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47 Pages
Notes

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CITIZENSHIP DATE
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Box 143, FILE 8
MEMORANDUM

DEC 11 1967

THE AMERICAN JEWISH COMMITTEE

(FAD=Foreign Affrs Dept)

date December 8, 1967

to Jerry Goodman

from Sandy Bolz

subject National Conference for Equality Under
Claims Legislation--Proposed Letters to Senators

Re your slip note of November 30 asking if I have any reactions to Paul Neuberger's letter to you of November 27 enclosing proposed letter to be sent to Senator Long and others:

- (1) I think the effort should be made--and that we should join in it--the effort of the State Department and Congressman Kelly should be opposed, in order to establish the principle of broader eligibility as being something more than a single exception.
- (2) The probability is that the State Department cannot be persuaded on this--but if the Conference wants to try everything, I would suggest that a delegation come down to Washington to see Leonard Meeker, the Legal Adviser of the Department, who is a very decent and humane man, with whom Ted Tannenwald and I have dealt successfully regarding the discrimination of Arab countries in travel of American Jews. If anyone in the Department could be persuaded on this situation, I think he might. But in view of Sy Rubin's long connection and expertise on claims matters, you may want to check this approach out with him first.

But apart from such an approach to the Department, the idea of a letter to the Senators is sound. I do think, however, that Neuberger's proposed letter could be improved upon. For example, on the first page I think there should be a clearer indication of just what H.R. 9063 provides and how it would assist the individuals and organizations of the Conference. This, I think, is essential to attract the Senators' interest, because of the votes of the ethnic groups involved, and it is not at all clear in this letter. I also note that the first full paragraph at the top of page 3 is grammatically poor and extremely unclear--and should probably be broken into two sentences--the difficulty is that Neuberger is probably more expert in another language than in English, i.e., the sentence should appeal to the Senator not to permit an Act of Congress to be voided by turning over the balance, etc. Verstehst?

That's all--in haste. Best regards.

SHB/nmg

National Conference for Equality Under Claims Legislation

16 West 46th Street • New York, N. Y. 10036 • JU 6-4146

(FAD 1) 347.7.1
Box 143 File 8

November 27, 1967

MEMBERS*

AMERICAN ASSOCIATION OF
FORMER AUSTRIAN JURISTS
AMERICAN FEDERATION OF
JEWS FROM CENTRAL EUROPE
AMERICAN JEWISH COMMITTEE
AMERICAN JEWISH CONGRESS
AMERICAN YUGOSLAV
CLAIMS COMMITTEE
ASSOCIATION OF
CZECHOSLOVAK JEWS
ASSOCIATION OF FORMER
COMBATTANTS OF
DRAZA MIHAILOVIC
ASSOCIATION OF FORMER
EUROPEAN JURISTS
ASSOCIATION OF YUGOSLAV JEWS
BULGARIAN CLAIMS COMMITTEE
CLUB OF POLISH JEWS
CONFERENCE OF AMERICANS
OF CENTRAL EASTERN
EUROPEAN DESCENT
COORDINATING COMMITTEE OF
NAZI VICTIMS ORGANIZATIONS
WORLD FEDERATION OF
HUNGARIAN JEWS

* in formation

Mr. Jerry Goodman,
c/o American Jewish Committee,
165 East 56th Street,
New York City.

Dear Friend:

Our Conference did not have an opportunity to act during these past 6 months, except that on August 9, 1967 I appeared before the House Foreign Affairs Committee in the matter of Omnibus Bill H.R. 9063, where I pleaded that the Administration Bill remain unchanged and the provision regarding the distribution of the Italian Claims Fund be not deleted, as recommended by the Subcommittee during the last Session.

We hoped that the Bill would go through unchanged, but the Subcommittee under the chairmanship of Congresswoman Edna F. Kelly, again succeeded to delete this provision and to bring the Bill to the Floor of the House under the "Suspense Rule". Despite opposition of some Congressmen the Bill was accepted with the deletion recommended by the Subcommittee.

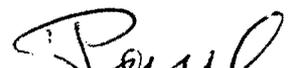
This Bill is now going to the Senate, and I should like to send letters in the name of the National Conference to Senators J. W. Fulbright, Jacob K. Javits, Russell B. Long, Clifford Case, etc.

Enclosed herewith is one such letter, and since I do not believe that a meeting for a discussion of this matter is necessary, I should like to receive your approval as soon as possible, so that I may sign and mail the letter.

I consider it important that this last opportunity does not go by without an attempt on our part to defeat the action of the State Department in trying to erase the provisions of the earlier Act of Congress granting some extension of eligibility.

Awaiting to hear from you promptly, I remain with best regards,

Sincerely yours,


PAUL NEUBERGER

C. ED LUKAS
SANDY BOLZ

National Conference for Equality Under Claims Legislation

16 West 46th Street • New York, N. Y. 10036 • JU 6-4146

(FAD 1)
Box 143
File 8

November 28, 1967

MEMBERS*

AMERICAN ASSOCIATION OF
FORMER AUSTRIAN JURISTS
AMERICAN FEDERATION OF
JEWS FROM CENTRAL EUROPE
AMERICAN JEWISH COMMITTEE
AMERICAN JEWISH CONGRESS
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CONFERENCE OF AMERICANS
OF CENTRAL EASTERN
EUROPEAN DESCENT
COORDINATING COMMITTEE OF
NAZI VICTIMS ORGANIZATIONS
WORLD FEDERATION OF
HUNGARIAN JEWS

Hon. Russell B. Long
Senate Office Building
Washington, D. C.

Dear Senator Long:

This Conference has been organized for the purpose of unifying all efforts to achieve equal treatment of all claimants who are U. S. citizens under claims legislation.

Our Conference consists of organizations, as listed on this letterhead, representing the largest minority groups in the United States, including the Conference of Americans of Central Eastern European Descent which represents ten minority groups (Polish, Czechoslovak, Hungarian, Ukranian, etc.) headed by the Very Rev. John A. Balcunas, as well as the largest American Jewish organizations.

* in formation

Our organization is turning to you at this time, as we are aware and appreciate the fact that you were the leading legislative proponent of Public Law 604-85. At that time you put forth arguments which have special meaning now, even more than then, because on November 11, 1967, upon recommendation of the Subcommittee of the Foreign Affairs Committee under Congresswoman Edna F. Kelly, the House of Representatives deleted from Omnibus Bill H.R. 9063 the provision concerning the distribution of the Italian Claims Fund under Public Law 604-85.

When Representative Dominick V. Daniels of New Jersey strongly objected, referring to P.L. 604-85 which had been enacted upon your proposal, Congresswoman Edna F. Kelly stated as follows:

"I want to emphasize that the Committee is aware of the fact that Congress made this exception in 1958. I still say that the exception made in this one instance should not have been made."

We wish to cite your statement of 1958 as follows:

November 28, 1967

Senator Russell B. Long

"We find that we have funds over and above those necessary to take care of these claims (claims of those who were American citizens at the time of loss) which funds we shall proceed to devote to satisfy claims of those who became American citizens subsequent to the time the property was seized..."

- - - -

"Inasmuch as Italy has been more liberal than have most other nations, in making such funds available, we have provided that after those who have other claims have been satisfied, insofar as funds remain, they could be made available to American citizens who acquired American citizenship subsequent to the cutoff date..."

- - - -

"If we had some settlement which was similar to the Italian settlement, which is unique in many respects, in that the Italian Government settled in effect 100 cents on the dollar for American claimants, and made available over and above that amount for any other liabilities which might be outstanding, then we could make these funds available to other citizens."

In view of the fact that P.L. 604-85 was enacted on the basis of your above-cited arguments in a case where sufficient funds remained available over and above those necessary to take care of American citizens who were not such at the time of loss, the argument of Congresswoman Kelly, presenting this as a dangerous precedent, are unjustified.

When enacting the War Claims Act, upon insistence of Senator Jacob K. Javits, Congress even accepted the proposal forwarded by you that if funds remain available after all other claims have been satisfied, eligibility should be extended also to those who were not citizens at the time the damage occurred.

Senator J. W. Fulbright stated three years ago that a great injustice was committed when claimants eligible under P.L. 604-85 were prevented from filing claims with the Foreign Claims Settlement Commission under the pretext that no filing period had been established.

On the other hand, those who, contrary to the law existing at the time of filing, nevertheless filed their claims, received 100% compensation plus interest.

This injustice would now be sanctioned if the Bill as presented by the House Foreign Affairs Committee and passed by the House,

November 28, 1967

Senator Russell B. Long

were to be pushed through the Senate in the last minute rush before the close of this Session.

We appeal to you, dear Senator Long, not to permit that an Act of Congress vesting certain rights to a group of people be voided and that the balance remaining in the Italian Claims Fund of \$1,000,000 which had been provided especially for American claimants under the so-called "Lombardo Agreement" be turned over to the War Claims Fund of the Treasury Department, which is not in need of such a small additional sum when over \$250,000,000 are being distributed to the claimants thereunder.

We wish to point out that we are not a lobbying organization for certain interests, but upon the request of many persons who have turned to our member organizations we wish to present their views to you as the proponent of P.L. 604-85.

In the sincere hope that this our appeal will find your favorable consideration, we remain

Respectfully yours,

YIVO
RG 347.7.1
Am Jwsh Cmtee
(FAD 1)
Box 143
File 8

MINUTES of the meeting held by the Executive Committee of the NATIONAL CONFERENCE FOR EQUALITY UNDER CLAIMS LEGISLATION on May 25, 1967, at 5:00 P.M., at the offices of Paul Neuberger, 16 West 46th Street, New York City.

Present:

DR. PAUL NEUBERGER
DR. FREDERIC ALBERTI
ABE HYMAN, ESQ.
DR. ERNST WEISSMAN
PAUL DAYTON

Dr. Paul Neuberger, the Acting Chairman, called the meeting to order and reported to the present members of the Executive Committee that this meeting was called in order to discuss the question of whether the National Conference for Equality Under Claims Legislation should continue its activities or liquidate. He reported that unfortunately the National Conference did not have the necessary means to take official action by filing a law suit attacking the situation of Section 204 of the War Claims Act of 1942, as amended; that Mr. Abe Hyman, who was first willing to file such a law suit, and Mr. Milton Kestenber, who wanted his sister-in-law also to file such a law suit, considered the filing of same at this stage as not advisable, because the Court would allegedly refuse to act, declaring the claim mute because of lack of funds.

Mr. Neuberger stated that only Congressional action through lobbying remained, but this also requires funds, and that it was re-

grettable that we could not avail ourselves, because of lack of funds, of the further services of the secretary and excellent co-worker on our Committee, Kurt R. Grossman, not having an office, secretary, etc.

Mr. Neuberger further reported that in the account of the National Conference there is a balance of about \$400.00, which is being diminished each month by the sum of \$3.00 representing handling costs by the bank, and he therefore requested that he be authorized to close the account and deposit the balance in a savings account.

Mr. Neuberger further informed the Committee that he and Mr. Dayton are willing to act before Congress, appear at hearings and file memoranda, etc. for example, on the new Bill HR-5063, where the question of equality under claims legislation is coming up in connection with the Italian claims fund.

At the conclusion of Mr. Neuberger's report, Mr. Dayton proposed that one should take steps before the Subcommittee on Administrative Practice and Procedure, headed by Senator Edward V. Long, and his secretary, Benny L. Kess, in connection with the proposal to establish the institution of an "ombudsman", who would have the task of protecting the rights of citizens wherever it occurs that they would be restricted or violated by Congressional action. Further, that the Staff Consultant of the House Foreign Affairs Committee, Franklin B. Schupp, in connection with the Committee on Legislative Policy, should receive a memorandum, and we should ask for a hearing where we should present our arguments concerning the equality of native and naturalized citi-

zens, especially with regard to future claims legislation.

Mr. Abe Hyman then informed the members of the reasons which lead him to the decision not to file a law suit as he originally had intended doing. However, he offered his further assistance in any steps which might be taken.

Dr. Alberti and Dr. Weissman then referred in particular to the statement of Mr. Dayton that there would be a possibility of receiving additional funds from Germany but expressing their doubts in this respect. Mr. Dayton asserted that the Bonn Agreement of 1953 spoke about the payment in the war claims fund only from the "current production".

After extensive discussion of all the questions, the members concluded that one should not liquidate the National Conference for the time being, but should continue with efforts and send a report to all the members, and then, if one gets any reaction, call a general meeting of the entire Conference to decide what can be done.

Mr. Neuberger then appealed to the members to relieve him of the Chairmanship, because he is overburdened with work and in poor health. However, the members decided that for the time being he should continue.

Thereafter, on motion duly made, seconded and unanimously carried, the meeting was adjourned.


Acting Chairman

YIVO
347.7.1
Am Jwsh Cmtee
(EAD 1)
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File 8

November 30, 1966

Hon. Mrs. Edna F. Kelly
House of Representatives
Chairman
Subcommittee on Europe
Committee on Foreign Affairs
Washington, D.C.

Re: Hearings Report
International Claims
Settlement Act p. 41

Dear Mrs. Kelly:

The opportunity given at the hearings on S1935, August 9, 1966 to Mr. Paul Dayton to testify and submit new evidence in support of the reappraisal of the nationality requirements in United States claim settlement policy and legislation, is highly appreciated.

The enclosed copy of relevant provisions of treaties between Australia, Germany and Israel shows the extent to which the advocates of the exclusionary policy continue to be disinterested and/or fail to inform Congress fully of the accelerated trend in the practice of international law which concedes that there is no preclusion to protect claims of "new" citizens, thus vindicating Article 23 of the United Nations Draft Convention.

The letter of September 14, 1966 of the State Department to you (printed on Appendix p. 93 of the Hearings Report) and Mr. Andrew T. McGuire's letter from the Foreign Claims Settlement Commission (p. 98) avoid discussion of the essential points of our memo; the other subject matter in the letters is in dire need of a rebuttal. These will be presented to you in due time.

Respectfully,

Mgr. John Balkunas
President

ENCL.
JS:ms

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(FAD 1)
Box 143
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November 30, 1966

Hon. Senator John Sparkman
United States Senate
Chairman
Subcommittee on Claims Legislation
Committee on Foreign Relations
Washington, D.C.

Dear Senator Sparkman:

The Conference of Americans of Central and Eastern European Descent would like to bring to your attention the testimony and memos presented by Mr. Paul Dayton at the Hearings on S.1935, August 9, 1966 before the Subcommittee on Europe of the Committee on Foreign Affairs, House of Representatives. (Report p. 41-53) A copy of a letter to the Chairman of the Subcommittee on Europe, Representative Mrs. Anna F. Kelly, is enclosed giving further information.

In the House Hearings on the War Claims Act, August 6, 1961 (p. 711), it was established that "the distribution of funds is a matter of domestic policy and not a matter of international law at al..." Contrary to that principle, and as a matter of an expedient exclusionary State Department policy, an incorrect allegation is continuously made that a universal principle of international law (also called "the traditional rule") of the past precludes protection of claims of so-called "new" citizens, persons who became U.S. nationals subsequent to injury or loss.

The State Department interpretation of international law to fit their restrictive policy avoided keeping Congress correctly informed of current trends in international law and practice of foreign claims settlement agreements or treaties.

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In harmony with international law, as conceived in the United Nations Draft Convention, Article 23, three foreign countries: Australia, Germany and Israel have diplomatically espoused such claims, proving again that there is no bar in international law and practice to protect claims of the "new" citizens.

It is to be regretted that the State Department did not inform your Committee sufficiently, contrary to the directive of the letter of the late President John F. Kennedy dated September 1961:

"The effectiveness of democracy as a form of government depends on an informed and intelligent citizenry...nowhere does the government have a more imperative duty to make available as swiftly as possible all the facts required for an intelligent decision than in foreign affairs."

Moreover, since distribution of funds is a purely domestic matter, consideration of constitutional requirements should prevail over any deliberation of international law. The second supplementary contention to exclude "new" citizens claims because of inadequacy of funds from participation in the distribution of funds, is nothing but "...the very essence of unjust discrimination." (Congressman John A. Blatnik in the Hearings on HR 4790, May 27, 1959, before the Committee on Commerce and Finance, Committee on Interstate and Foreign Commerce.) Legislation based on the questionable State Department allegation of international law and the excuse of inadequacy of funds is "construed to deny and disparage" the right of equal protection before the law.

As you know the Preamble to the Constitution mandates that we "establish justice" and Articles V, IX and Amendment XIV of the Constitution prescribe the outlines of just laws. Certainly we do not establish justice by creating a group of "old" citizens with "first rights" having the priority to participate in the distribution of claim funds to the detriment of a second class of "new" citizens excluded from similar protection.

Respectfully,

Msgr. John Balkunas
President

ENCL.
JB:ms

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(FAD 1)
Box 143

WAS CHAIR
BY GILL

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MINUTES of the Executive Meeting of the NATIONAL CONFERENCE FOR EQUALITY UNDER CLAIMS LEGISLATION, held on November 16th, 1966, at 5:00 p.m., at the office of the American Jewish Committee, 165 East 56th Street, City, County and State of New York.

The meeting was attended by:
KURT R. GROSSMAN
FREDERICK ALBERTI
PAUL DAYTON
MILTON KESTENBERG
PAUL NEUBERGER
ABRAHAM S. HYMAN.
JERRY GOODMAN (joined later)

After the meeting was called to order by PAUL NEUBERGER, Chairman, Mr. KURT R. GROSSMAN reported on the implementation of the decisions of the last Executive Meeting. Mr. ABRAHAM S. HYMAN, international lawyer of long experience in claims legislation, was asked to give his opinion on the activities of this organization. The question posed was: "Will the next Congress be favorably inclined to ward changing existing claims legislation to include naturalized citizens without regard to the date of their naturalization."

Mr. ABRAHAM S. HYMAN replied that, in his opinion, the National Conference should continue its action on two fronts: (a) Legislative, and (b) Judicial.

He reported that he himself is pressing a case before the Foreign Claims Settlement Commission, raising the question of

the constitutionality of Section 204 of the War Claims Act of 1948, as amended, and that he is willing to join the National Conference in its action to remove the discriminatory clauses in claims legislation. As far as Congress is concerned, in his opinion the outlook for success is slight, but nevertheless the matter should be pursued.

Mr. JERRY GOODMAN, who joined the meeting at the very end thereof, reported that a senator, friendly to our aims, also recommended continuous action of the National Conference

Mr. PAUL DAYTON suggested that letters be written to specific members of Congress. However, it was decided to wait until more is known about the organization of the new Congress.

Mr. FREDERICK ALBERTI informed the meeting that he will place at the disposal of the National Conference addresses of claimants to whom the National Conference could send letters informing them of its activities, and appeal for funds. (Such a letter had been drafted and sent to various attorneys, but the only positive reply came from Mr. FREDERICK ALBERTI, while Mr. MILTON KESTENBERG pledged financial support of the activities of the National Conference).

The American Jewish Committee will investigate means of securing continuing support in Washington.

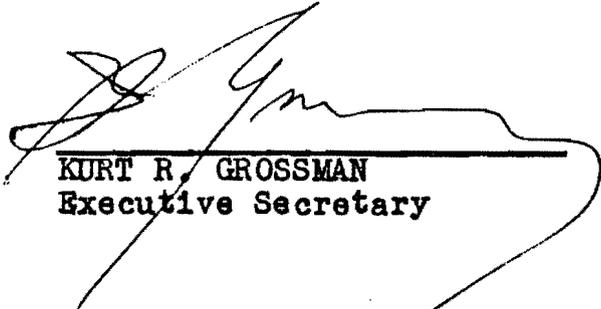
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Thereafter, the financial question was discussed, and the hope was expressed that all participating and interested organizations who will receive these minutes as background material will decide to substantially and wholeheartedly support the activities of the NATIONAL CONFERENCE FOR EQUALITY UNDER CLAIMS LEGISLATION.

No further business coming before the meeting, the same was on motion duly made and carried, adjourned.

Dated: New York, N.Y.

November 16, 1966



KURT R. GROSSMAN
Executive Secretary

N O T E :

(On November 21, 1966, at a meeting of Mr. PAUL NEUBER* GER, Mr. JERRY GOODMAN and Mr. KURT R. GROSSMAN, the new situation was evaluated: We welcome the cooperation of Mr. ABRAHAM S. HYMAN, and favor any cooperation as Amicus Curiae in any court action he might take.)

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File 8

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October 12^yth, 1966

FOR IMMEDIATE RELEASE

"SECOND CLASS" CITIZENS FIGHT BACK

"We will use all legal means at our disposal to renew the fight for equal treatment of all citizens under claims legislation," it was announced today by Kurt R. Grossmann, Executive Secretary of the newly formed National Conference for Equality Under Claims Legislation, with offices at 16 West 46th Street, New York, N.Y., 10036.

The National Conference attempts to remove the discriminatory federal legislation, notably that contained in Section 204 of Public Law 87-546 - the so-called War Claims Act of 1962 - which excludes persons who were not citizens of the United States at the time of the war loss or damage in various countries of Europe, meaning all those who became citizens after May 8, 1945 cannot receive any kind of compensation under claims legislation.

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"We believe this creates and fosters two classes of U. S. citizens in violation of sound public policy and constitutional principles as recognized by the Supreme Court in the Schneider case," Mr. Grossmann stated.

Mr. Grossmann further said, "All discriminated claimants are requested to communicate with us immediately by writing to :

National Conference for Equality
Under Claims Legislation
16 West 46th Street - 10th Floor
New York, N. Y. 10036

Members of the National Conference are:

American Association of Former Austrian
Jurists
American Federation of Jews from Central
Europe
American Jewish Committee
American Jewish Congress
American Yugoslav Claims Committee
Association of Czechoslovak Jews
Association of Former Combattants of
Draza Mihailovic
Association of Former European Jurists
Association of Yugoslav Jews
Bulgarian Claims Committee
Club of Polish Jews
Conference of Americans of Eastern Euro-
pean Descent
Coordinating Committee of Nazi Victims
Organizations
World Federation of Hungarian Jews

cc Pass
Sandy Bolz
Oct 1 1945

Richard Means
Kate Rothman

VOM BAUR, BERESFORD & COBURN
1700 K STREET, N. W.
WASHINGTON 6, D. C.

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File 8

August 3, 1966

AREA CODE 202
296-3950

CABLE ADDRESS: VOMBECOLAW

Paul Neuberger, Esq.
16 West 46th Street
New York 36, New York

Dear Dr. Neuberger:

This letter attempts to summarize the conclusions which I stated to you during our conversation of August 2, 1966:

1. In my opinion, there is only a slim chance that the Supreme Court will reverse the recent decision of the Court of Appeals for the District of Columbia in Kelberine v. Interhandel. (The Court dismissed the action as a suit against the United States without its consent.) Nevertheless, I will continue to cooperate with Governor Stassen in his petition for certiorari, and in presenting the case to the Supreme Court if certiorari is granted. I will also press my related petition in the District Court.

2. As the Court of Appeals clearly indicated in Kelberine v. Interhandel, the proper remedy now is legislative, not judicial.

3. A number of organizations and legislators have expressed support of these claims, but none is actively espousing them.

4. Since the legislators will not act without more political pressure than they now feel, the first step is "organizing the organizations". All influential organizations that have expressed support should be included. I have suggested a long list of such organizations, beginning with the American Civil Liberties Union. I think it is desirable to form a cadre committee, for the sole purpose of supporting an appropriate bill, each of whose members would represent one of the constituent committees such as the ACLU. It is entirely possible that the National Conference for Equality under Claims Legislation could be the nucleus of such a committee.

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5. The second step is to draft an acceptable bill providing solely (unlike any bill so far introduced) that United States citizens who were injured by the Nazis at a time when they were aliens should be compensated out of the Interhandel Fund and any other available funds. The bill must be "acceptable" both to its sponsors (for example, Senators Kennedy and Javits of New York, among others) and to the supporting organizations.

6. The third step is to get the bill sponsored and supported by appropriate Members of Congress, including committee chairmen and senior minority members in both Houses.

7. All this involves a very considerable effort. I have estimated that the lobbying effort alone (that is, the necessary activities on Capitol Hill alone) would cost at least \$3,000-\$5,000.

8. However, under the circumstances described above, the bill could pass very quickly. This is not only my opinion; it is also the opinion of the many Members of Congress and Congressional staff members whom I have consulted. We also believe that there is no other way in which the desired result can be achieved.

9. I will be happy to discuss this proposal further if you find enough interest in pursuing it.

Sincerely yours,


Spencer M. Beresford

SMB/mc

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Box 143
File 8

S T A T E M E N T

of

PAUL NEUBERGER of NEW YORK CITY

Made on August 9, 1966

Before the SUB-COMMITTEE Appointed by
the HOUSE FOREIGN AFFAIRS COMMITTEE.

PAUL NEUBERGER, Esq.

16 West 46th Street

New York 36, N. Y.

Madame Chairman, Members of the Committee:

My name is PAUL NEUBERGER and I am a member of the New York Bar with offices in New York City specializing in international private law.

I testified on August 5, 1965 before the Senate Sub-Committee on behalf of a group of my clients, who have claims against Italy, with regard to the bill S1935, which is under consideration before this Honorable Committee. My testimony is included in the records contained in the files submitted by the Senate Sub-Committee to you but I am also submitting a copy of the same. The reason I wish to testify again before this Honorable Sub-Committee is, because after I testified before the Senate Sub-Committee, the State Department submitted a letter, dated August 9, 1965, presenting its arguments against the contentions in my testimony. This letter simply by-passed the amendment presented by me, which was based on the same exception which the Department of State was willing to grant in its letter, with regard to the Italian Claims Fund and to certain religious organizations in the Philippines.

The amendment which I presented is based on the same facts and same legal reasons, which prompted Congress in 1958 to pass Public Law 604-85. The same reasons and arguments which Senator Russell B. Long presented at the hearing of the respective bill, of which he was one of the proponents, fully apply to the further extension proposed in my present amendment. With regard to this amendment, the Department of State found it necessary to bring up its earlier arguments against any extension of eligibility of claimants who should be compensated out of claims funds to be distributed in the United States.

In the last fifteen years, strong arguments were repeatedly presented against this obsolete policy to which the Department of State adheres.

This policy of the Department of State prompted a large group of organizations, of which I am citing a few: Conference of Americans of Central-Eastern European Descent, which is the frame organization comprising ten national minority organizations: American Jewish Congress; American Jewish Committee, The American Federation of Jews from Central Europe; The Association of Czechoslovakian Jews; The Club of Polish Jews; and some others to form the National Conference for Equality under Claims legislation, of which I have been appointed as Acting Chairman.

On behalf of the National Conference I am presenting a memorandum, which has been prepared by Samuel Herman, Esq., of Washington, D.C., which shows that the policy of the Department of State with regard to the question of eligibility of claimants should be changed.

The National Conference for Equality under Claims legislation considers this restriction of eligibility as unconstitutional because the United States Supreme Court in its decision, Schneider vs. Rusk of May 18, 1964 stated:

"We start from the premise that the rights of citizenship of the native born and of the naturalized persons are of the same dignity and are co-extensive." U.S., 845 Ct.

The amendment I proposed, expressly stated that the small number of claims against Italy should be included only and when there remains a balance in the Italian Claims Fund, after all claims, which in accordance with the provision contained in the present bill S1935 have been fully satisfied. I wish to emphasize that it is the strong conviction of all claimants and organizations, whose views I am presenting today, that the Constitutional rights of naturalized citizens should be preserved by allowing all citizens regardless of the date of naturalization to be eligible for compensation out of Claims Funds to be distributed in the United States.

Finally, I wish to repeat the proposal made in my testimony given before the Senate with regard to the restriction of lawyers' fees to which Section 1(F) of the present bill refers.

I sincerely hope that this Honorable Subcommittee will give its favorable consideration to the presented amendments, and I wish to thank this Committee for the opportunity given me to testify in support of my amendments.

PAUL NEUBERGER

~~ES~~
ES
PAUL NEUBERGER
COUNSELOR AT LAW

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(FAD 1)
Box 143
CABLE ADDRESS:
"PALINEUB NEWYORK"
File 8

16 WEST 46TH STREET
NEW YORK 36, N. Y.
TELEPHONE: JUDSON 6-4146

June 29, 1966

Mr. Kurt R. Grossman
Rte. 114
Shelter Island, N. Y. 11964

Dear Kurt:

My sincere thanks for your memo of June 25th, together with the enclosures. I was also glad to hear for the first time of your book about Ossietzky, which I promptly ordered from the Rosenberg Book Store.

Concerning the National Conference, your memo contains the right program for the activities, and I would very much like to carry out the plan which you discussed together with Jerry at the luncheon.

I believe that concerning the expenditures for the work we have to get an okay from a broader meeting. I would like to have your and Jerry's suggestions as to when such a meeting could be held. I believe that the very small fund of about \$250.00, which check Jerry has, is not sufficient, and we also need approval for its use.

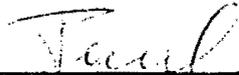
I still did not get the signature card for opening the bank account, and I am calling Jerry to get that. I would greatly appreciate hearing from you soon, and I am sending also a copy of this letter to Jerry.

If I can get some friends to take me out with the car, I would come and visit you. With kindest personal regards, I am

Cordially yours,

PN:SG

c.c. to Jerry Goodman


PAUL NEUBERGER

YMIVO
RG 347.7.1
Am Jwsh Cmtee
(FAD 1)

June 25, 1966

M e m o

Box 143
File 8

To: Paul Neuburger
Jerry Goodman✓

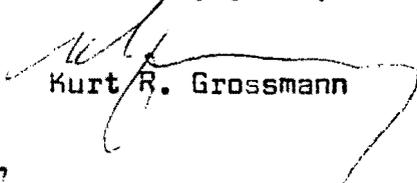
From: Kurt R. Grossmann

You asked me last Thursday for a check list of our most urgent activities. Here follows the list:

- ✓ (1) Establishing a kind of apparatus with a card filing system of:
 - a/ All organizations directly or indirectly interested in the change of claims legislation;
- get membership of major groups + status (1) members (2) interested
 - b/ all individuals directly interested (about 12 000)
 - c/ all government officials favoring our demands, hostile to our demands, neutral to our demands;
 - d/ all members of the Senate and House categorized as to c;
- ✓ (2) Fundraising among organizations and individuals (see 1a,1b). This means follow up to our letters, telephone and personal contacts;
- E
- (3) "Lobbying" for the desired legislation by informing the law-makers, pressuring them, in short to use all known means serving our demands.
- enlist others in D.C.
- (4) Continuous information, briefing among organizations and individuals to keep their interest alive;
- (5) Public relations work alerting the press whenever warranted.
- enlist Jewish groups

From the enclosed you will see that we are at our summer retreat where I can be reached easily. P.O. Box 279, Shelter Island, NY 11964
Hoping to hear from you.

Cordially yours,


Kurt R. Grossmann

* get Honorary Chairman
- Jewish political leaders in N.Y.?

Entschädigungsschlussgesetz

Artikel

Entschädigung der nach dem 1. Oktober 1953 nach dem Westen gemachten Naziverfolgten in die Zeit zur Beratung stehende Entschädigungsgesetz;

Reichstellung der Witwen, Männer, alles Verfolgte, dem 1. Oktober 1953 verstarb mit den Witwen, deren Ehemann nach diesem Datum verstarb — und daher rentenberechtigt sind;

und die Anerkennung einer Entschädigung bei Gesundheitsschädigung auch für den Aufenthalt in Konzentrations- und Zwangsarbeitslagern;

die Änderung des Standes der Bundesregierung der hinter denselben stehenden Parteien eingetreten ist.

Da ich überzeugt bin, dass die Einmündung mit jenen Persönlichkeiten übereinstimmen, die eine gerechte und liberale Entschädigung dieser Ehrenschilder einbringen, wäre ich für eine Aussetzung dankbar, die dazu beitragen, dieses tragische Kapitel der Katastrophe würdig abzuschließen." —

Sehr geehrter Herr Grossmann!

Für Ihr Schreiben vom 11. Januar und Ihren beigefügten Artikel "Die Endphase des Entschädigungswerkes" sowie für die übersandte Broschüre "Die Wiedergutmachungsfrage am Ausweg" danke ich Ihnen. Ich bin mit grossem Interesse von den Ausführungen Ihres Aufsatzes Kenntnis genommen und wünsche sehr, dass das Problem der Berücksichtigung der berechtigten Interessen der Naziverfolgten durch eine beiderseitige Verständigung über die noch offenen Fragen gelöst werde.

Mit freundlichen Empfehlungen bin ich Ihr ergebener
(gez.) Jos. Card. Frings
Erzbischof von Köln"

Peters; Freiheitsentziehung

Fortsetzung von Seite 23)

gerügt. Sie sehen in erster Linie eine Verletzung ihres Grundrechts aus Artikel 14 des Grundgesetzes (Garantie des Eigentums) darin, dass der ihnen früher durch Par. 16 Abs. 1 des Bundesergänzungsgesetzes vom 18. September 1953 gewährte Anspruch auf Entschädigung wegen Freiheitsschadens durch den entsprechenden Par. 43 Abs. 1 BEG (aus dem Jahre 1956) bzw. durch dessen Auslegung entzogen worden sei. In der Begründung seines Beschlusses führt das Bundesverfassungsgericht u. a. aus, dass der Gesetzgeber im Jahre 1953 bei der Regelung der Entschädigung für die Opfer der nationalsozialistischen Verfolgung wegen der komplizierten Materie habe in Kauf nehmen müssen, dass die Fassung des Gesetzes nicht durchweg die erforderliche Klarheit aufgewiesen und daher nach Anwendung in der Praxis noch mancher Korrektur bedürftig habe. Dies komme auch in der Beratung und Begründung des Gesetzentwurfs klar zum Ausdruck.

Alle an der Wiedergutmachungsgesetzgebung Beteiligten, auch die Verfolgten, seien daher davon ausgegangen, dass das Gesetz aus dem Jahre 1953 nur eine vorläufige Regelung darstelle. Dies treffe ersichtlich auch für die Entschädigung für Freiheitsentzug durch eine ausländische Regierung zu.

Bei dieser Rechtslage habe der Gesetzgeber im Jahre 1956 durch eine genauere Tatbestandsformulierung eine bessere Abgrenzung der Verantwortlichkeit bei dem Zusammentreffen von inländischem und ausländischem Staatsunrecht vornehmen dürfen, selbst wenn dadurch gewisse, nach der früheren Regelung zugebilligte Wiedergutmachungsansprüche entfielen.

GEDENKEN SIE IN IHREM TESTAMENT DES JEWISH PHILANTHROPIC FUND OF 1933, INC.

1241 BROADWAY, New York, N. Y. Tel.: MU 5-5900

Revision des amerikanischen Kriegsentschädigungsgesetzes? Javits und Douglas fordern Erweiterung des "War Claims Act"

Eine grundlegende Revision des amerikanischen Kriegsentschädigungsgesetzes ("War Claims Act") von 1948 fordert eine Gesetzesvorlage, die Anfang Februar von den Senatoren Paul Douglas (Illinois, Demokrat) und Jacob K. Javits (New York, Republikaner) im amerikanischen Senat eingebracht worden ist.

Die Vorlage will die Kreise der Entschädigungsberechtigten auf solche Personen ausdehnen, die erst nach dem Ende des zweiten Weltkrieges amerikanische Bürger geworden sind, — was also für die Mehrzahl der Flüchtlinge aus Hitlerdeutschland und den von Hitler besetzten Ländern zutreffen dürfte.

Das Bundesverfassungsgericht führte weiter aus, dass die Bestimmungen des BEG und deren veränderte Fassung nicht gegen den rechtsstaatlichen Grundsatz des Vertrauensschutzes verstosse. Unter Hinweis auf den vorläufigen Charakter des Bundesergänzungsgesetzes konnte "niemand darauf vertrauen, dass es für Entschädigungsansprüche wegen Freiheitsentziehung auch in allen Einzelheiten bei der Regelung des Par. 16 des Gesetzes aus dem Jahre 1953 verbleiben solle."

Das Gesetz in seiner bisherigen Fassung sieht Entschädigungen für Kriegszerstörung, Beschlagnahmen und sonstige Kriegsschäden für amerikanische Bürger vor, d. h. die Betroffenen müssen bereits Bürger gewesen sein zu dem Zeitpunkt, da der Schaden eingetreten ist, also z. B. eine Fabrik beschlagnahmt oder ein Schiff versenkt wurde. Der Antrag Douglas-Javits will Entschädigungsansprüche aller amerikanischer Bürger ohne Ausnahme zulassen, weil sie in dem bisherigen Rechtszustand eine unzulässige Diskriminierung zwischen Alt- und Neubürgern sehen, — zumal da sich unter diesen erst später naturalisierten Neubürgern viele befinden, die unter dem Nationalsozialismus ihr gesamtes Vermögen und vielfach auch ihre Angehörigen verloren haben, und die im 2. Weltkrieg, noch Ausländer, tapfer und pflichtbewusst in den amerikanischen Streitkräften dienten.

Die beiden Senatoren haben den Kampf für die Berücksichtigung der Neubürger in dem Gesetz bereits seit 1962 geführt, jedoch bisher ohne Erfolg; freilich glauben sie, mit ihrem beharrlichen Fordern einer Eliminierung der Bürgerklausel in der heute geltenden Form doch eines Tages durchzudringen.

JK
SS

February 2, 1966

Ed Lukas

Jerry Goodman

YIVO
RG 347.7.1
Am Jwsh Cmtee
(EAD 1)
Box 143
File 8

1-11-66
1-11-66

Please discuss this with me at
your earliest convenience. Thanks.

SS

YIVO RG 347.7.1 Am Jwsh Cmtee (FAD 1)
Box 143 File 8 Attch. 2/2/66

Draft of a letter for solicitation of funds to be addressed to organizations:-

Dear

You are aware the the National Conference for Equality Under Claims
 Legislatim is attempting to crrect injustices under the War Claims Law,
 to which citizens of ths country are subjected. The problem which we
 are faced with is one of discrimination. respectively establishment of
 two kinds of citizenships. The Aufbau of April 6, 1962 published an ed-
 itorial byears ago which we enclose. In essence the situation prevails
 since the War Claims Act adopted on ... has not changed the dis-
 criminatory status of "junior citizens".

On the other hand the Supreme Court in the famous case Schneider,
 has rejected a distinction between senior and junior citizens. The con-
 sequence of this decision is that nationalized citizens haven't any
 difficulties anymore to remain, even in their country of birth. You
 will recall that under previous legislation nationalized citizens were
 losing their citizenship if they stayed in their country of birth for
 three years and for five years in any other foreign country.

YIVO RG 347.7.1
(AJC (GAD 1)
Box 143 File 8 p. 2
Attch. 2/2/66

We believe therefore that the Judicial branch of the Government might right the wrongs done to thousands of thousands of citizens of the U.S. and therefore the NCFEUCL is considering bringing a test case to the courts. In order to execute this plan, we, however, need substantial funds to pay the lawyer conducting the case, preparing the briefs, payment of expenses for necessary trips to Washington. The initial amount we need would be about \$10,000. This letter has the sole purpose to ask you to make a substantial contribution by your organization and if you desire to do so, solicit funds from your membership for this purpose

The undersigned Executive Committee of the NCFEUCL is at your disposal for any further information.

Looking forward to hearing from you.

Most sincerely,

A Word About American Values

Secretary of State *Dean Rusk* convincingly formulated "our obligation to understand better the American system of government," a few months ago. "In a time of continuing conflict it is imperative that we Americans not merely recognize by name and by instinct the values which we are defending but that we thoroughly understand them," Rusk said. He listed values as having "developed from our revolutionary manifesto, the Declaration of Independence, the Constitution, the Bill of Rights and many decisions in courts of law, so that we have a government of the People, by the People, and for the People".

No one will quarrel with the Secretary of State in presenting this challenging philosophy. We must, however, register disappointment when we find that these American values are not always evenly, justly and fairly recognized and respected. The treatment of certain minority groups in this country comes to mind and we realize with regret and apprehension that too often fundamental ideas of American political philosophy—for instance, all citizens without distinction are entitled to the equal protection and benefit of the law—are violated. Let us examine one glaring example, the Johnson Bill (S. 2618), which recently was reported to the floor of the Senate and deals with the settlement of war claims for American citizens.

Other nations have long since paid their own citizens for war losses. In the United States the necessary assets are available without any cost to the taxpayer; so is the agency for carrying out a program of such importance. The claimants, on the other hand, are aging and dying, and the difficulties of proof are increasing daily.

The Johnson Bill will allow registration of such war claims before payment is decided, but fails to include from its final benefits and its present provisions those persons who have become citizens since World War II. This is indeed contrary to the very principles Dean Rusk has so eloquently underlined in the statement quoted above.

We refer in this connection to the *American Journal of International Law* (Vol. 55, July 1961, No. 3), in which a Draft Convention on the international responsibility of States for injuries of aliens is published. A distinguished Committee of the Bar Association—consisting of Professor *William W. Bishop, Jr.*, University of Michigan; Professor *Herbert W. Briggs*, Cornell University; *Arthur H. Dean*, of the New York Bar; Professor *Roger D. Fisher*, Harvard Law School; *Alwyn V. Freeman*, Deputy Representative of the International Atomic Energy Agency, United Nations; *Charles M.*

Spofford, of the New York Bar; *I.N.P. Stokers*, of the New York Bar; Professor *Quincy Wright*, Emeritus, University of Chicago; the late Professor *Clyde Eagleton*, New York University, as well as Professor *Philipp C. Jessup*, Columbia University—has submitted a draft convention whose Art. 6 unequivocally states:

A State has the right to present or maintain a claim on behalf of a person only while this person is a national of that State. A State shall not be precluded from presenting a claim on behalf of a person by reason of the fact that that person became a national of that State subsequent to the injury.

The State Department and the Johnson Draft, basing themselves on the accidental date of acquiring citizenship, negate equal recognition and equal treatment of United States citizens. These new citizens, whose duties and rights cannot be disputed, have lost all their belongings without having resources to any other government. The procedure applied to them creates injustice and is incompatible with the American values expounded by Dean Rusk. Besides, France, Greece, Denmark, Yugoslavia and other European countries have excluded their former citizens from any such benefits, which causes more injustice.

Denying the claims of the new citizens, in favor of other groups of citizens, makes the discrimination still more unbearable. Compensation resulting from war losses must be shared by all, and certainly by the new citizens, who have suffered more than enough before reaching these shores.

Unfortunately, all efforts to convince the State Department, Senator Johnson and his friends of the righteousness of these demands have consistently run into opposition. Secretary Rusk's own department has taken the position that, where available funds are insufficient to permit a full recovery by all, those individuals who were American citizens at the date when the loss occurred should be given preference over those who became naturalized later—only one day later—which amounts to saying that these so-called junior citizens should not receive any compensation whatsoever.

Any distinction between junior citizens and senior citizens or, as Senator Keating put it, the creation of a second-class citizenry, introduces into American government practice an element of discrimination irreconcilable with our expressed basic rights and ideals. We still hope that the State Department and the majority of the lawmakers will realize that such discrimination among our citizens for purposes of domestic legislation or otherwise is indefensible.

Reprinted from "Aufbau", Issue April 6, 1962

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Am Jwsh Cmtee
(FAD 1)
Box 143
File 8

YIVO RG 347.7.1
A. Jwsh Cmtee
(FAD-1) VS WAR CLAIMS
Box 143
File 8

Dear Congressman Reuss:

Your endeavors to establish the office of a U.S. Ombudsman is essential to help preserve American standards of justice, especially in the following matter. An ^{erroneous} ~~anonymous~~ U.S. Claims Settlement policy, and legislation is construed upon the fallacious allegation that a rule of 19th century international law precludes protection of claims of "new" citizens, naturalized subsequent to loss or injury.

Fixed by the restrictive Claims Settlement policy of the past into an unawareness of contemporary changes, as shown in the enclosed background material, the advocates of that obsolete rule have failed to provide Congress with the correct information that international law does not preclude our government from protecting the claims of the so-called "new" citizens. Under the impact of this misinformation, the enactment of Claims legislation was bound to create injustices. A Congress correctly informed would undoubtedly provide proper remedies.

It is respectfully suggested that this problem be taken up by you, not only in your capacity as a Congressman and a member of the Committee on Governmental Operation, but to illustrate to the public how a public defender could serve to uphold the rights and principles upon which this nation is founded. An opportunity to discuss this matter personally with you is respectfully requested.

MINUTES

of the

MEETING of the NATIONAL CONFERENCE FOR EQUALITY
UNDER CLAIMS LEGISLATION

YIVO RG 347.7.1
Am Jwsh Cmtee
(FAD 1)
Box 143
File 8

MINUTES of Meeting held on November 22, 1965, at the office of PAUL NEUBERGER, Esq., 16 West 46th Street, New York, New York, at 5:00 p.m.

Present:

Dr. PAUL NEUBERGER
for the Association of Yugoslav Jews;

Dr. OSCAR KAHN
for the American Association of former
European Jurists;

Professor BUSCHER
for the Conference of Americans of Central-Eastern European Descent

Mr. PAUL DAYTON
for the Conference of Americans of Central-Eastern European Descent

Dr. WALTER PEIERS
for the American Federation of Jews of
Central Europe

LUDWIK SIDENMAN, Esq.
for the Club of Polish Jews

Mr. D. J. CASARELLA
for the Bulgarian Claims Committee

PAMPIL A. RIPOSANU
for the Rumanian Claims Committee

Dr. RANKO M. BRASHICH
for the American Yugoslav Claims Committee,
and for the Royal Yugoslav Army Combatants
"Draga Mihailovich"

The Acting Chairman, Dr. PAUL NEUBERGER, after greeting the members present, requested that, because of the absence of Mr.

KURT GROSSMAN and Mr. JERRY GOODMAN, Dr. RANKO M. BRASHICH act as Recording Secretary.

The Chairman then reported briefly on the organizations which had joined this Conference, and informed the meeting that the representatives of the American Jewish Congress and of the American Jewish Committee, as well as Dr. Ernest Weissman, had excused themselves for being unable to attend this Meeting.

Thereafter, the Chairman presented a resume of the steps taken since the last Meeting and reported on the ways in which the aims of this Conference may be achieved. According to his opinion, this Committee should discuss the steps to be taken in order to attract more organizations to join the Conference in its action, and it should further be discussed whether the action should be carried only before the Congress for a change of legislation, or whether the Conference should bring legal action before the Supreme Court attacking the unconstitutionality of discriminatory provisions of the War Claims Act of 1948, as amended in 1962 (Public Law 846), or whether it would be advisable to carry out both of the above actions simultaneously.

During the ensuing discussion the following views were expressed:

Mr. DAYTON : Based upon his memorandum presented to the Chairman and some of the members, he explained why the discrimination with regard to the time of acquisition of citizenship is unconstitutional, and he strongly recommended the institution of a law suit.

Dr. KAHN : He pointed out that both actions should be taken in order to achieve success. He expressed the belief that the necessary amount for fees and expenses for a legal action could be collected from organizations and individuals interested in a favorable outcome.

Dr. BRANNICH : He called attention to the fact that out of the total of approximately 25,000 claims filed with the Foreign Claims Settlement Commission for war damages, almost two-thirds were rejected because of ineligibility of claimants. Therefore, he expressed the opinion and suggested that these claimants should be contacted to collect the necessary funds. He concurred in Dr. Kahn's opinion that both actions should be taken.

Mr. RIGGSANU : Concurring in the opinion expressed by the preceding speakers, he called the Committee's attention to the difficulty in obtaining the necessary Government consent for instituting a legal action regarding the constitutionality of the Act. Therefore, he suggested that this question should be cleared first.

Mr. SELDENMAN : He also questioned the feasibility of a law suit without Government consent, but expressed the belief that the necessary funds could be collected without difficulty.

Prof. BUCCHSE : Emphasizing the great interest of the Conference of Americans of Central-Eastern European Descent, he mentioned the great efforts his organization made in the past with regard to the extension of eligibility. He promised that it will continue to give its support to any action directed toward this goal.

Dr. PATRICK : Concurring in the opinions of Messrs. Liposanu and Seidenman, he urged to first obtain a legal opinion by an expert concerning the institution of a law suit and, thereafter, a new meeting to be called for the purpose of discussing further steps.

During the discussion in which all members participated, and in which the Chairman and Mr. Dayton mentioned the names of distinguished attorneys in Washington, D.C., who may be asked for an expert opinion as to whether a legal action on the constitutionality of the War Claims Act is permissible without Government consent, and what would be the procedure to be followed, and what the fees and expenses involved would amount to, the Committee unanimously authorized Dr. PAUL NEUBERGER to do the following:

1. To contact an attorney in Washington in order to obtain an expert opinion on the filing of a law suit attacking the constitutionality of the War Claims Act, and to obtain information whether this attorney is willing to do so and under what conditions, and what his fee would be including out-of-pocket disbursements for acting as attorney in such a law suit; and

2. After having obtained this information, to call a new meeting at which the further course of action is to be decided.

No further business coming before this meeting the same was adjourned at 7 P.M.

Paul Neuberger Dr. RASKO M. KRASHICH
PAUL NEUBERGER, Secretary Dr. RASKO M. KRASHICH
Acting Chairman Secretary P.t.

New York, N.Y., November 22, 1965

89TH CONGRESS
1ST SESSION

S. 1935

IN THE SENATE OF THE UNITED STATES

MAY 10, 1965

Mr. SPARKMAN (by request) introduced the following bill; which was read twice
and referred to the Committee on Foreign Relations

A BILL

To amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the International Claims Settlement Act of 1949, as
4 amended, is further amended as follows:

5 (1) Subsection (f) of section 4, title I, is hereby
6 amended to read as follows:

7 “(f) No remuneration on account of services rendered
8 on behalf of any claimant in connection with any claim filed

89TH CONGRESS
1ST SESSION

S. 2064

IN THE SENATE OF THE UNITED STATES

JUNE 1, 1965

Mr. MORSE introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

A BILL

To amend the International Claims Settlement Act of 1949, as amended, relative to the return of certain alien property interests.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the International Claims Settlement Act of 1949, as
4 amended, is further amended by adding section 216 at the
5 end of title 11 thereof, as follows:

6 “SEC. 216. (a) Notwithstanding any other provision
7 of this Act or any provision of the Trading With the Enemy
8 Act, as amended, any person—

9 “(1) who was formerly a national of Bulgaria,
10 Hungary, or Rumania, and

YIVO RG 347.7.1
Am Jwsh Cmtee
(FAD 1)
Box 143
File 8

**CONFERENCE OF AMERICANS
OF CENTRAL AND EASTERN EUROPEAN DESCENT**
10th Floor
~~CONFERENCE OF AMERICANS OF CENTRAL AND EASTERN EUROPEAN DESCENT~~
29 W. 57 St., N.Y., N.Y. 10019

Member Organizations:

ALBANIAN AMERICAN
LITERARY SOCIETY

AMERICAN BULGARIAN
LEAGUE

CZECHOSLOVAK NATIONAL
COUNCIL OF AMERICA

ESTONIAN NATIONAL COMMITTEE
IN THE UNITED STATES
OF AMERICA

AMERICAN HUNGARIAN
FEDERATION

AMERICAN LATVIAN
ASSOCIATION

AMERICAN LITHUANIAN
COUNCIL

POLISH AMERICAN
CONGRESS

ROMANIAN AMERICAN
NATIONAL COMMITTEE

UKRAINIAN CONGRESS
COMMITTEE OF AMERICA

June 30, 1964

Gentlemen:

We refer to the conference held at the office of Paul Neuberger, Esq., 16 West 46 Street, New York, N.Y., on May 26, 1964, attended by representatives of the following organizations:

American Jewish Committee
American Jewish Congress
Association of Yugoslav Jews in the U.S.
Association of Royal Yugoslav Army Ex-Combattants
Draja Mihailovich
American Yugoslav Claims Committee
American Federation of Jews from Central Europe
American Federation of Jews from Austria
Association of Former European Jurists
Conference of Americans of Central and Eastern
European Descent

You undoubtedly know that the War Claims Act of 1948 was amended by Public Law No. 87-846 on Oct. 22, 1962. Pursuant to this amendment compensation for World War II losses sustained by nationals of the United States was regulated. Claims thereunder can be filed only by persons who were United States citizens at the time the damage occurred.

As the war damage relates to the period from Sept. 1, 1939 to May 8, 1945, the vast majority of United States citizens who suffered war damages would be excluded from receiving compensation.

This provision of the War Claims Act which had been retained upon the insistence of the Administration, continues a policy discriminating between American citizens in the distribution of domestic funds, such distribution being directed by domestic legislation.

On the basis of the Bonn Convention which became effective on May 5, 1955, the German War Claims Fund became a domestic fund, as Germany waived any rights to these funds and consented to the use thereof for the compensation of war claims, without any restriction.

The distribution of these funds itself was subject to congressional legislation.

These facts indicate clearly that Congress is not bound to any restrictions in deciding on the distribution of these funds.

Public Law No. 87-846 in fact discriminates between two groups of American citizens with regard to their date of naturalization. Just recently, on May 18th, the Supreme Court handed down the decision in the case of Schneider v. Rusk dealing with the expatriation provision of the Nationality Act and expressly stated:

"We start from the premise that the rights of citizenship of the native born and of the naturalized person are of the same dignity and are co-extensive.....the naturalized citizen becomes a member of the society, possessing all the rights of a native citizen, and standing, in view of the Constitution, on the footing of a native"

It is imperative that all organizations representing minorities or such groups of claimants which are excluded because of late citizenship from compensation of their just claims for war damages, participate in an action for the passage of an amendment to the War Claims Act of 1948, extending the eligibility to claim to all those who were citizens of the United States at the time of the passage of the Law, or, at least, at the time of the Bonn Convention, i.e., May 5, 1955.

We wish to direct your attention to Conference Report No. 2513 of the joint House and Senate Conference, in which the Senate receded from its request for extension of eligibility with the understanding that:

"..... in the event there remains a balance in the war claims fund after the payment in full of claims provided for under this bill, consideration would be given to legislation providing for payment to these categories of persons. The Committee of Conference recommends that the Foreign Claims Settlement Commission should proceed to make an estimate of the amount of claims that would be involved in these amendments."

It is, therefore, advisable that all those not eligible under the present law were to file their claims with the Foreign Claims Settlement Commission prior to July 15, 1964.

We wish to add that after the sale of the General Aniline & Film Corporation, a very substantial fund will be available for distribution amounting to several hundred millions of dollars, which may be sufficient to satisfy claims of all claimants without discrimination. We are enclosing notes containing short additional arguments against the policy persistently pursued by the Department of State with regard to the distribution of funds being distributed in this country on the basis of domestic legislation.

On the basis of the aforesaid, we are inviting all organizations to form a Co-ordinating Committee which would jointly undertake all steps in order to protect the claimants who are being discriminated against by Public Law No. 87-846.

We sincerely hope that all the organizations whose representatives attended the previous meetings will promptly agree to a joint action. The action contemplated is the following:

1. To approach all members of the House and Senate Committees on Interstate and Foreign Commerce, the Committees on the Judiciary, and on Foreign Affairs and Relations, respectively;
2. To try to publicize this action, particularly with regard to the recently issued decision of the Supreme Court, declaring the Act of Congress discriminating between naturalized and native citizens to be unconstitutional.

This action should be carried out by the newly formed Co-ordinating Committee as well as by individual claimants upon the advice of the participating organization to which they belong.

Awaiting your early reply, we remain

Sincerely yours,

CONFERENCE OF AMERICANS OF CENTRAL AND EASTERN EUROPEAN DESCENT

Vratislav Busek
Dr. Vratislav Busek
Chairman, Claims Committee

We agree to join this action :

AMERICAN YUGOSLAV CLAIMS COMMITTEE

Dr. Ranko M. Brashich
Dr. Ranko M. Brashich, Secretary

ASSOCIATION of YUGOSLAV JEWS
in the UNITED STATES

Dr. Paul Neuberger
Dr. Paul Neuberger
Hon. Chairman

OUTLINE OF SOME ADDITIONAL ARGUMENTS
NOT INCLUDED IN THE LETTER

(1) The German War Claims Fund cannot be subject to international law as it represents domestic funds vested in the United States Government and released by the Bonn Convention, which became effective May 5, 1955, and according to which Germany consented that the assets vested in the United States should be used for compensation of war claims and renounced any rights to these funds against the assurance of the United States and the three Allied Powers that they will at no time assert any claims for reparation against the current production of the German Federal Republic. Consequently, as the distribution of these funds are subject to domestic legislation, any discrimination with regard to the date of the citizenship of the claimants should be considered unconstitutional.

It is also a question of justice and equity that the United States Government, releasing the German Government of war damage claims by the Bonn Convention, and so depriving also those American citizens who were not citizens at the time when the damage occurred of any right to claim compensation for war damages from Germany, is obliged to compensate its citizens for these war damages.

(2) The application of the alleged Rule of International Law, according to which a country cannot espouse the claim of a person who is not its citizen, because by itself already obsolete in view, of all the situations created through the events during and after World War II. But even if this Rule can be fully applied, it would refer to the espousal of a claim before a foreign government but not to the distribution of lump sum compensation funds which a foreign country pays to the United States. The best evidence is that many countries, who cannot be considered as having the intention to violate the principles of international law, in their legislation or in their executive agreements, did not apply this alleged principle of international law. Thus, for example, the British Foreign Compensation Orders-in-Council of 1949-1950, issued on the basis of the Executive agreements with Czechoslovakia and Yugoslavia under which the citizenship requirement is not the date of taking, but the date of the order or agreement. The same holds true for the agreements between Czechoslovakia and Belgium, and Czechoslovakia and Luxembourg, of September 1952, and Norway of June 1954, and the claims settlements of Yugoslavia with Greece of June 18, 1959, and with Denmark on July 13, 1959, and finally the Government of France dealing with claims of Nazi victims with its Decree of August 29, 1961, all of which allow claims of nationalized citizens, regardless of citizenship at the time of loss, requiring only citizenship on the date of the respective agreements or enactment of the legislation.

Finally, we wish to refer to the opinion expressed in the United Nations, which in its Codification Division of the Office of Legal Affairs, in Article 23 of the draft convention on espousal of claims and continuing nationality, stated (even in cases where there are no domestic funds or legislation involved) that "... the State is not precluded from presenting a claim on behalf of a person by reason of the fact that the person became a national of the State subsequent to the injury."

(3) The Congress of the United States, in Public Law 604-85 with regard to the distribution of Italian claims funds, extended the eligibility to those who were citizens up to August 9, 1955, and not at the time when the damage occurred.

One of the reasons for this extension of eligibility at that time was mentioned the sufficiency of funds available (we wish to point out that the German War Claims Fund will probably amount to several hundred million dollars). Considering the equal rights of all citizens to the funds to be distributed, the amount of the fund should not be decisive for discriminating between two groups of citizens. As an illustration of how the Department of State tries even to exclude the argument of the sufficiency of funds, we wish to mention that it submitted to Congress a Bill S-947 by which the undistributed balance of the Italian Claims Fund should not be used for those who were previously not admitted to distribution but should be turned over to the War Claims Fund. This policy of the administration should be corrected by Congress, with appropriate legislation in order to make it impossible to discriminate among American citizens. The former Assistant Secretary of State Brooks Hay gave proper expression of this necessity in a statement where he said:

"The plight of the new American citizens who cannot turn to their former government for relief because they have become Americans, and who are denied relief by the United States because they were once aliens, **DESERVES IMMEDIATE CORRECTION BY THE CONGRESS.**"

YIVO RG 347.7.1
Am Jwsh Cmtee
(FAD 1)
Box 143
File 8

x

THE AMERICAN JEWISH COMMITTEE
165 E. 56 St., New York City

July 17, 1963

SENATOR OLIN JOHNSTON, CHAIRMAN
SUBCOMMITTEE ON TRADING WITH THE ENEMY
COMMITTEE OF THE JUDICIARY
UNITED STATES SENATE
WASHINGTON 25, D.C.

ON BEHALF OF THE AMERICAN JEWISH COMMITTEE MAY WE URGE THAT YOUR COMMITTEE FAVORABLY CONSIDER PROPOSED AMENDMENTS (S.987) TO THE WAR CLAIMS ACT OF 1948, AS AMENDED, SUBMITTED BY MR. JAVITS, PROVIDING FOR COMPENSATION TO REFUGEES WHO BECAME CITIZENS OF THE UNITED STATES AFTER LOSSES WERE INCURRED.

THE PROPOSAL WOULD REMOVE TRACES OF SECOND-CLASS OR INFERIOR RIGHTS OF CITIZENSHIP FROM AMERICANS WHO SUFFERED INJURY, DEATH, OR LOSS OF PROPERTY WHILE UNDER A HOSTILE REGIME AND LATER ASSUMED THE FULL DUTIES AND OBLIGATIONS OF UNITED STATES CITIZENSHIP. DISTINCTIONS BETWEEN AMERICANS BASED ON THE DATE OF CITIZENSHIP IS ABHORRENT TO OUR DEMOCRATIC TRADITIONS. EVEN EUROPEAN COUNTRIES WHICH HAVE ADOPTED WAR CLAIMS PROGRAMS IN BEHALF OF THEIR NATIONALS HAVE REJECTED SUCH CONCEPTS AND HAVE ADOPTED LEGISLATION WHICH INCLUDES CLAIMANTS HAVING CITIZENSHIP AT THE TIME OF THE ENACTMENT OF SUCH LAWS, RATHER THAN AT TIME OF LOSS.

THE AMERICAN JEWISH COMMITTEE THEREFORE RESPECTFULLY URGES THAT PROMPT LEGISLATIVE ACTION BE TAKEN TO APPROVE S.987.

A.M. SONNABEND, PRESIDENT
JOHN SLAWSON, EXECUTIVE VICE-
PRESIDENT

cc JS
Anson
JRE
J Singman
R.F.
H.B.
K Millerson

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(FAD 1)
Box 143
File *

July 17, 1963

Dear Senator Javits:

I take pleasure in enclosing a copy of the telegram sent to Senator Olin Johnston today.

Sincerely yours,

Simon Segal
Director
Foreign Affairs Department

The Honorable Jacob Javits
United States Senate
Washington, D.C.

SS/a
Enclosure

Senator Olin Johnston
Chairman Subcommittee on the
Trading With the Enemy Act
Washington, D. C.

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Box 143
File 8

US WAR CLAIMS

Handwritten signature/initials

Dear Senator:

I am submitting a statement in support of Senator Javits Bill S 487 and the Supplemental view of Senators Kenneth Keating, Hart and Carroll expressed in report 1934, 86th Congress, Second Session concerning eligibility of claimants opposing the restrictive policy as provided in Section 202/204 of PL 87-846.

I am confident that my statement will give you new conclusive information enabling to keep your promise to help when you can to re-appraise the discriminatory U.S.A. Claims Settlement policy, which in the very words of former Assistant Secretary of State Brooks Hayes,

"deserves immediate correction by Congress".

I shall be very grateful if you would ask me to provide you personally any additional information.

Respectfully,

Paul Dayton

STATEMENT

In order to establish justice in U.S. Claims Settlement policy, APPROPRIATE AMENDMENT TO RECENTLY ENACTED GERMAN CLAIMS P.L. 87-846 SECTION 202-204 TO INCLUDE FULLY AND EQUALLY ALL CITIZENS NATURALIZED PRIOR TO MAY 5, 1955 (DATE OF RATIFICATION OF THE BONN CONVENTION) OR IN ALTERNATIVE SIMILAR WITH THE PROVISION OF ELIGIBILITY EXTENSION IN U.S.A. - JAPAN ARBITRATION COMMISSION PROCEDURES REGARDING WAR CLAIMS, 18 MONTHS AFTER THE DATE OF THE CONVENTION.

In the Bonn Convention which became effective May 5, 1955, the USA agreed together with the three Allied Powers

"... that they will at no time assert any claims for reparation against the current production of the Federal Republic,"

and Germany consented that the German vested assets should be used instead for compensation of War Claims.

Common sense, moral, and Constitutional American standards, therefore, require that the USA compensates all persons affected by that waiver to assert claim rights.

However, so called "junior" citizen

"who became nationals subsequent to suffering"

property losses and other injuries in consequence of War or Nazi Acts are excluded from the benefit of the law, due to a questionable rule of international law.

7/17/63

To be revised by Mr.

Herman (Storn to Brooks Hayes)
7-16-63

This situation,

"deserves immediate correction."

Congratulating former Assistant Secretary Brooks Hayes, to the postscriptum of his letter on July 21, 1961 to Senator Alan Bible, I quote:

"The plight of the new American citizens who cannot turn to their former government for relief because they have become Americans, and who are denied relief by the United States because they were once aliens, **DESERVES IMMEDIATE CORRECTION BY THE CONGRESS.**"

Many are awed when international law is invoked. But this term is an inexact expression, misleading if that is not kept in mind. The rules of dealings with international relations are not at all law.

That obsolete rules of international law, ^{not law} or valid ones, should not impress Congress in the purely domestic matter of distribution of Claims Settlement funds was admitted by the State Department in the hearings May 29, 1959.

"Certainly the Congress is at liberty to pass legislation that would include them (new citizens) if it wishes. There is no principle that prohibits the Congress from doing it if it wishes..."

In spite of that, the State Department again and again informed Congress that international law ^{precludes} "precludes" protection of claims of the new citizen, wrongly interpreting the ~~rule~~ rule of diplomatic espousal of bygone days, incorrectly defined in the changed situation of our time and confusedly applying it to the purely domestic matter of distribution of Claims Settlement funds. This caused that the following statement does not accord with facts:

"The policy ... rests upon the universally accepted principle of international law that a state does not have the right to ask another state to pay compensation to it for losses or damages sustained by persons who were not its citizens at the time of loss or damage."--State Department's letter - August 8, 1961, signed by by Assistant Secretary of State, Brooks Hays to the Committee on Interstate and Foreign Commerce.

Such incorrect statements and ⁱⁿcomplete information on practice, principles or rules of diplomatic espousal, invoking international law principles for application in the practice of municipal matters impressed Congress, and it is not astonishing that Senator Johnston stated in the hearings June 18, 1959, that the Junior Citizens:

"have to get relief from the country where they came from ...we will help if we can; we cannot change international law; that is where we are stopped right there."

Obviously, nothing that is wrong in principle or in definition of an obsolete international rule can be right when applied in the practice of municipal law.

It is evidenced by the following, that international law is

no bar to the protection of claims of "junior" citizen.

A state not only is not precluded to present a claim of a new citizen, but the USA ONLY DOES HAVE THE RIGHT to ask for compensation.

In July 1961, at the suggestion of the Codification Division of the Office of Legal Affairs of the United Nations Secretariate, the Harvard Law School agreed to revise Prof. E. M. Borchard 1929 draft Convention on the relevant matter of protection of claims of naturalized citizen. The draft was prepared by the very learned Harvard Professors, Louis B. Sohn and R. R. Baxter with the help of a distinguished Advisory Committee of eminent professors and lawyers of International law, including Judge Philip C. Jessup of the International Court of Justice. Article 23 of the Draft Convention on Espousal of Claims and Continuing Nationality contains the following Paragraph 6:

"A state has the right to present or maintain a claim on behalf of a person only while that person is a national of that State. A state shall not be precluded from presenting a claim on behalf of a person by reason of the fact that that person became a national of that state subsequent to the injury."

It is also inconceivable that a properly informed Congress would have accepted the restrictive provisions of Sect. 202 and 204 of P.L. 87-846 if presented with a true picture of the changing trends in the field of practise of Claim Settlement Agreements and War Claims Legislation in other countries.

The agreements between Belgium and Luxembourg, September 1952
Norway June 9, 1954
with Czechoslovakia.

Greece June 18, 1959
Denmark July 13, 1959
with Yugoslavia.

The British Foreign Compensation Order-in-Council concerning nationalization claims in Czechoslovakia, and concerning debt claims in Yugoslavia,

The Decree No. 61-971 of August 29, 1961 of the Government of France; dealing with claims for Nazi victims,

All these agreements or legislation allow claims of all its naturalized citizens regardless of former citizenship status at the date of loss of claimants who are citizens at the date of signature of agreements and/or enactment of legislation.

"It is noted" further by the U.S. War Claims Commission that "in the war damage compensation laws of Australia, Austria, Belgium, Canada, Denmark, France, Malaya, Malta, the Netherlands, Norway, Switzerland, Thailand, United Kingdom, that the nationalities are immaterial in determining eligibility of claimants." Other countries might be added as Sweden with Japan, Egypt with England, and others.

Properly
Moreover, international law as reflected from the practice of the USA-Japanese Compensation Arbitration Commission, which implemented the Allied Powers Treaty Law, provides for certain, "junior" citizen claims, that the claims have to be filed

"through the State to which he (the 'new' citizen) belongs within 18 months from coming into force of the Peace Treaty."

Therefore, it is clarified that

1. Under international law, the "new" citizen "who became national subsequent to injury" has a valid international claim.

However, although admitting in the House Hearings, August 6, 1959, the late Mr. English said,

"the distribution of funds is a matter of domestic policy and not a matter of International Law at all..." Congress has the power to distribute that funds as they see fit," but "that the State Department is simply following policy which Congress itself has followed up to the present time."

This alone proves the vicious circle which perpetuates wrong and which continues when Mr. English contended that

"Congress might take into account who has valid claims under International Law, and who does not."

The State Department spokesmen supplemented such questionable information, as follows:

don't
"I think such persons "new" citizens" should be put on same footing" with the senior class of citizen and asserting,

"In other words, to permit individuals who were not nationals at the time their claims arose to share in a fund which is inadequate to pay the claims of individuals who were nationals when their claims arose is, in effect, to take away funds from the latter group of claimants who have valid international claims and to divert them to pay the former group of claimants who do not have valid international claims."

Deprived of the cloak of international law interpretation, this statement is seen in its true nakedness of brutal injustice. It is sheer discrimination against many Americans, not national in origin.

What has inadequacy or adequacy of funds to do with creating just legislation? According to the preamble of the Constitution, the purpose of law in the USA still is to establish justice; and the Supreme Court ordered:

"A naturalized citizen becomes a member of society, possessing all the rights of a native citizen and standing in the view of the Constitution on the footing of a native."

Box 143
File 8

Equal treatment before the law as a right retained by the people should not be denied by Congress.

Subjectio trahit protectio
Protectio subjectionem

This dictum of Common Law, that same duties call for same protection, safeguards an ancient but living right which should not be disparaged.

The new citizen who came to this country before, or during the war, were subject to all citizenship duties and by willingness to accept draft cards gave evidence of their allegiance to the United States. Many of these "new" citizens became USA soldiers. The "junior" citizen, including persons who came to the United States until the time aid was given to Germany carried the equal tax burden resulting from this aid. These persons suffered racial, religious or political persecution, or suffered under consequences of War, and/or have been enemies of our enemy, and last but not least, it concerns prisoners of war of Allied and associated powers, (soldiers) who fought for our common cause.

Therefore, "the plight of the new citizen deserves immediate correction by Congress."

*by the former and the
friends was a great in Berlin
should be used instead
of reparation*