevent them from coming into possession of persons or corporations controlled by enemy nationals.

It became further necessary to introduce a strict control of the importation of currencies into the countries of the Western Hemisphere. Dollar notes hoarded all over Europe were not allowed to enter this Hemisphere in order to prevent the building up of dollar funds or the equivalent of national currency which might be used for fifth column activity and other means of economic warfare. Nearly all the Latin-American countries followed the example of the United States which had already restricted the import of dollar notes in the spring of 1940.⁵⁸ Thus the entrance of foreign currency was prevented and controlled by different measures, as the withdrawal of all dollar notes in Brazil,⁵⁹ or the reporting of all currency in Mexico⁶⁰ and Uruguay,⁶¹ or the obligation to change foreign currency into national currency as in Paraguay⁶² and Peru.⁶³ Furthermore the export of currency has been controlled in almost every American Republic. Travelers were allowed to export relatively small amounts of currency.⁶⁴ Mexico made an agreement with the United States, on August 12, 1942,⁶⁵ which provided for a detailed regulation of export and import of currencies with the aim of preventing the proper disposition within the Western Hemisphere of currency looted by the Axis powers.

V

Problems reaching far beyond wartime conditions are involved in the practice of commercial blacklisting. Individuals and commercial firms mostly in neutral countries but also in territories of the United Nations who are deemed to serve

⁵⁶ As amended December 16, 1943, Diario Oficial, December 24, 1943.

⁵⁷ Guatemala: Legislative Decree No. 2766, March 30, 1944, Diario de Centro América, May 2, 1944.

⁵⁸ Treas. Dep't, Gen. Ruling No. 5, as amended September 3, 1943, 8 FED. REG. 12,286 (1943), C. C. H. *op. cit. supra* footnote 4, at ¶14,205. See Public Circular No. 14, as amended April 26, 1944, 9 FED. REG. 4462 (1944).

⁵⁹ PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 19.

⁶⁰ Mexico: Regulations of December 10, 1942, Diario Oficial, December 15, 1942.

⁶¹ Uruguay: Decree of June 18, 1942, Diario Oficial, September 11, 1942.

⁶² PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 39.

⁶³ *Id.*, at 41.

⁶⁴ Chile: September 1, 1942, El Mercurio, Santiago, September 2, 1942; Costa Rica: September 13, 1942, La Gaceta, September 17, 1942; Dominican Republic: Decree No. 343, Gaceta Oficial, November 9, 1942; Ecuador: August 12, 1942, Registro Oficial, August 17, 1942; El Salvador: October 22, 1942, Diario Oficial, October 27, 1942.

⁶⁵ Treas. Dep't, Press Release No. 39, C. C. H. *op. cit. supra* footnote 4, at ¶14,637, DOCUMENTS, *supra* footnote 4, at 127. Cf. N. Y. Times, Jan. 4, 1945, p. 30, col. 4.

Axis interests are to be treated as enemies and thus to be subject to all sanctions of economic warfare. Such persons and firms have had their assets frozen and all movements of funds have been stopped. Canada, under statutory provisions, publishes Lists of Specified Persons.⁶⁶ The United States introduced on July 17, 1941,⁶⁷ the so-called Proclaimed List of Certain Blocked Nationals. The blacklists are revised from time to time by addition of names or by deletion. Deletion is frequently the result of liquidation, transfer or "clean-up" of an enterprise; sometimes it is the result of change in policy, death, change of residence, recognition of error; mere change in the listed person's pro-Axis leanings is probably insufficient, *per se*, for deletion. Additions to the List have generally exceeded deletions, although a trend in the other direction is recently noticeable as to listings of names in the Latin Republics.⁶⁸ The fact that additions continue indicates that the control of Axis interests in neutral countries and in some of the American Republics is not all that might be desired from an anti-Axis point of view.

Some of the American Republics used the United States Proclaimed List as the basis of some local control, e.g., Bolivia,⁶⁹ Costa Rica,⁷⁰ Ecuador,⁷¹ Guatemala,⁷² and Nicaragua.⁷³ Mexico⁷⁴ and Cuba⁷⁵ publish from time to time names of specified individuals and of firms which are to be considered enemies. When Haiti based certain local controls on the United States blacklist long before it severed diplomatic relations with Germany,⁷⁶ the German chargé d'affaires protested to the Haitian government, claiming that it had allowed an interference of the United States in its sovereignty, a claim strongly rejected by the Haitian government.⁷⁷

In order not to disturb any regular commercial relations of this country with the Latin-American Republics, the whole Western Hemisphere has been declared a so-called generally licensed trade area⁷⁸ with which any transaction is licensed unless it concerns a blacklisted firm or nationals of foreign (blocked) countries outside the Western Hemisphere.

⁶⁶ Canada: Revised Regulations, *supra* footnote 2, at §1(d)viii; cf. the last Revision, No. 55, Dec. 8, 1944, 4 CANADIAN WAR ORDERS AND REGULATIONS (1944) 486.

⁶⁷ PRES. PROC. No. 2497, 6 FED. REG. 3555 (1941), C. C. H. *op. cit. supra* footnote 4, at ¶14,051, (1942) 36 AMER. J. INT. L., SUPP. 214.

⁶⁸ The September 1944 Revision of the U. S. Proclaimed List of Certain Blocked Nationals contained 9,915 listings in the American Republics and 5,496 in other countries. Revision VIII of September 13, 1944, 9 FED. REG. 11389 (1944). See Cumulative Supp. No. 5 of Jan. 12, 1945, 10 FED. REG. 581 (1945).

⁶⁹ Bolivia, on December 12, 1941, PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 15.

⁷⁰ Costa Rica, on October 10, 1941, *id.*, at 24.

⁷¹ Ecuador: Presidential Decree No. 854, June 11, 1943, Registro Oficial, June 23, 1943.

⁷² Guatemala: Presidential Decree No. 3153, Oct. 6, 1944, Diario de Centro América, Oct. 7, 1944.

⁷³ Nicaragua: Presidential Decree No. 70, December 16, 1941, La Gaceta, December 18, 1941.

⁷⁴ Mexico: Lists of Firms and Persons included under the Provisions of the Law on Enemy Property and Business, as amended February 24, 1944, Diario Oficial, March 29, 1944.

⁷⁵ Cuba: Resolution No. 26, August 18, 1942, Gaceta Oficial, August 21, 1942, p. 15,136.

⁷⁶ Haiti, on December 29, 1941, PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 32A.

⁷⁷ The whole correspondence is published in Le Moniteur (1941) 521, 528, 534.

⁷⁸ Treas. Dep't, Gen. License No. 53 as amended February 21, 1944, C. C. H. *op. cit. supra* footnote 4, at ¶14,358, DOCUMENTS, *supra* footnote 4, at 65.

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The blacklisting system, besides its legal effects in the commercial field,⁷⁹ involves economic problems for the countries eliminating Axis interests. A black-listed firm for instance will be cut off from bank credits; imports from other countries are no longer allowed to reach it, and exports are no longer possible. How does this firm continue to operate, and what will become of its numerous employees? A committee of the Colombian Senate called attention to the injustices and injuries suffered by the businessmen of that country.⁸⁰ In Guatemala, for instance, German interests predominantly control coffee plantations.⁸¹ The Guatemalan delegation at the Inter-American Conference, June, 1942, made the following statement: "Coffee interests are diverse: there are the interests of the owners of plantations; of the Guatemalans who work in these plantations; of the banks that furnish the credits which finance the gathering of the crops; the interests of the creditors who hold mortgages, and of the government which derives a large part of the national income from export taxes."⁸² Recently the United States and Great Britain have agreed⁸³ that "the continuation of the Proclaimed and Statutory Lists⁸⁴ will be necessary following the cessation of organized resistance in Germany. This action is required in order to permit the Allied Governments to deal properly with firms which have been part and parcel of the Axis effort to gain world domination."

VI

The control of enemy property in the countries of the Western Hemisphere has as its major objective the cutting off of all financial and commercial transactions which might be of benefit to the Axis powers. This control has been exercised through freezing regulations, restrictions on the movement of securities and currency, severance of communications, the blacklisting system, preclusive buying of commodities, export restrictions to neutral countries, and through other measures of economic warfare.

The elimination of Axis influence and control over any part of the national economy of the Western Hemisphere will be the final aim of administration of enemy property in the various countries. To provide the information necessary for effective measures, a census of all foreign property became necessary. Such census

⁷⁹ Domke, *Some of the Legal Questions Involved in Commercial Blacklisting* (1943) 48 EXPORT TRADE AND SHIPPER, No. 12, p. 30. For a Guatemalan case, see Kellor, *Inter-American Commercial Arbitration* (1944) 78 BULL. OF THE PAN AMERICAN UNION, 218, 222, n. 5.

⁸⁰ Bidwell, *Our Economic Warfare* (1942) 20 FOREIGN AFFAIRS 421, 427.

⁸¹ *Government Custodianship of Coffee Plantations in Guatemala* (1943) 77 BULL. OF THE PAN AMERICAN UNION 488.

⁸² PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 32. Guatemala levies an extraordinary war tax on exports of coffee, seed and wax from controlled plantations. Legislative Decree No. 2764, March 30, 1944, *Diario de Centro América*, May 2, 1944.

⁸³ (1944) 11 DEP'T OF STATE BULL. 340; cf. Russell, *Current and Post-War Significance of the Proclaimed List* (1944) 49 EXPORT TRADE AND SHIPPER, No. 15, p. 3; REPORT TO CONGRESS ON OPERATIONS OF THE FOREIGN ECONOMIC ADMINISTRATION (Sept. 25, 1944) 14.

⁸⁴ Published by the Board of Trade under the authority of Sec. 2 (2) of the British Trading with the Enemy Act, 1939, 2 & 3 GEO. VI, c. 89, (1942) 36 AMER. J. OF INT. L., SUPP. 3.

was required, in the United States, on September 3, 1941,⁸⁵ whereby all persons owning, holding, or controlling any type of property in which there was a foreign interest, direct or indirect, had to report the ownership of such property to the Treasury Department. Similar measures were adopted in Canada.⁸⁶ Some Latin-American Republics required the reporting of all such assets, e.g., Brazil,⁸⁷ Chile,⁸⁸ Cuba,⁸⁹ Ecuador,⁹⁰ and Mexico.^{90a} Further measures to obtain necessary information were the requirements to report employees of Axis nationality in Brazil⁹¹ and Cuba.⁹²

The control, however, would not become effective were it not aimed at the elimination of all financial and commercial influence or activity of interests which have been inimical to the defense of the Western Hemisphere. Such control has been exercised through a variety of methods, viz., the supervision of commercial activities by the use of intervention by representatives of the government, by control of licensed operation of business enterprises, and through different types of regulations. In the United States there are General Orders of the Alien Property Custodian which generally have the purpose of getting information over certain classes of property, especially patents and other industrial property rights. Supervisory Orders are further used by the Alien Property Custodian especially as a flexible device to control property of residents of enemy-occupied countries.⁹³ A similar device, one which does not *ipso facto* vest title in the government, is usually used by central banks of some American Republics, e.g., Brazil,⁹⁴ Haiti.⁹⁵ Sometimes when more than bank experience is required, specific interventors for the supervision of enemy property have been designated, e.g., Cuba,⁹⁶ or Honduras.⁹⁷ Sometimes particular interests such as farms belonging to alien enemies are administered by special agencies as in Guatemala by the National Mortgage Credit Association⁹⁸ or in Costa Rica by the

⁸⁵ Public Circulars Nos. 4 and 5, 6 FED. REG. 4196, 4587 (1941).

⁸⁶ Canada: Revised Regulations, *supra* footnote 2, at sec. 28.

⁸⁷ Brazil: Resolution No. 50—1943, Economic Defense Commission, April 12, 1943, *Diário Oficial*, April 13, 1943.

⁸⁸ Chile: Presidential Decree No. 422, January 20, 1944, *Diario Oficial*, January 22, 1944.

⁸⁹ Cuba: Presidential Decree No. 588, February 29, 1944, *Gaceta Oficial*, March 15, 1944, p. 4163.

⁹⁰ Ecuador: Decree No. 171, February 9, 1942, PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 29.

^{90a} Mexico: Decree of April 25, 1944, *Diario Oficial*, July 13, 1944.

⁹¹ Brazil: Decree-law No. 5576, June 14, 1943, *Diário Oficial*, June 15, 1943.

⁹² Cuba: Order No. 3, Office of the Interventor for the Property of Enemy Aliens, March 19, 1943, *Gaceta Oficial*, March 20, 1943, p. 4654.

⁹³ ALIEN PROPERTY CUSTODIAN (FIRST) ANNUAL REPORT (1944) 19; cf. Canada: Revised Regulations, *supra* footnote 2, at §21.

⁹⁴ Brazil: Decree-law No. 6393, Boletim Aéreo No. 292, Seção de Informações, Ministério das Relações Exteriores (April 6, 1944).

⁹⁵ National Bank appointed Sequester-Liquidator General of Enemy Properties, Annual Report of the Fiscal Department, Banque Nationale de la République d'Haiti (1942) 36.

⁹⁶ PAN AMERICAN UNION, *op. cit. supra* footnote 7, at 26.

⁹⁷ *Id.*, at 33.

⁹⁸ Guatemala: Presidential Decree No. 2841, July 17, 1942, *Diario de Centro América*, July 24, 1942.

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Agricultural Industrial Production Cooperative.⁹⁹ It seems, however, that more and more in all American Republics a centralized control is exercised, as through the Custodian (Department of the Secretary of the State) in Canada, the Alien Property Custodian in the United States, and in some of the Latin-American Republics through central agencies like the Board of Economic Defense in Bolivia, the Economic Defense Commission in Brazil, the National Economic Defense Commission in Colombia, the Alien Property Custodian Board in Costa Rica, the Interventor for the Property of Enemy Aliens in Cuba, the Office for the Control of Blocked Properties in Ecuador, the Special Board of Control of Foreign Funds in Honduras, the Inter-Departmental Board on Enemy Property and Business in Mexico, the Advisory Committee on Alien Property in Nicaragua, and the Alien Property Custodian Commission in Venezuela.

VII

The most important type of administration of enemy-controlled property is its transfer to the government of the country where it is located. Thus in the United States, the Alien Property Custodian has issued more than four thousand Vesting Orders by which the Custodian as a representative of the United States government took absolute title to the specified foreign-owned property.¹⁰⁰ Thus most of the enemy interests in business enterprises and in industrial property rights were effectively subjected to government control. The control of enemy property may not be effectively pursued if the enemy influence on the national economy of the Republic will not be definitely removed. Such final disposition of enemy property will be most adequately effected when enemy properties are not only put under national management or vested in the government, but definitely transferred into private ownership and thus incorporated into the national economy of the Western Hemisphere.

The nationalization of enemy property becomes of primary importance and more or less the final aim of its administration.¹⁰¹ Assets now held by the Alien Property Custodian are disposed of in this country, through public bidding. They will be sold, however, only to American citizens or organizations controlled by American citizens not on the Proclaimed List of Certain Blocked Nationals. Bids should be accompanied by an affidavit that the bidder is not purchasing on behalf of an undisclosed principal, a person not a citizen of the United States, or for resale to a non-citizen.¹⁰² Similar provisions for sale of enemy property in public auctions

⁹⁹ Costa Rica: Legislative Decree No. 49, July 22, 1943, La Gaceta, July 23, 1943.

¹⁰⁰ See opinion of the General Counsel of the Alien Property Custodian (1943) 57 U. S. PATENT QUARTERLY, 202.

¹⁰¹ The recent development has been illustrated in an article by the U. S. Alien Property Custodian James E. Markham, *Making Enemy Money Fight for Us* (October, 1944) 138 AMERICAN MAGAZINE (No. 4) 24.

¹⁰² See Form APC-43, C. C. H. *op. cit. supra* footnote 4, at ¶7522; General Order No. 26 of May 29, 1943, 8 FED. REG. 7628 (1943).

are provided for in Brazil,¹⁰³ Colombia,¹⁰⁴ Costa Rica,¹⁰⁵ Haiti,¹⁰⁶ and Peru.¹⁰⁷

Enemy property is disposed of in the different American Republics in various ways. No uniformity of administration exists, and it seems to be immaterial what the act of disposition of enemy property is called. The seizure and disposition of enemy property under the legislation of the respective countries is sometimes called custodianship¹⁰⁸ or fiduciary administration,¹⁰⁹ sometimes liquidation¹¹⁰ or expropriation,¹¹¹ sometimes confiscation¹¹² or nationalization.¹¹³ No final determination on vested enemy property or on the proceeds of its liquidation has been made for instance in Canada,¹¹⁴ nor as yet in the United States by Congress.¹¹⁵ In Mexico a law of January 17, 1943¹¹⁶ provides that the final disposition of enemy properties will be determined in peace treaties. Sometimes as in Costa Rica,¹¹⁷ or in Venezuela¹¹⁸ special regulations have been prescribed for the evaluation and indemnification of seized Axis-controlled property.

Sometimes the proceeds of disposed enemy property are to be deposited in the central bank of the Republic as in Chile,¹¹⁹ Haiti,¹²⁰ or Mexico.¹²¹ Sometimes it has been provided that such proceeds are to be invested in national securities as in Ecuador,^{121a} Nicaragua,¹²² or in Peru.¹²³ Sometimes as in Colombia¹²⁴ a fiduciary administration of enemy property shall be maintained "until reparation has been

¹⁰³ Brazil: Resolution No. 82, Economic Defense Commission, June 28, 1943, Diário Oficial, June 30, 1943.

¹⁰⁴ Colombia: Presidential Decree No. 2605, December 24, 1943, Diario Oficial, January 5, 1944.

¹⁰⁵ Costa Rica: Presidential Decree No. 21, April 16, 1943, La Gaceta, April 20, 1943.

¹⁰⁶ Haiti: Decree of February 11, 1943. Haiti-Journal, February 12, 1943.

¹⁰⁷ Peru: Supreme Decree of March 20, 1943, El Comercio, March 22, 1943.

¹⁰⁸ Paraguay: Presidential Decree of September 27, 1943, El País, Asunción, October 1, 1943.

¹⁰⁹ Colombia: Presidential Decree No. 2622, December 29, 1943, Diario Oficial, December 30, 1943.

¹¹⁰ Brazil: Resolution No. 78, Economic Defense Commission, June 16, 1943, Diário Oficial, June 21, 1943. Chile: Presidential Decree No. 402, January 19, 1944, Diario Oficial, January 22, 1944.

¹¹¹ Bolivia: Decree of February 9, 1944, El Diario, February 12, 1944; Guatemala: Presidential Decree No. 3115, June 22, 1944, Diario de Centro América, June 23, 1944; Nicaragua: Law of August 6, 1943, N. Y. Times, August 7, 1943, p. 4, col. 6; Peru: Law No. 9958 of July 1, 1944, El Peruano, July 17, 1944.

¹¹² Costa Rica: Legislative Decree No. 49, December 28, 1943, La Gaceta, January 4, 1944.

¹¹³ Haiti: Executive Decree No. 365, March 28, 1944, Le Moniteur, March 30, 1944.

¹¹⁴ The Canadian Revised Regulations, *supra* footnote 2, contain no provision similar to Sec. 7(1) of the British Act, *supra* footnote 84, which provides for the appointment of custodians with a view of "preserving enemy property in contemplation of arrangements to be made at the conclusion of peace."

¹¹⁵ See, *Hearings before Subcommittee No. 1 of the Committee on the Judiciary on H. R. 4840*, 78th Cong., 2d Sess., Serial No. 18 (1944, "Administration of Alien Property"). H. R. 4840 was amended and reintroduced as H. R. 5031.

¹¹⁶ See Diario Oficial, February 10, 1944.

¹¹⁷ Costa Rica: Presidential Decree No. 32, May 7, 1943, La Gaceta, May 9, 1943.

¹¹⁸ Venezuela: Presidential Decree No. 246, November 13, 1943, Gaceta Oficial, November 13, 1943.

¹¹⁹ Chile: Presidential Decree No. 427, January 20, 1944, Diario Oficial, January 22, 1944.

¹²⁰ Haiti: Executive Decree No. 365, March 28, 1944, Le Moniteur, March 30, 1944.

¹²¹ Mexico: Law on Enemy Property and Business, as amended February 24, 1944, Diario Oficial, March 29, 1944.

^{121a} Ecuador: Presidential Decree of July 5, 1944, El Comercio, Quito, July 6, 1944.

¹²² Nicaragua: Law of August 6, 1943, N. Y. Times, August 7, 1943, p. 4, col. 6.

¹²³ Peru: N. Y. Times, January 24, 1944, p. 3, col. 7.

¹²⁴ Colombia: Presidential Decree No. 2622, December 29, 1943, Diario Oficial, December 30, 1943.

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made for all damages inflicted on the Colombian nation or its citizens by the German nation or its citizens."¹²⁵

The general aim of administration of enemy property in nearly all countries of the Western Hemisphere is to eliminate definitely Axis influence from any substantial power in the national economy. Certain assets are to be incorporated into the national domain. Divergent interests of the different countries, however, should not exclude a Western Hemisphere solution for the final disposition of enemy-controlled property. Moreover, international measures will become necessary when creditors of former owners of vested or liquidated enemy property try to get satisfaction out of the proceeds in whatever country they may be located. The disposition of enemy property thus becomes subject to more or less uniform solutions. They should soon be provided for in the common interest of the countries of the Western Hemisphere.¹²⁶

¹²⁵ Cf. the Cuban Presidential Decree No. 587, of February 29, 1944, authorizing the formation of a "Unión de Proprietarios damnificados por la acción del Eje" (Union of Property Owners Damaged by Enemy Action), Gaceta Oficial, March 15, 1944, p. 4161.

¹²⁶ For a recent suggestion as to unification of administrative practices, see Meyer, *Co-ordination of Allied Enemy Property Developments* (1944) 26 J. OF COMP. LEGIS. 51.

