

RG 226  
 Entry 58  
 File \_\_\_\_\_  
 Box 149

DECLASSIFIED  
 Authority AWD867088  
 By DA NARA Date 10/5/99

OUTGOING MESSAGE FORM 210910B

Date 20 July 1945

#46

To WIESBADEN

**SECRET**

Routine XX  
 Priority

SECRET XX  
 CONFIDENTIAL

Confirmation EPB

Information

SAINT AUSTRIA TO WIESBADEN FOR RELAY TO SAINT (ORION) LONDON, INFO  
 SAINT (ORION) WASHINGTON

1. BB506 AND I PROPOSE CONCLUDE ACTIVE INTERROGATION AND REPORTS FIRST WEEK AUGUST.
2. BELIEVE ORION CAN RENDER GREATEST ASSISTANCE TO BRITISH FRENCH AND DUTCH BY INVITING COOPER DORANGE AND VLUG RPT VLUG AS REPRESENTATIVES THEIR RESPECTIVE GOVERNMENTS TO WORK AT ALT AUSSEE CENTER DURING MONTH OF AUGUST.
3. ALL FACILITIES OF CENTER WILL BE AVAILABLE TO THEM. CAN ACCOMODATE ALL THREE SIMULTANEOUSLY AND PREFER THEIR COMING TOGETHER. CENTER MUST BE CLOSED SEPTEMBER ONE LATEST.
4. WE WILL RETAIN HOFER LOHSE MUHLMANN AND LIMBERGER FOR THEIR INTERROGATION AND CAN ARRANGE ACCESS TO OTHER PERSONNEL THROUGHOUT AREA. SCHOLZ ROCHLITZ AND OTHERS CAN BE RECALLED IF NECESSARY.
5. IN VIEW OF ANTICIPATED AMERICAN WAR CRIMES PRIORITY AND DIFFICULTY OF TRANSFER BELIEVE THESE DETAINEES WILL NOT RPT NOT BE RELEASED FROM THIS AREA.
6. ONE ORION OFFICER WILL REMAIN IN CHARGE OF CENTER THROUGHOUT AND CONDUCT NECESSARY LIAISON.
7. PLEASE HOLD ALL POUCH MATERIAL LONDON AS ONE MEMBER UNIT WILL RETURN AS COURIER WITHIN NEXT TWO WEEKS.

TOE 0955

Originator's initials

Authenticated by EPP

Serial No.

Cable No.

MESSAGE CENTER USE ONLY

Routing

TOR

TOD

C-2102

**SECRET**

B/L: OMG for Germany (US), SUBJ: Von Papen Collection, dtd.  
20 June 1947

ED 007 (RES/MFA&A) 1st Ind. TAH/el

OFFICE OF MILITARY GOVERNMENT FOR HESSE, WIESBADEN, GERMANY,  
APO 633, US Army, 9 Sept 1947

TO: Director, OMG for Germany (US), APO 742, US Army,  
ATTENTION: MFA&A Section, Restitutions Branch, Economics  
Division

1. None of the property described as missing from the collection of Franz von Papen is at the Wiesbaden Collecting Point or is otherwise known to be in Hesse.

2. Since no clue is given in B/L as to circumstances surrounding the disappearance of so extensive a collection or whether any of the items are believed subject to restitution, this office can hazard no opinion concerning its possible fate. If the property disappeared after the beginning of the Occupation it would appear to be a case for the Provost Marshall. The Historical Section of EUCOM might also be able to shed some light on the case.

FOR THE DIVISION DIRECTOR:

/s/ Theodore A. Heinrich  
THEODORE A. HEINRICH  
CHIEF, MFA&A Section

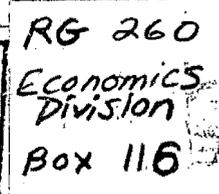
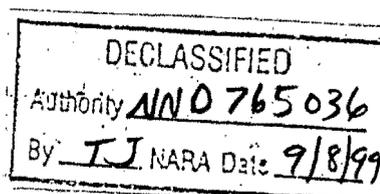
ED 007 (RES/MFAA) 2nd Ind. HEP/rf

Restitution Branch, Economics Division, Office of Military Government for Germany (U.S.), APO 742, U.S. Army, Berlin-Germany, 24 September 1947

TO: Restitution Branch, Economics Division, Office of Military Government for Hesse, APO 633, U.S. Army  
ATTN: MFA&A Section

1. Attached herewith is copy of an article published by "Yank" in March or April 1945, forwarded to this headquarters by Franz von Papen Jr. as enclosure of his letter to this office, dated 6 June 47, transmitted to you for information.

BA 1/2  
368



~~CONFIDENTIAL~~

September 21, 1951

Kronberg Jewels.

Lt. Col. Wendell W. Perham, Office of the Provost Marshal General  
ICD - Ardelia R. Hall

After Mr. H. S. Leonard, of the City Art Museum of St. Louis, told me on September 19, 1951 that he was on the track of some of the Kronberg jewels, I called Col. Perham to ask his advice.

Col. Perham said that the Missouri Military District in the Mart Building, St. Louis, Missouri will be receptive to the information.

~~CONFIDENTIAL~~

OEX:ICD:ARHall:rh

DECLASSIFIED  
Authority NND 968071  
By ADP NAPA Date 6/10/99

## Wac Captain Says Hesse Crown Worth \$50,000, Not \$1,500,000

Frankfurt, Germany, Aug. 27 (AP).—Wac Capt. Kathleen Nash Durant in signed statements introduced today at her trial in the theft of the Hesse crown jewels, said she and three associates valued the gems at \$50,000—one-thirteenth of the \$1,500,000 actual worth of the treasure.

The statements were read by the prosecution after the military court ruled that they had been obtained without pressure of promises to protect the captain, former Army manager of the old Kronberg Castle, from prosecution.

The statement quoted her as saying that the jewels were split four ways, and smuggled into the United States, and that "we estimated all of it was worth \$50,000."

Captain Durant is being tried on charges of larceny and embezzlement. The prosecution said her statements were made in Chicago last June. In them Capt. Durant named her husband, Col. James Durant, Maj. David A. Watson, and Sergt. Roy C. Carlton. Carlton has been charged by the War Department of complicity.

The statements read today gave this account:

The jewels were found buried in the basement of Kronberg Castle and were brought to her room by Carlton.

Then, she said, Colonel Durant arrived the next day, and Major Watson the following day.

"All of us decided to keep the jewelry

rest left with Durant and Watson. The statement said the stones in some of the jewels were punched out and the settings destroyed in her room at Kronberg, and on one occasion in Watson's room.

### Further Thefts Charged

Berlin, Aug. 27 (AP).—Capt. Norman T. Byrne, 45, of Hollywood, has been arrested on charges of having removed two paintings valued at \$10,000, valuable porcelain and a rare stamp collection from Germany and has been returned to Berlin from the United States, the United States Army provost marshal said today.

Byrne, who served as fine arts and monuments officer for the Berlin district section of the United States Military Government, was arrested in San Francisco on August 12 while on temporary duty status, the provost marshal said.

The provost marshal said that when criminal investigation department agents arrested Byrne at the San Francisco Municipal Airport, he was in possession of a Duerer etching named "The Horse" and an oil on wood by David Teniers entitled "The Smoker" valued at \$5000. In addition he had a Peckstein painting, color, the provost marshal said.

DECLASSIFIED  
Authority NND 968071  
BY AJP NARA Date 6/10/99

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Authority MM 785010

By WBI NARA Date 2/11/78

REPRODUCED AT THE NATIONAL ARCHIVES

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DECLASSIFICATION REVIEW PROJECT

NND 785010

RECORD GROUP	ENTRY	BOX
260		157

GSA FORM 6801-C (REV. 1-73)

RG 260 RECORDS OF UNITED STATES OCCUPATION  
HEADQUARTERS, WORLD WAR II

United States Forces Austria.  
U.S. Allied Command Austria (USACA) Section.

REPARATIONS AND RESTITUTIONS BRANCH.

GENERAL RECORDS.

1945 - 50.

GENERAL ADMINISTRATIVE RECORDS - R&R # 30  
THRU

GENERAL ADMINISTRATIVE RECORDS - R&R # 34  
BOX NUMBER 157

DECLASSIFIED

Authority: MM 785610

By WBU NARA Date 2/11/78

REPRODUCED AT THE NATIONAL ARCHIVES

CATEGORIES RPR 31

DECLASSIFIED

REPRODUCED AT THE NATIONAL ARCHIVES

Authority MM785610

By VBI NARA Date 2/11/75

HEADQUARTERS  
UNITED STATES FORCES IN AUSTRIA  
LIAISON SECTION  
GERMAN SUBSECTION  
APO 777 US ARMY  
(tel. Vienna B 47039)

TRANSLATION 5478

Date of original document: no date  
Date and time received:  
in this section: 9 1700 hrs. Feb. 48  
Date of finished transl: 14 Feb. 1948  
Date out of this section: 17 Feb. 1948

*Have checked lists for "No" items*

*III  
II  
IV  
I*

The Federal Institution for the Preservation of Monuments has the honor to place the claim for the restitution of the following Austrian Art objects, which were established by the representative of the Federal Institution for the preservation of monuments in the C.A.C.P. in Munich.

I. The art objects originating from Austrian Jewish private property were confiscated by the Gestapo and sold by their saied enterprise (VUEBDA) to the Art Museum of Linz, respectively to prominent National Socialists.

- A-40 1.) Mue (Munich) 9122 R. von Alt, Pius arch, 1872, water color, 94x45 cm
- A-40 2.) " 10740 J.E. Schindler, Landscape of the Inn river, painting, 38x58
- A-40 3.) " 10054 F.G. Waldmueller, Hallstatter Lake, Oil painting on wood, 45x56 cm
- A-39 4.) " 2459 Terracotta, Gothic style, Three female saints
- A-39 5.) " 27327 C. Marko, Heroic Scenery, painting, 29x39 cm
- A-40 6.) " 2925 Friedrich Amerling, portrait of self
- A-40 7.) " 9136 Hans Canon, Ceiling sketch, on wood, without figures 41,5x73,5 cm

II. The art objects originating from Jewish and other Austrian private property, discovered by the agents of Hitler, Dr Jantzen of the Bremer Werkschau and Dr. Koestler of Hamburg and purchased under use of pressure for the Art Museum of Linz.

*Linz No*

- No 1.) Mue. (Munich) 18055 Lady before the Mirror, painting, German, about 1800
- II 2.) " 8773 F.G. Waldmueller, Potrait of a man on canvas 69x49,5 cm 3425
- II 3.) " 8785 " Portrait of the wife of the artist, on canvas 69x49 cm 3426
- II 4.) " 4535 J.B. Drechsler, bouquet, on wood 44,7x 32,8 cm 3431
- II 5.) " 4526 J.B. Drechsler, bouquet, on wood 44,7x 31,8 cm 3432
- II 6.) " 2810 Carl Rahl, Portrait of Emma Griepenberger on canvas 55,5x45 cm. 3535

(over)

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Authority MM785610By MBH NARA Date 2/11/78

- 2 -

III. The art objects originating from Jewish and other private property, sold to the Art Museum of Linz by Austrian art shops.

Linz 76

A) Through mediation of the St. Lucas Gallery in Vienna:

- II No 1.) Mue. 3071 Joris van Son, Still life, fruits, oil painting on wood, 68x38 cm 2386
- II No 2.) " 4310 Werner Tamm, Birds, still life on canvas 51x55 cm 1935
- II No 3.) " 4311 " " " " " " " " 1934
- II No 4.) " 2797 F.G. Waldmueller, The mother of the artist, on canvas 62,5x49 cm 2441
- II No 5.) " 8926 Eduard Gruetzner, Monastery library, sketch on canvas 39,5x50 cm 2385
- II No 6.) " 9536 F.G. Waldmueller, Portrait of a cartographer and his wife, on oak wood, 41x32,5 cm 2386
- II No 7.) " 2912 Francois X. Fabre, Half portrait of a lady, on canvas 32x25,5 cm 3493
- II No 8.) " 10299 Chr. W. R. Dietrich, Italian landscape on oak wood, 29,5x31,5 cm 3502
- II No 9.) " 9509 Joseph Rebell, Maritime landscape near Positano?, on wood 29,5x35,5 cm 3503
- II No 10.) " 9545 Joseph Rebell, Light house of Pozzoli, on wood, 29,5x36 cm 3504
- II No 11.) " 2994 Vaspar Netscher, Portrait of a General, painting 3521
- II No 12.) " 9687 Emil Ludwig Loehr, View of Bad Gastein, on canvas, 47x62 cm 3522
- II No 13.) " 3007 Jacob Victors, Four pigeons, on oak wood, 47x48 cm 3539
- II No 14.) " 2569 Vinzenz Fischer, Antique fancy architecture with triumphal arch 52x73 cm 3324
- II No 15.) " 2570 Vinzenz Fischer, antique round temple with sacrificial scene, 52x73 cm 3325
- II No 16.) " 9123 " " temple with sacrificial scene, 52x73 cm. 3326
- II No 17.) " 2568 " " temple and harbor, 52x73 cm 3327

B) Through mediation of the Art shop of Nedhammer-Prinz (Oskar Hamel), Vienna:

- II No 1.) Mue. 7486 A. Leu, Obersee near Berchtesgaden, 122,5x158 cm
- II No 2.) " 9047 A. Magnasco, Monks at their meal in a grotto, painting 3128

C) Gallery Neumann, Vienna:

- IV Mue. 10050 Decker, Portrait of a Gentleman, painting 3155

D) Art shop Buhr, Vienna.

- II Mue. 9221 Jan Glauber, Heroical landscape, oil on canvas. 3126

E) Public auction house Kaerntnerstrasse, Vienna.

- IV Mue. 8319 L. Trevisani, Lucretia, oil on canvas 120x100 cm. 3616

F) Art Edition Wolfrum, Vienna.

- II Mue. 11258 Half portrait of a young man, 17th cent. French, oil on canvas 97,5x72 cm. 2896

G) Gallery Welz, Salzburg:

- II No Mue. 7693 E.J. Schindler, Landscape with the Neui lake, oil in canvas 190x23? cm.

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By WBI NARA Date 2/11/78

Collection Berta Morelli, Vienna:

Lang #

- ~~A-40~~ 1.) Mue 8729 F.G. Waldmuller, Recovered, painting
  - ~~A-39~~ 2.) " 7555 Galasso Galassi, Christ on the Mount of Olives, oil on wood
- ~~The paintings were acquired on 5 November 1940 through Posse.~~

Collection Philipp Pulsator, Vienna:

- ~~II~~ Mue 2503 E. Engerth, Portrait of a boy with dog. Oil on canvas 79x63 cm. 2889
- in 1943 the picture was sold under pressure by the wife of the owner who had been put in prison by the National Socialists.

Collection Viktor Reininghaus, Vienna:

*check category IV*

- ~~II~~ 1.) Mue 9133 Hans Makart, Ceiling, consisting of 4 individual pictures, # 3157/1
- 10668 oil on canvas, 72,5x172,5 cm each 3157/2
- 10669 3157/4
- 10709 acquired in 1943 through Posse. 3157/3
- ~~II~~ 2.) Mue 4579, school of Domenico Ghirlandajo, Madonna, child and 2 angels, 1518
- on wood, acquired in 1940 through Posse.

Property of Elisabeth Maria Windisch-Gruetz, Vienna:

- ~~V~~ without Munich number., Canova, Polihymnia, marble statue. 923
- 13629

V. The art objects from Jewish possessions sold at auction at the Dorotheum without knowledge of the owner.

- ~~IV~~ 1.) Mue 3044 Remi van Haanen Winter woods, oil on canvas 88x68 cm. 3586
- ~~V~~ 2.) " 11310 Franz von Lenbach, double portrait of a married couple, oil sketch on canvas 75x105 cm (Lang 3066) 3000000, Rottenburg, 25 Buntgauer, Wien 18.
- ~~Kerman~~ 3.) " 4859 Flemish, middle of 17th century, Seated couple and daughter, on canvas 131x169 cm.
- ~~V~~ 4.) " 8362 Franz von Lenbach and Adam Kunz, Double portrait, oil on canvas 130x116 cm
- ~~V~~ 5.) " 4986 Abraham Jansz. Bergeyn, Still life on canvas 125x110 3123
- ~~V~~ 6.) " 4327 Abraham Mignon, Flowers in a glass vase, on canvas 61x50,5 cm 3124
- ~~V~~ 7.) " 3596 Abraham Mignon, Still life, Fruit, on canvas 61x51 cm 3125
- ~~III~~ 8.) " 4486 D. Eymons, Portrait of a young girl, oil on wood. 115x87 cm 3571
- ~~No~~ 9.) " 7666 Danube school 1515, Coronation of a Pope on wood, 55x55 cm } Dr Wilhelm Erdely
- ~~No~~ 10.) " 7648 Danube school 1515, Two saints, nuns and devote persons, on wood, 55x55 cm. } Erdely
- ~~Dutch~~ 11.) " 4822 L.G.E. Isabey, 1837, Fishing boats in the skilions on the canal on canvas 65x83 cm.
- ~~Kerman~~ 12.) " 9639 Jacob Georg van Os, Cows and sheep near a foot bridge, on wood, 31x42 cm
- ~~Dutch~~ 13.) " 18529 Emend G. Keelckeek, Dutch scenery on wood, 50x70 cm.
- ~~IV~~ 14.) " 9216 J.B. Reiter, Mother undressing her child, on canvas 98x76,5 3131
- ~~Dutch~~ 15.) " 4393 ~~Matachea~~, Seated lady with dog, on canvas, oval, 53x42,5 cm
- ~~No~~ 16.) " 7595 David Teniers junior, In the armory, still life with weapons, oil on oak wood.

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By WJH NARA Date 2/11/75

Collection Kulka:

A-40 ~~Mus 9237 Raffelt, Hungarian farmers with horses, oil study~~

Collection Lederer:

A-39 ~~Mus 4209 Artist of the Ursula legend, Madonna and child, St John and wife of the founder, 115x185 cm~~

Collection Lindenbaum:

A-39 ~~Mus 4415 School of Rubens. The drunken satyre and satyre family, oil on wood~~

Collection Lourje:

A-39 ~~Mus 27316 Terborch or Cornelius Dussart, Village scene, 68x70 cm~~

Collection Neumann:

HELEN SHANZ

A-39 ~~Mus 8806 F.G. Waldmueller, Geymuller family, oil on canvas~~  
~~no number 5815 Michael Pachter, St. Barbara, altar piece. Having been confiscated, it was given to Gearing, in order to save the rest of the property.~~

Collection Robert Pollak:

A-40 ~~Mus 8741 Lampi junior, Portrait of a young lady with veil, oil on canvas~~

Collection Schiff-Suvero

A-39 ~~Mus 3056 Self portrait of an artist, pastel, baroque~~

Collection Weiner:

A-40 ~~Mus 8602 Franz Defregger, Portrait of a young girl, oil on wood, 51x47 cm~~

A-39 ~~" 27832 A.v. Pottskofen, Nude (back of a girl), oil on wood, 31x21 cm~~

A-39 ~~" 27830 J.M. Ranftl, Dog with red sailors cap on the seashore, oil on wood, 32x39 cm~~

A-39 ~~" 27911 G. Dujardin, At the watering place, oil on canvas 42x38 cm~~

A-40 ~~" 9614 G.F. Waldmueller, Women and children at a brook, oil on canvas 58x47 cm~~

Collection Oskar Bondy:

A-39 ~~Mus 4266 Alessandro Magnasco, The deluge, oil on canvas~~

Objects of applied art, arranged according to the numbers of the Bondy collection:

7, 46, 49, 53, 54, 56, 58, 61, 63, 64, 65, 66, 72, 117, 121, 123, 125, 127, 128, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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tested

DECLASSIFIED

REPRODUCED AT THE NATIONAL ARCHIVES

Authenticity MM 785610

By WJH NARA Date 2/11/78

- 7 -

Collection Albert Pollak: = *all restituted*  
Objects of applied art, arranged according to AP-numbers;  
29, 34, 26, 747, 748.

Collection Alphons Rothschild: = *all restituted*  
Objects of applied art, arranged according to AR numbers:  
84, 839, 928, 1521, 1584, 1872, 2458, 2459, 2623, 2658,  
2889, 2903, 3002, 3013

r = 8396  
t = 9289  
9286

Collection Louis Rothschild:  
Objects of applied art No 528

VII. Taken away by Goering personally:

From the church of Mauterndorf:

~~Mus. 5448~~  
~~" 5441~~ 2 chasubles in four parts  
~~" 5449~~  
~~" 5512~~

A-39

Translated by *A.K.N.*  
Checked by: *P.C.*  
16 February 1948

*George von Halben*  
GEORGE R. VON HALBEN  
MAJOR CAVALRY  
CHIEF.

Eu

### LIST OF ORGANIZATION CHARTS

	Page
<del>United States Government</del> .....	568
<del>National Defense</del> .....	569
United States Senate.....	570-71
House of Representatives.....	572-73
<del>Executive Office of the President</del> .....	574
<del>Office for Emergency Management</del> .....	575
<del>Department of State</del> .....	576
<del>Department of the Treasury</del> .....	577
<del>War Department</del> .....	578
<del>Department of Justice</del> .....	579
Post Office Department.....	580
Department of the Navy.....	581
Department of the Interior.....	582
Department of Agriculture.....	583
Department of Commerce.....	584
Department of Labor.....	585
Federal Security Agency.....	586
Federal Works Agency.....	587
Federal Loan Agency.....	588
Federal Deposit Insurance Corporation.....	589
Federal Power Commission.....	590
Federal Reserve System.....	591
Federal Trade Commission.....	592
General Accounting Office.....	593
Government Printing Office.....	594
Interstate Commerce Commission.....	595
Railroad Retirement Board.....	596
Securities and Exchange Commission.....	597
Tennessee Valley Authority.....	598
The National Archives.....	599
United States Civil Service Commission.....	600
United States Employees' Compensation Commission.....	601
United States Maritime Commission.....	602
United States Tariff Commission.....	603
Veterans Administration.....	604

**THE UNITED STATES OF AMERICA**  
THE FEDERAL GOVERNMENT

FOR FUNCTIONAL ORGANIZATION OF THE  
NATIONAL DEFENSE PROGRAM, SEE NATIONAL  
DEFENSE CHART

568

**THE CONSTITUTION**

**LEGISLATIVE**  
**THE CONGRESS**  
Senate  
House

Architect of the Capitol  
Government Printing Office  
Library of Congress  
United States Botanic Garden

**EXECUTIVE**  
**THE PRESIDENT**

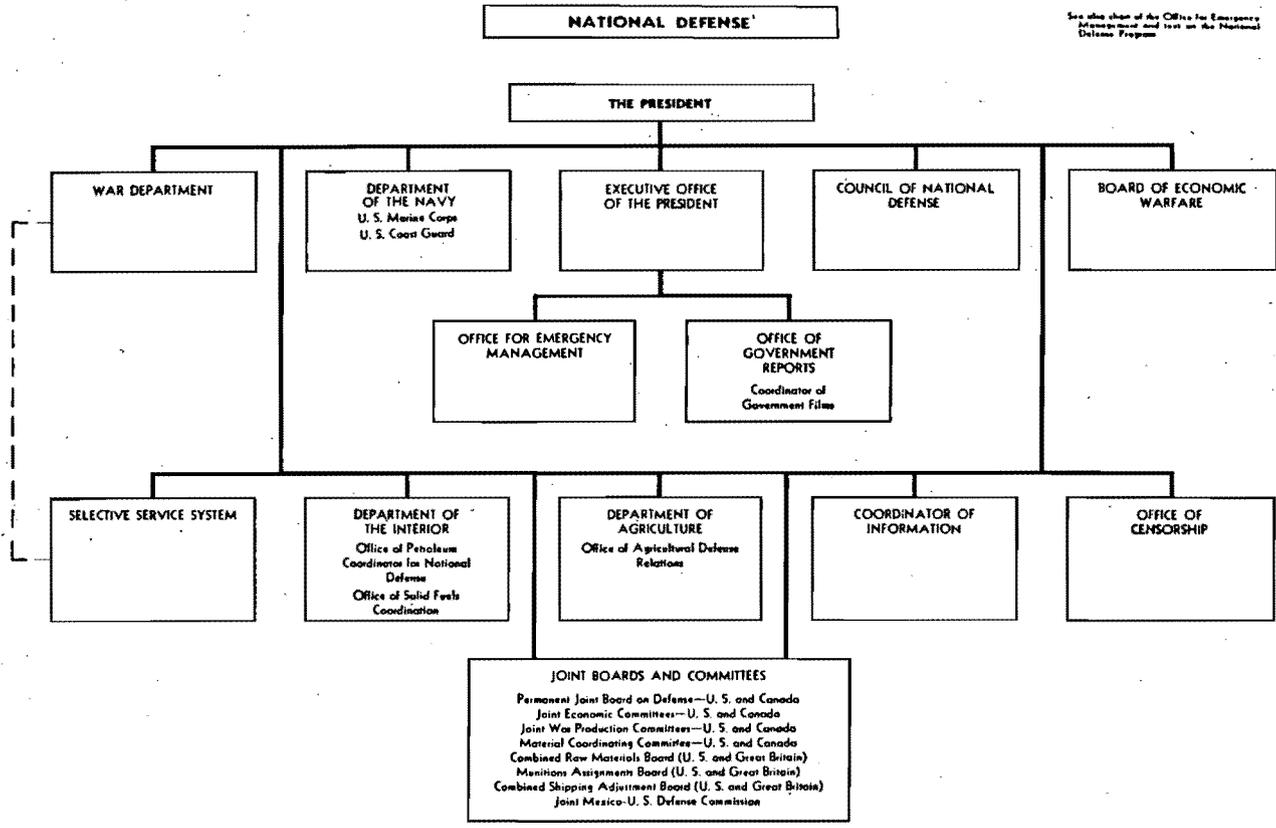
Executive Office  
of the President

**JUDICIAL**  
**THE SUPREME COURT  
OF THE UNITED STATES**

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District Courts of the United States  
Court of Claims of the United States  
United States Court of Customs And Patent Appeals  
United States Customs Court  
Territorial Courts

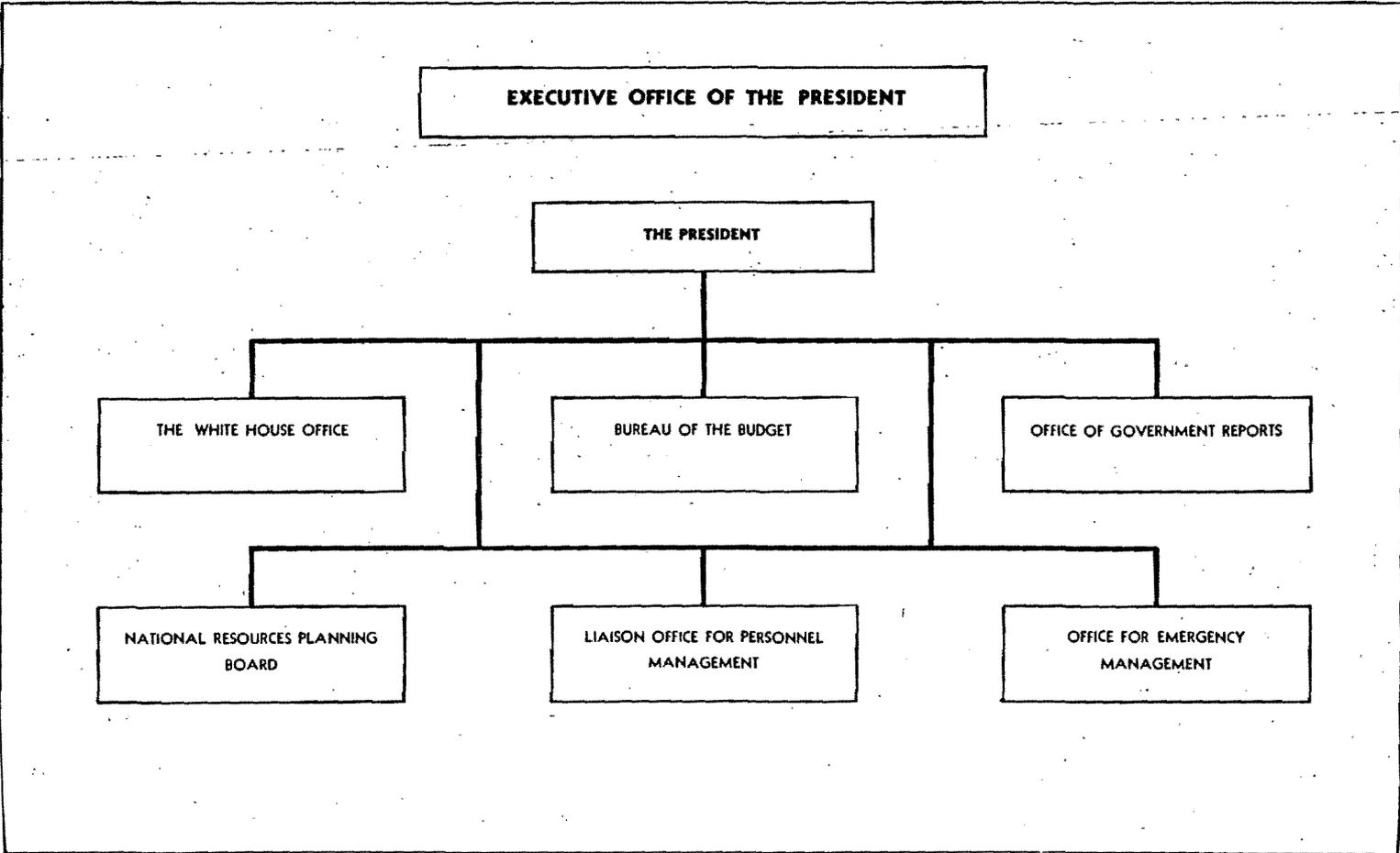
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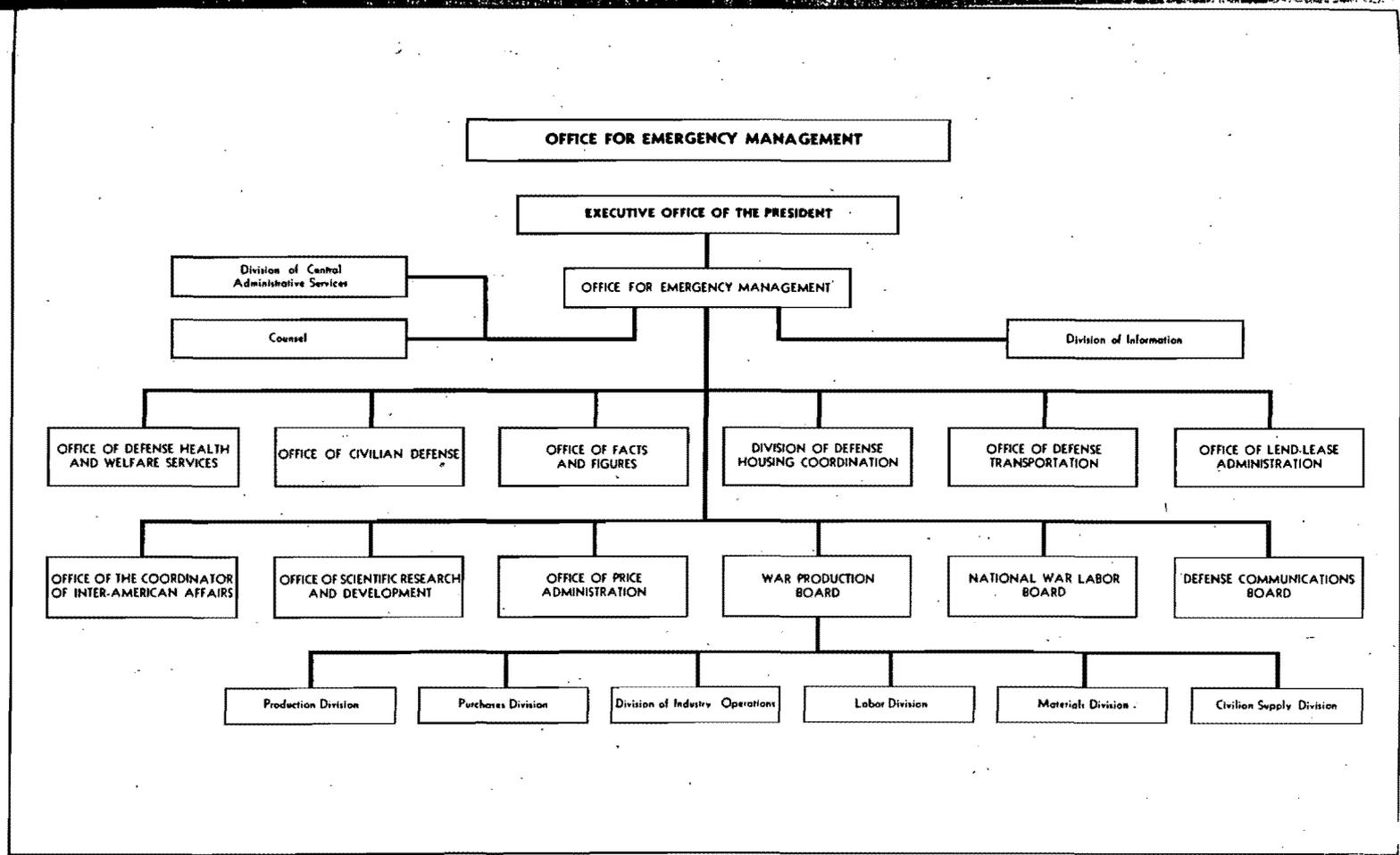
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Board of Governors of the Federal Reserve System	Federal Trade Commission	National Mediation Board
District of Columbia	General Accounting Office	Railroad Retirement Board
Federal Communications Commission	Interstate Commerce Commission	Securities And Exchange Commission
Federal Deposit Insurance Corporation	Maritime Labor Board	Smithsonian Institution
Federal Power Commission	National Capital Park And Planning Commission	Tennessee Valley Authority
National Labor Relations Board		The National Archives
		United States Board of Tax Appeals
		United States Civil Service Commission
		United States Employees' Compensation Commission
		United States Maritime Commission
		United States Tariff Commission
		Veterans Administration

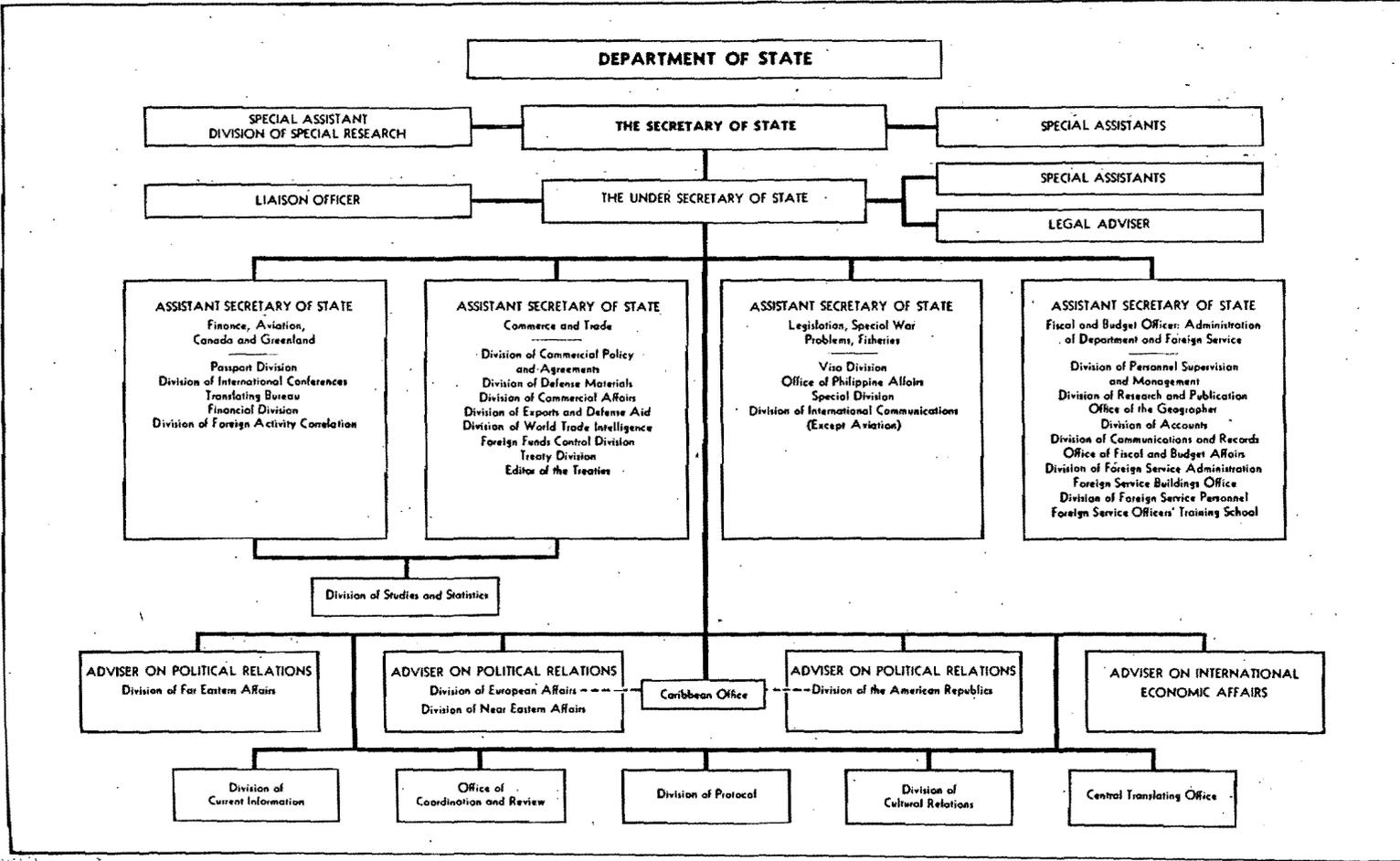


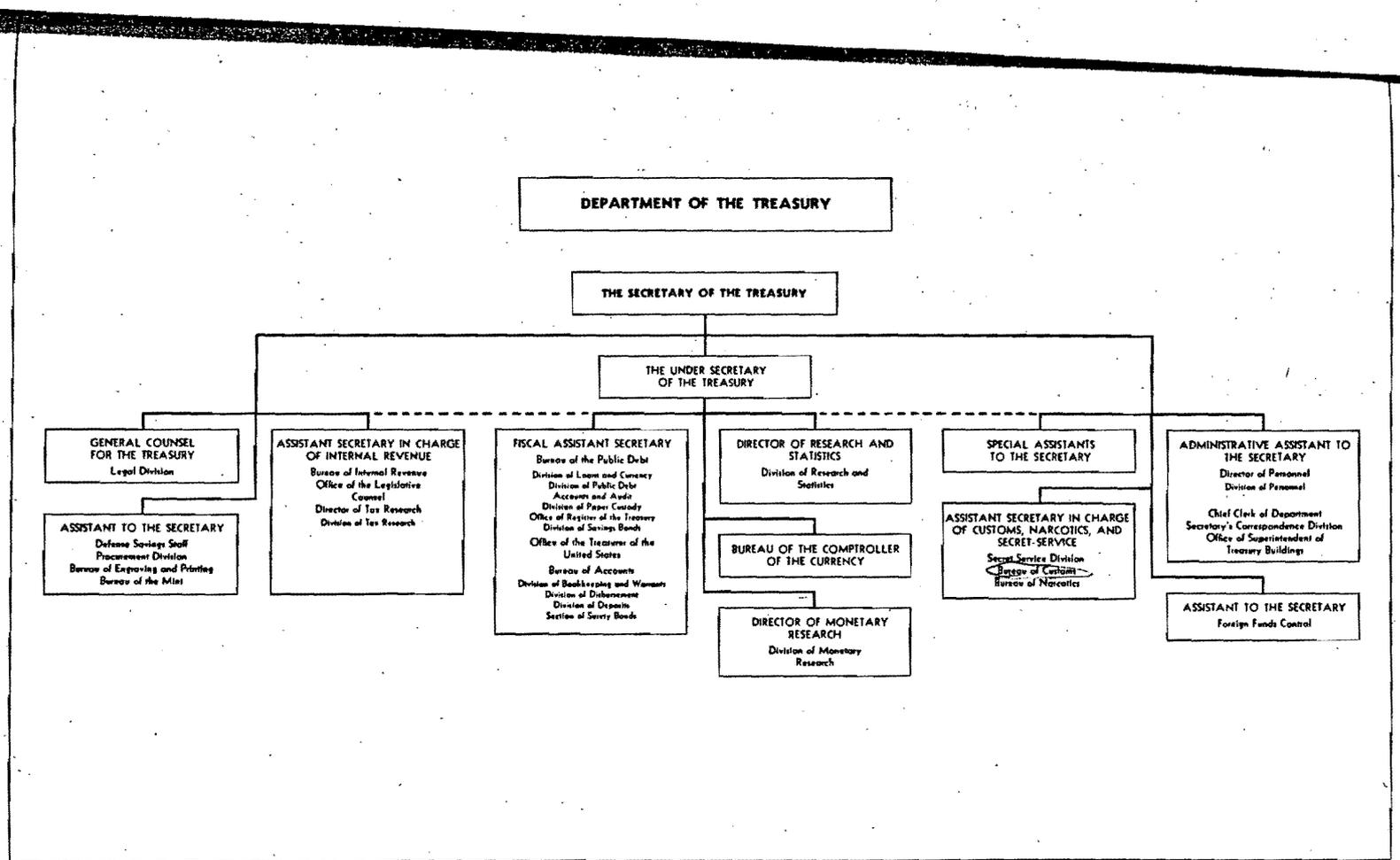
See also chart of the Office for Emergency Management and text on the National Defense Program

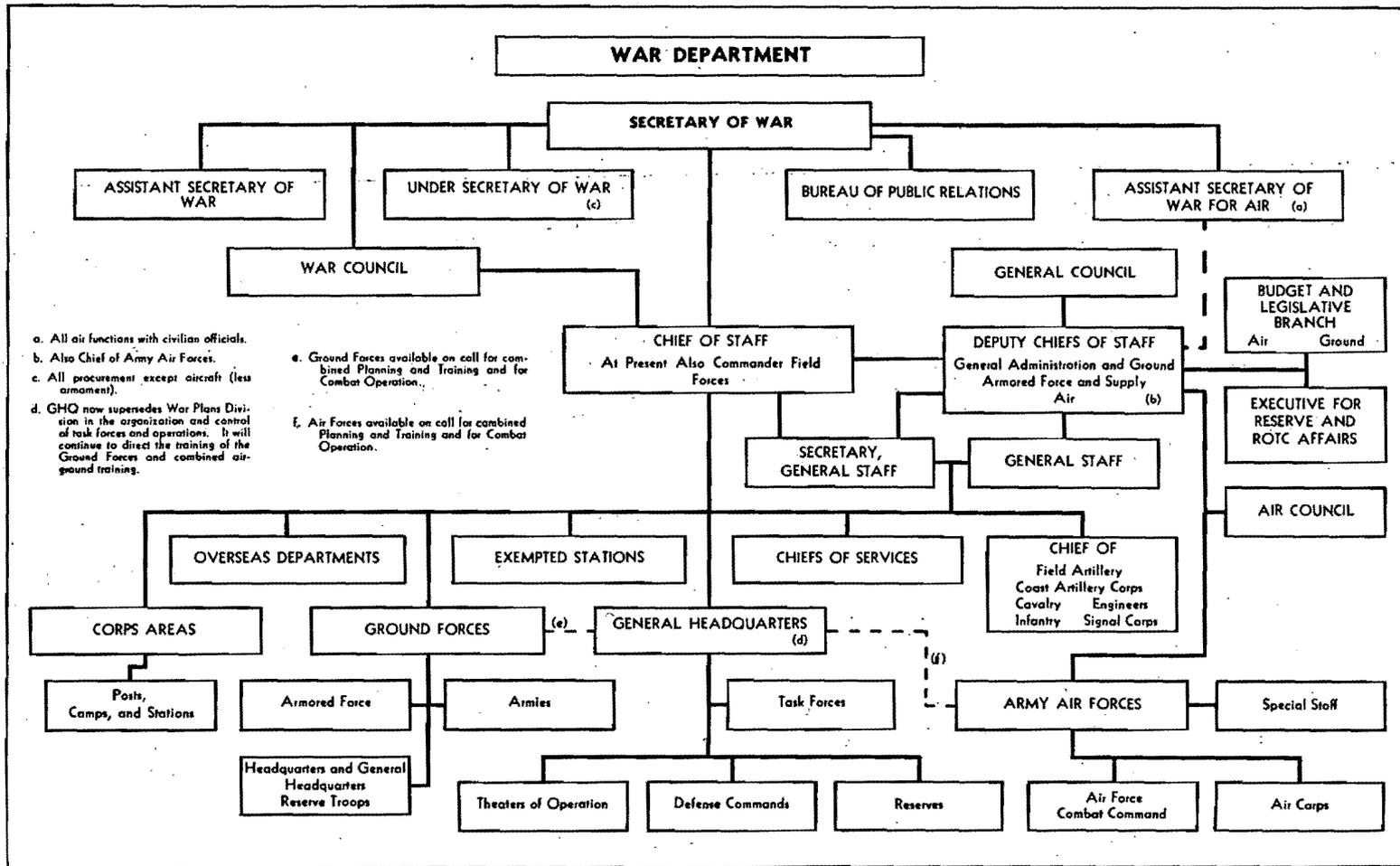
<sup>1</sup> With the exception of the Armed Services, this chart shows only the offices established as a result of the emergency. It is not meant to imply that most of the Federal departments and agencies are not integral parts of the National Defense Program.

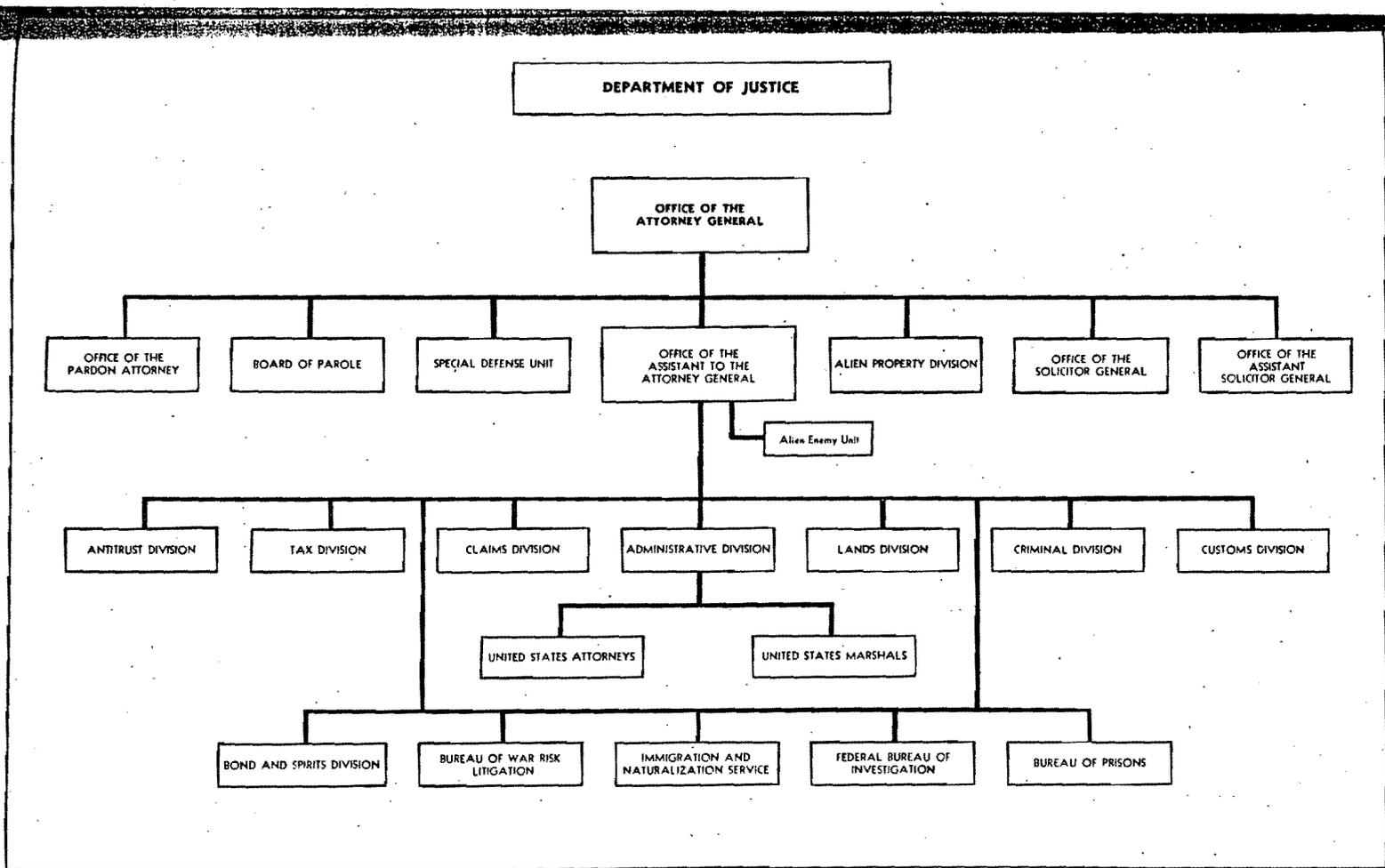


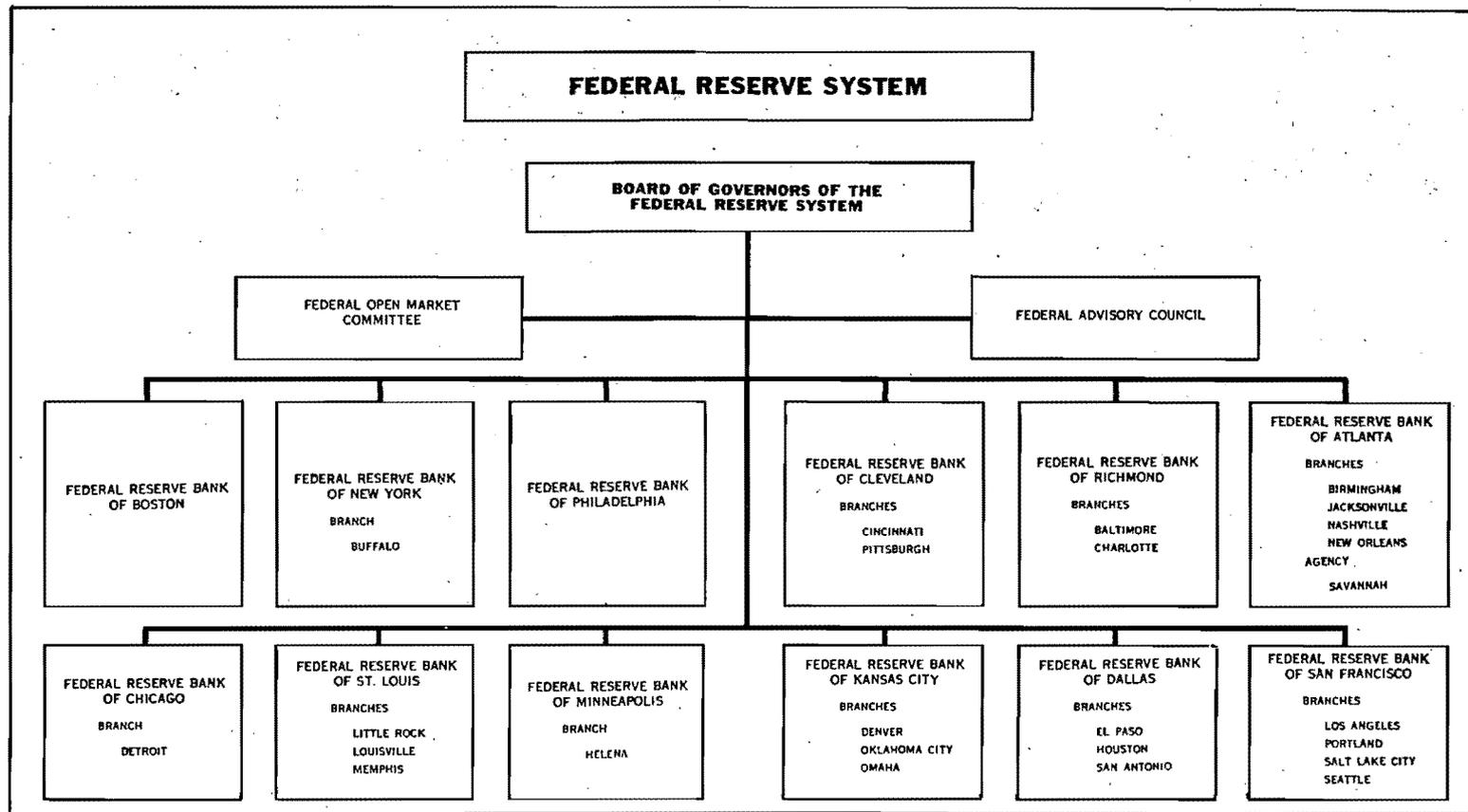












## Board of Economic Warfare

Temporary Building T, Fourteenth Street and Constitution Avenue NW.  
EXecutive 7030, Branch 411

### MEMBERS

Chairman (Vice President of the United States).....	HENRY A. WALLACE
Secretary of State.....	CORDELL HULL
Secretary of the Treasury.....	HENRY MORGENTHAU, JR.
Secretary of War.....	HENRY L. STIMSON
Attorney General.....	FRANCIS BIDDLE
Secretary of the Navy.....	FRANK KNOX
Secretary of Agriculture.....	CLAUDE R. WICKARD
Secretary of Commerce.....	JESSE H. JONES
Chairman of War Production Board.....	DONALD M. NELSON
Coordinator of Inter-American Affairs.....	NELSON A. ROCKEFELLER
Lend-Lease Administrator.....	EDWARD R. STETTINIUS, JR.

### STAFF

Executive Director.....	MILO PERKINS
Special Assistant to the Executive Director.....	E. W. GAUMNITZ
Assistant to the Executive Director.....	J. L. McCAMY
Assistant to the Executive Director.....	V. F. COE
Assistant Director in charge of Imports.....	MORRIS ROSENTHAL
Assistant Director in charge of Exports.....	HECTOR LAZO
Assistant Director in charge of Economic Warfare Analysis.....	WILLIAM STONE
General Counsel.....	MONROE OPPENHEIMER
Administrative Officer.....	DAVID B. VAUGHAN

**CREATION AND AUTHORITY.**—Executive Order 8982 of December 17, 1941, changed the name of the Economic Defense Board to the Board of Economic Warfare. The Economic Defense Board was established by Executive Order 8839 on July 30, 1941, “for the purpose of developing and coordinating policies, plans, and programs designed to protect and strengthen the international economic relations of the United States in the interest of national defense.”

The term “economic defense” was defined in paragraph 1 of the order as “the conduct, in the interest of national defense, of international economic activities including those relating to exports, imports, the acquisition and disposition of materials and commodities from foreign countries including preclusive buying, transactions in foreign exchange and foreign-owned or foreign-controlled property, international investments and extensions of credit, shipping and transportation of goods among countries, the international aspects of patents, international communications pertaining to commerce, and other foreign economic matters.”

**PURPOSE.**—The functions and duties given the Board by Executive Order 8839 are to:

“a. Advise the President as to economic defense measures to be taken or functions to be performed which are essential to the effective defense of the Nation.

"b. Coordinate the policies and actions of the several departments and agencies carrying on activities relating to economic defense in order to assure unity and balance in the application of such measures.

"c. Develop integrated economic defense plans and programs for coordinated action by the departments and agencies concerned and use all appropriate means to assure that such plans and programs are carried into effect by such departments and agencies.

"d. Make investigations and advise the President on the relationship of economic defense [as defined in paragraph 1] measures to post-war economic reconstruction and on the steps to be taken to protect the trade position of the United States and to expedite the establishment of sound, peace-time international economic relationships.

"e. Review proposed or existing legislation relating to or affecting economic defense and, with the approval of the President, recommend such additional legislation as may be necessary or desirable."

Executive Order 8839 directed that "the administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board." In order to facilitate such conformance, the order further provided that an officer or officers of each of the following departments and agencies, appointed with the approval of the Chairman of the Board of Economic Warfare, represent the department or agency in its continuing relationship with the Board: Departments of the Post Office, the Interior, and Labor, the United States Maritime Commission, United States Tariff Commission, Federal Trade Commission, Board of Governors of the Federal Reserve System, Securities and Exchange Commission, National Resources Planning Board, Board of War Communications, War Production Board, Office of Price Administration, Office of the Coordinator of Inter-American Affairs, Permanent Joint Board on Defense, Office of Lend-Lease Administration, and such additional departments and agencies as the Chairman may from time to time determine.

The Board of Economic Warfare is vested with the responsibility, jointly with the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, and the Coordinator of Inter-American Affairs, for the preparation of lists of persons deemed to be acting in collaboration with Axis powers against the interests of the United States.

#### ACTIVITIES

**OFFICE OF EXPORTS.**—By Executive Order 8900, dated September 15, 1941, the Board of Economic Warfare is vested with authority over export control under section 6 of the act of July 2, 1940 (54 Stat. 714; 50 U. S. C. 701), including the authority to issue or deny licenses for the export of goods and commodities. In the administration of this authority, the Office of Exports directs the flow of commodities in commercial export channels in such a way that the power of supply can be used as a positive economic weapon in the successful prosecution of the war. Specifically—

1. The flow of materials either directly or indirectly to unfriendly nations and unfriendly consignees must be prevented.

2. Unwarranted depletion of stocks of critical and strategic materials in the United States must be prevented.

3. Civilian operations abroad which directly or indirectly contribute to the military operations of the United Nations must be supplied.

4. Industries and development projects located abroad producing materials required by the United States in its war effort must be supplied.

5. Essential needs of friendly countries abroad must be supplied, namely: (a) materials for their defense efforts, (b) materials necessary to maintain their public health or morale, and (c) materials necessary to the maintenance of their basic industries.

It is a major task of the Office of Exports to advocate release of materials from United States stockpiles to aid friendly countries in meeting their obligations as contributing partners in the war effort of the United Nations and in satisfying their essential economic needs, without permitting too drastic depletion of domestic stores or allowing such materials to fall into unfriendly hands.

Under Executive Order 8942, dated November 19, 1941, the Board of Economic Warfare is authorized to "requisition and dispose of property," pursuant to the acts of October 10, 1940 (54 Stat. 1090; 50 U. S. C. 99 note), and October 16, 1941 (55 Stat. 742; 50 App. U. S. C. 721-22), when requested to do so by the War Production Board. The Executive Director of the Board of Economic Warfare is further authorized, under this order, to "initiate action for the requisitioning of property by submitting proposals for requisition and disposition" to the War Production Board. The submission of such proposal is subject to the findings necessary under the acts, which are to be made by the Executive Director. The Executive Director is authorized to requisition and dispose of property if the War Production Board finds such requisitions and disposal to be consistent with the priorities and allocation program. He is also authorized to determine the amount of fair and just compensation of any property so requisitioned.

Under Executive Order 8926, dated October 28, 1941, establishing the Lend-Lease Administration, master lend-lease agreements are required to be negotiated by the State Department with the advice of the Lend-Lease Administration and the Board of Economic Warfare. Also, under this order, the Lend-Lease Administrator is required to make appropriate arrangements with the Board of Economic Warfare for the review and clearance of lend-lease transactions which affect the economic defense of the United States as defined in Executive Order 8839.

**OFFICE OF IMPORTS.**—Under Executive Order 9128, dated April 13, 1942, the Board of Economic Warfare is vested with final responsibility for the procurement of materials and commodities required to be imported for the war production effort and the civilian economy, including the development, production, and, in some cases, the disposition of such materials and commodities. In addition, the order directed the Board to "determine the policies, plans, procedures; and methods of the several Federal departments, establishments, and agencies with respect to the procurement and production of such materials and commodities, including the financing thereof; and issue such directives, or initiate such proposals with respect thereto as it may deem necessary."

Besides directing the procurement from world sources of available supplies of critical and strategic materials, the Office of Imports intensifies the development of materials in new areas to replace old sources cut off by enemy action; plans purchases to help maintain domestic economies in friendly countries; and plans and directs preclusive buying to keep commodities out of the hands of Axis nations. The Office of Imports is also responsible for arranging and providing for the receipt of imported commodities as reciprocal aid from foreign governments in connection with the Lend-Lease Act.

**OFFICE OF ECONOMIC WARFARE ANALYSIS.**—Strategy for the campaigns of economic warfare is prepared in the Office of Economic Warfare Analysis on the basis of running analyses kept of the economic position of each country. Close working relationships are maintained with the British Ministry of Economic Warfare in compiling an exhaustive economic intelligence file. Information thus made available helps determine blockade action to keep vital supplies from the enemy, and directly assists the Army and Navy by helping to answer military questions of supply, transportation, and attack on industrial objectives.

Studies made by the Office of Economic Warfare Analysis of ways to help friendly countries to build up their economies and keep them going are an important basis for programs developed by the Offices of Exports and Imports. Frequently technical experts and experienced operating men are sent to friendly countries on a partnership basis to help realign and develop natural resources and industrial organizations. In close cooperation with Army and Navy air services, the Office of Economic Warfare Analysis has made possible the development of a fast and efficient pick-up service for importing vital supplies on transport planes returning from military missions.

Approved.

HENRY A. WALLACE  
*Chairman*

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**United States  
Government Manual**

**Summer 1943** ]  
( Revisions through May 15 )



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OFFICE OF WAR INFORMATION  
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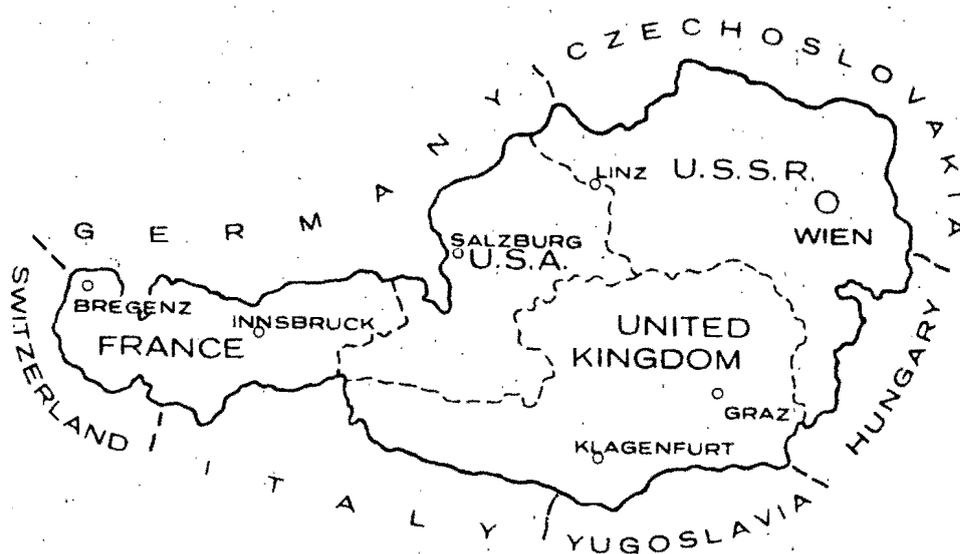


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File 1-13  
Box 1



# MILITARY GOVERNMENT AUSTRIA



## *Report of the United States Commissioner*

*November 1945*

*No. 1.*

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## VIENNA AREA COMMAND

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f. Demolition of Buildings. Three buildings were blasted in the International Zone.

g. Sewage. 1321 damaged places reported, 848 repaired, 98 being repaired. An average of 900 workmen, 40 contractors, 10 trucks and 24 horse-drawn cars were used daily.

h. Bridges. The Kagran bridge was opened on the 22nd of the month. Pavement on the Augarten bridge is about completed. The end of the Schweden bridge was raised 27 feet. Final repairs were made on Aspern bridge which was opened for traffic on 24 November 1945. Bridge work this month:

Completed	2	
Under construction	13	
Contractors	10	(average)
Workmen	211	(average)
Trucks	8	

i. Streets. 218 craters repaired, 585 workmen (average), 15 contractors (average), 24 motor vehicles (average), and 100 wagons drawn by horse (average).

j. Snow Removal. The city has 76 small prime movers weighing about 2½ tons equipped to tow trail plows. The street car company has cars fitted up with plows to clear tracks, and the U. S. Engineers have two six-ton trucks fitted with snow plows. All of this equipment is inadequate to clear the streets in a case of a heavy snow fall. Fitting trucks with plows is not satisfactory since trucks heavy enough for this type of work are not available. Vehicles with steel tracts will slip on streets and bull dozers are not suitable. It has been determined that only trucks weighing 4 to 6 tons and on rubber tires will be suitable and efficient.

k. General. Progress of repairs of war damages in the American Zone in percentage of hours is as follows:

	30 Nov	31 Oct
Street repair	45.4%	35.3%
Water system	45.2%	40.0%
Sewage system	52.1%	41.0%
Building repairs	0.97%	0.8%
Debris clearance	49.6%	49.0%

### PROPERTY CONTROL

a. Business enterprises, real estate and personal properties taken under the custody and control of this office during the month of November totaled approximately one hundred and ten. All of these property interests were owned by American nationals or nationals of the United Nations. One-third of these properties were posted with the protective notices. Of the remainder, investigations are in progress determining the American and United Nations interest involved. In all cases where Public Administrators have been appointed by the Austrian government, Property

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NOVEMBER 1945

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## VIENNA AREA COMMAND

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Control continues to advise them of the new situation and responsibilities and duties involved. In compliance with Military Government Instructions No. 17, dated 8 September 1945, all properties under control of this office, where protective notices were issued, were allotted serial numbers for identifying purposes.

b. A list, showing the name and address of the American or United Nations national owner, the address or location of the property involved, and its general description has been prepared of all properties registered with this office located in Russian controlled Bezirks of Vienna.

c. Forms MG/APC 2 have been distributed to the Administrators and Managers of all property interests under control of this office where protective posters have been issued. It is expected that these forms will be completed and returned within the first week of December. Thereafter Forms MG/APC 2 will be completed for all other properties registered with this office.

d. The French Occupation Forces in Vienna have been serving notices on all business enterprises located in their zone of occupation requiring said business enterprises to submit inventories and financial reports. In some cases they have blocked the transfer or sale of raw materials and finished products. However, the French Occupation authorities have agreed to exempt American or United Nations nationals' property interests which are under control of the American Property Control Sub-Section.

### 3. PUBLIC HEALTH

a. General Health. The general health of the civilian population of the city of Vienna is essentially unchanged from previous months. The final reporting on the death rate per 1000 people per month by the Social Ministry has not been received for the months of October and November 1945. For September, the civilian death rate was 3 per 1000 per month, which contrasts to the rate of 1.4 per 1000 per month for the month of September 1944. Thus the rate for all intents and purposes is essentially high. There is no reason to believe that it is any lower for October and November. However, between 80 to 90% of the deaths are falling in the age group over 60 years of age, and the increase in the civilian death rate is, for the most part, made up of individuals in this particular age group. The infant mortality rate for October was 142.58 per 1000 live births, which is in contrast to the rate of 50 deaths per 1000 live births of infants 0-1 year of age for October 1944. The general health of the population in spite of a diet which is minimal in caloric requirements and which fulfills none of the requirements for essential food stuffs, such as animal protein, vitamins (with the exception of the Vitamin B complex) and essential minerals, the public fail to show overt signs of extensive malnutrition, vitamin deficiency diseases, or even sub-clinical avitaminotic conditions. This is, in short, a paradox, but must be held with some degree as reservation because an extensive and thorough investigation of this problem has not been conducted by the American Armed Forces since September 1945. To submit a brief statement, criteria based on

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NOVEMBER 1945

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## REPARATIONS, DELIVERIES & RESTITUTION DIVISION

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### SYNOPSIS

The month of November 1945, has been a month of increased progress in taking under control properties of United Nations nationals and of the German Government and its nationals. The prevention of the dissipation of assets and the preservation of the income derived therefrom has been accomplished. A workable system of property control has been established with standardized and simplified property control forms, applicable to all Lands, having been issued. An increasing number of claims and inquiries have been received from both our State Department, representing the interests of its nationals, and from individuals. These claims and inquiries have been processed promptly, and the desired information furnished, whenever possible.

The locating of displaced art and cultural objects is nearing completion, with the major portion of the Non-Austrian objects in art collecting centers or restored to the rightful owners. Problems of transport and packing material were solved and the objects were removed from the various caches hidden in the mountains before the winter snows made the roads impassable. The Austrian collections of art and cultural objects will be turned over to the Austrian government when a responsible Austrian guard can be furnished for the various deposits. Military guards are being used on only two of these deposits at present. One shipment of paintings, tapestries, and sculpture has been returned to the Austrian government in Vienna. The more famous of these paintings will be shown in the exhibit at the Vienna Museum scheduled to open on 15 December.

Another important phase of the work of the Monuments and Fine Arts Branch is the restoration of war-damaged buildings of historic and artistic significance. As the major portion of these buildings are in the International Zone in Vienna, the projects are handled on a quadripartite basis. Temporary measures are being taken to preserve the interior of these buildings from the winter snows and rains, with the permanent repairs to be started as soon as weather will permit in the spring.

The progress in the salvaging archives has been retarded by a lack of properly trained personnel. This work involves a mass of detail and painstaking research.

Action on reparations has not been taken pending further interpretation of the Potsdam Protocol.

Restitutions have been limited to fine arts and cultural objects. Valuable collections of these looted objects have been returned to France, Netherlands, Russia, and Austria. These are to be followed soon by others. The Austrian restitution included the return of one of the largest radium collections in Europe, to the Radiological Institute in Vienna. There has been one exception to the policy of making restitution of art and cultural objects only to the Allied Nations. This exception was the return of the highly significant Sacred Hand of St. Stephan to the Hungarians. This gesture had a tremendous morale effect on the devout Hungarian people.

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NOVEMBER 1945

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R. D. & R. DIVISION

PROPERTY CONTROL

PROPERTY CONTROL

1. General.

In analysing the general mission of the property control function of Military Government it was realized that a priority rating must be set up for the work to be accomplished. The most important function of property control is the protection of property against undue loss, either through looting, dissipation of assets due to poor management, or lack of care and maintenance. As business enterprises will suffer the greatest loss of capital when improperly administered, the Land Property Control Officers were instructed to make a special effort to take that category of property under control, with real estate and farm lands following in that order of priority. Emphasis was next placed on getting as many pieces of property as possible under control by posting the property and appointing the Administrators and later securing the financial reports and statistical data for completed records. This has resulted in a condition where, although a great number of properties are actually under control, the completed records are not on file in the Property Control Branch of the Reparation, Deliveries and Restitution Division. This condition is illustrated graphically in Chart V.

Another prime reason for the necessity of a stringent priority system was the inadequacy of Property Control personnel, both in quantity and in experience. A temporary alleviation of this critical condition has been the securing of Officers and Enlisted Men, on a temporary duty basis, from tactical field forces to work under the direct supervision of the experienced personnel available. This is a stop-gap measure and real progress will be contingent on the securing of permanent personnel.

2. Categories of Properties:

Although many properties subject to control still remain outside the jurisdiction of property control officers, enough data has been accumulated to indicate a definite trend in the classes and categories of controlled properties. The following is a brief discussion, with related charts, of the various types of properties:

a. Business Enterprises. (See Chart I)

A total of two hundred and twenty-one (221) business enterprises have been taken under control as of November 30, 1945. Of this number, forty-three (43) are in Land Salzburg, one hundred seventy-seven (177) in Land Oberoesterreich and one in Vienna. These represent the most complicated of the properties to supervise and administer. The policy of Property Control provides for management through the appointment administrators, in such a manner as to realize the maximum benefits possible for either the United Nations' nationals owner or the ultimate reparation account.

b. Real Estate. (See Chart II)

A total of three hundred and one (301) real estate properties have been taken under control as of 30 November 1945. Of this number, one hundred seventy-nine were in Land Salzburg and one hundred twenty-two (122) were in Land Oberoesterreich. A large majority of these properties are either owned by Allied Nations' nationals, or are alleged to have been the subject

NOVEMBER 1945

of forced sale. The next largest category is that of property formerly belonging to Nazi Party members. This class of property is largely non-income producing and will probably revert, at a later date, to the Austrian government for disposition.

c. Currency and Precious Metals. (See Chart III).

A total of twenty-five (25) separate caches of currency, gold, silver, or other metals have been located and taken under control. This was largely the property of the German Government. This category will not show an increase unless additional caches are found.

d. Works of Art. (See Chart IV).

Seven collections of art and cultural objects have been taken under control with one collection having been returned to its rightful owner as of 30 November 1945. (See Part II - Monuments and Fine Arts for additional details).

e. Other Properties. (See Chart IV)

There have been thirty-nine (39) properties of a diversified or "catch-all" category taken under control as of 30 November 1945. Two (2) groups of this category have been returned to the rightful owners.

f. Summary

Properties of all classes and description under control as of the period covered by this report, total five hundred ninety (590).

	<u>Business Concerns</u>	<u>Real Estate</u>	<u>Currency &amp; Precious Met.</u>	<u>Art Objects</u>	<u>Other Property</u>	<u>TOTAL</u>
Allied Nations' nationals	12	52			2	66
Austrian State	3	21	3	3	2	32
Nazi Party & Party Leaders	67	175			24	266
Other Enemy Govts. & Nationals	11	10	6	2	5	34
German Govt. & Nationals	127	37	16	1	4	185
Other Property	<u>1</u>	<u>6</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>7</u>
<b>Totals</b>	<b>221</b>	<b>301</b>	<b>25</b>	<b>6</b>	<b>37</b>	<b>590</b>

## II. MONUMENTS AND FINE ARTS

### 1. General.

The month of November 1945 brings the Monuments and Fine Arts work of the United States Forces in Austria into the "home stretch". The work which started prior to 1 August 1945, under the supervision of highly skilled and thoroughly experienced personnel, has been systematically carried to a point where the task of completing the restoration of displaced art and cultural objects in Austria is reduced to a few minor details.

There remains as unfinished work the restoration of the war-damaged buildings of historic and artistic significance. The preliminary work required

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NOVEMBER 1945

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R. D. & R. DIVISION

MONUMENTS & FINE ARTS

to set up projects for restoration has been accomplished. The starting of actual construction is contingent on the availability of labor, material, transport and suitable weather. As the work is centered in the international zone of Vienna it is handled on a quadripartite basis. In the majority of cases provision has been made for the erection of temporary shelters to prevent further damage to the interiors from the weather.

2. Deposits.

Twenty-two (22) deposits were located in Land Salzburg and nineteen (19) in Land Oberoesterreich. Of the total of forty-one (41) deposits, twenty-eight (28) contained Austrian material only, and the remaining thirteen (13) contained both Austrian and Non-Austrian objects. The policy has been to clear those deposits which contain non-Austrian art and send the material to Collecting Points for later restitution to the owner nations. The Austrian museum officials have been encouraged to clear their own deposits as rapidly as possible, the necessary assistance being furnished by the United States MFA officers. The collections will be handed over to the Austrian Government at the earliest practicable time.

CLEARANCE CHART OF NON-AUSTRIAN COLLECTION

<u>Location</u>	<u>Cleared</u>	<u>Partially Cleared</u>	<u>To be Cleared</u>
Alt Aussee		X	
Bad Aussee	X		
Fischorne		X	
Hallein	X		
Kogl			X
Leopoldskron			X
Lichtenberg		X	
Michealbeuren			X
Mittersill		X	
Mondsee			X
St. Florian			X
St. Gilgen	X		
Sieghartstein			X
Totals	3	4	6 *

\* Four (4) of the six (6) deposits remaining to be cleared contain only a small amount of material. Kogl and Mondsee deposits have a considerable amount of material.

3. Collecting Points.

Three Art Collection Points are being used at present. The Collecting Point at Munich serves as the reception center for those art objects of Non-Austrian ownership which were removed from the mine at Alt Aussee.

The Abbey at Kremsmunster is the Collecting Point of the Austrian art material which is being returned to Austria from Munich.

The Property Control warehouse in Salzburg is used as the Collecting Point for all non-Austrian art evacuated from deposits other than the mine at Alt Aussee.

NOVEMBER 1945

## 4. Work Accomplished.

a. The first of the projects undertaken was the clearance of the mine at Alt Aussee. There was a two-fold reason for giving this collection first priority of attention.

- (1) The importance and great numbers of objects comprising the collection.
- (2) The mine at Alt Aussee is located in mountainous terrain and the approach of winter would render the roads hazardous for transport of art objects.

This project was started in July by specialists of the Third Army. When the command of this area was shifted to USFA, a slight delay was experienced while permission was being secured to continue the evacuation of the contents of the mine to the American Collecting Point for Displaced Art in Munich. The facilities available at Munich are such that the inventorying and cataloguing can be carried on with speed and accuracy due to the reference library available there. A representative of the MFA, USFA, was sent to Munich to supervise and control the project at the Collecting Point. Two officers were furnished by MFA, USFET, to supervise the actual operation at the mine. The trucks, truck crews, and packers were supplied by Third Army. Approximately five thousand (5000) objects were removed comprising eight-six (86) truck loads. The mine was completely cleared of Non-Austrian art on 2 November. The Library of the German Archaeological Institute, also stored in the Alt Aussee mine, comprising 15000 cases is now in the process of being removed.

b. The Hertziana Library which had been removed from Rome on orders from Hitler and stored in the salt mine at Hallein, near Salzburg, and in the castle of Lichtenberg, has been moved to the Property Control Warehouse in Salzburg. This operation was completed 9 November.

c. The entire contents of Villa Welz, at St. Gilgen, which included many French paintings, prints, ceramic and art literature, has been removed to the Property Control Warehouse in Salzburg. This collection was acquired by Herr Welz during the occupation of France by the Germans and was to be a part of the Landesgalerie in Salzburg.

d. The castle at Schloss Fischorne, which contained a large amount of material looted by the Nazis from the Museum and University Library at Warsaw, Poland, has been checked, inventoried and is being removed to the Property Control Warehouse in Salzburg. This operation will be completed by 15 December.

e. On 17 November a carload of paintings, tapestries, and sculpture was returned to Vienna and handed over to the Director of the Kunsthistorisches Museum as recipient for the Austrian Government. These objects had been stored in the mine at Lauffen, but had subsequently been removed by Nazi fanatics and were recovered by American troops and deposited in the Property Control Warehouse at Salzburg prior to being returned to Vienna.

f. On 27 November the first of several shipments of art objects belonging to Austria, which had been removed from the mine at Alt Aussee to the Collecting Point at Munich during the Third Army operation in July, was returned to the Collecting Point at Kremsmunster, Austria; when complete the collection will be taken over by the Austrian Government.

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NOVEMBER 1945

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**R. D. & R. DIVISION****MONUMENTS & FINE ARTS**

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g. The famous painting "The Artist at Work" by the Dutch 17th century artist Jan Vermeer, and formerly in the Czernin Collection in Vienna, was returned to the Austrian Government. This painting had been appropriated by the SS for the Hitler Museum at Linz. It was later taken to Alt Aussee and eventually to Munich. Delivery was made to the Director of the Kunsthistorisches Museum, who received it for the Austrian Government on 28 November.

h. A token delivery of art objects was made on 20 November by an officer representing the Netherlands. This delivery involved thirty-one (31) paintings which had been looted from the Netherlands during German occupation.

5. Work Remaining to be Done.

Work is in progress or projects have been set up on all remaining work of the Monuments and Fine Arts Branch.

a. A program of urgent repair projects for war-damaged buildings of historic and artistic importance has been drawn up by the MFA representatives of the Four Occupying Nations with the assistance of the Austrian Monuments officials. This program includes repairs and restoration of the following buildings:

- (1) The Stephansdom
- (2) The Augustinerkirche
- (3) The Salvatorkirche
- (4) The Rupprechtskirche
- (5) The Savoyische Damenstift
- (6) The Albertina
- (7) The Kunsthistorisches Museum
- (8) The Lichtenstein Winterpalais

The permanent repairs on these structures will start when the necessary materials, and labor are available and weather conditions will permit.

b. There remains at the mine at Alt Aussee, the Library of the German Archaeological Institute from Rome, packed in 1500 cases. This library will have been moved to the Property Control Warehouse in Salzburg by 15 December.

c. All material looted by the Rosenberg Organization and stored, at present, at Schloss Kogl, will be removed to the Collecting Point at Munich by 26 December.

d. The art material now in process of being moved from Schloss Fischorne and Schloss Mittersill to the warehouse in Salzburg will be completed by 15 December.

e. The final shipment of Austrian art from the Collecting Point at Munich to the Abbey of Kremsmunster will be made on 14 December.

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NOVEMBER 1945

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f. The musical instrument collection originally from the Museum at Nuernberg, now at Schloss Sieghartstein, will be moved to the Property Control Warehouse in Salzburg by 30 December.

### III ARCHIVES.

Progress in the salvage of archives has been retarded by the absence of the Chief of Branch, who has been hospitalized for the past three months. He has now returned to duty and the staff has been further augmented by a civilian specialist from the States.

The Archives of the Court-Chancery, the Protocols of the Councils of Ministers, the Records of the Ministry of Justice, and the Patens of Nobility, are under control at Bad Ischl. These documents will be turned over to the Austrian Government when suitable housing and necessary transport are available for their return to Vienna.

Documents relating to militarism and Nazism have been turned over to the G-2 documents center.

Field inspections are in progress to check the handling of local archives in the Laender, by Military Government Teams.

### IV. REPARATIONS.

The Potsdam Protocol established the general policy for reparations in Austria. It did not, however, deal specifically with German-owned property in Austria. There is a large amount of property in Austria held under German title which may be subject to reparations as German external assets. The validity of the German ownership must be established. Policy governing principles to be applied in determining ownership of such properties are now under consideration on a governmental level. Allotments or removals on account of reparations will not be approved until a high level policy is formulated.

An operating procedure for handling the mechanics of reparation is being developed.

### V. RESTITUTION.

1. The initial restitution policy provided for only the return of identifiable works of art and cultural objects. In accordance with this directive the restitution of art and cultural objects, which were moved into Austria during German occupation, is being made and will be concluded at an early date.

2. Recent directives broaden the policy of restitution. Steps are being taken to implement the directives and to develop a uniform procedure. Under the interim policy the following governments have been invited to prepare consolidated lists of items taken by Germans in order to facilitate identification of such property in the United States Zone: France, Belgium, USSR, Luxembourg, Netherlands, Norway, Denmark, Poland, Czechoslovakia, Greece, Yugoslavia. Restitution during the interim period will be made only to the above mentioned countries. After each list has been examined by the Zone Commander, the several countries concerned will be permitted to send small missions into the Zone for identification of these items and to arrange for their return. To date, there have been no lists received from any nation. It is expected that these are being prepared for early submission.

3. All properties which may be subject to restitution are being taken under control, recorded and held pending developments.

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NOVEMBER 1945

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R. D. & R. DIVISION

PROPERTY CONTROL

### 177 BUSINESS CONCERNS LAND OBEROESTERREICH



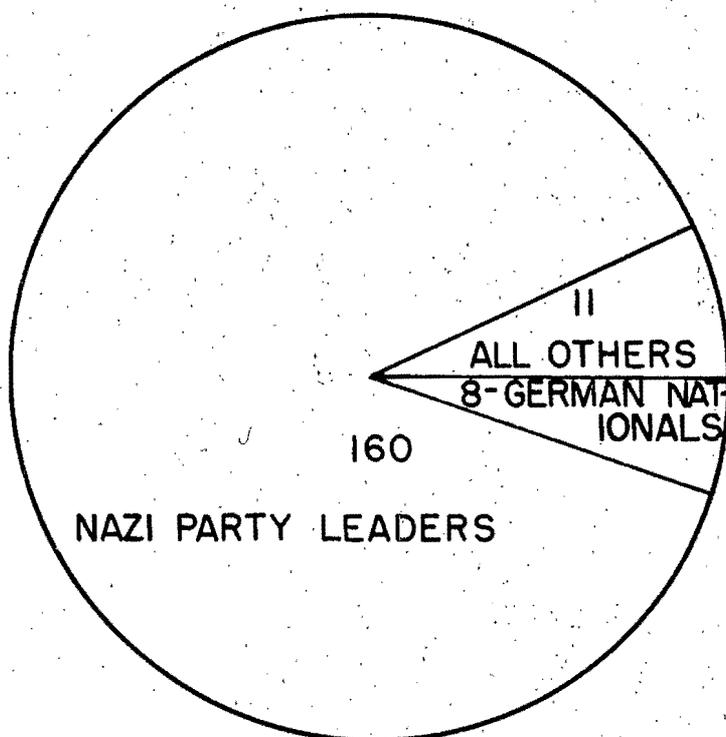
### 43 BUSINESS CONCERNS LAND SALZBURG



CHART I

NOVEMBER 1945

**179 REAL ESTATE PROPERTIES  
LAND OBEROESTERREICH**



**122 REAL ESTATE PROPERTIES  
LAND SALZBURG**

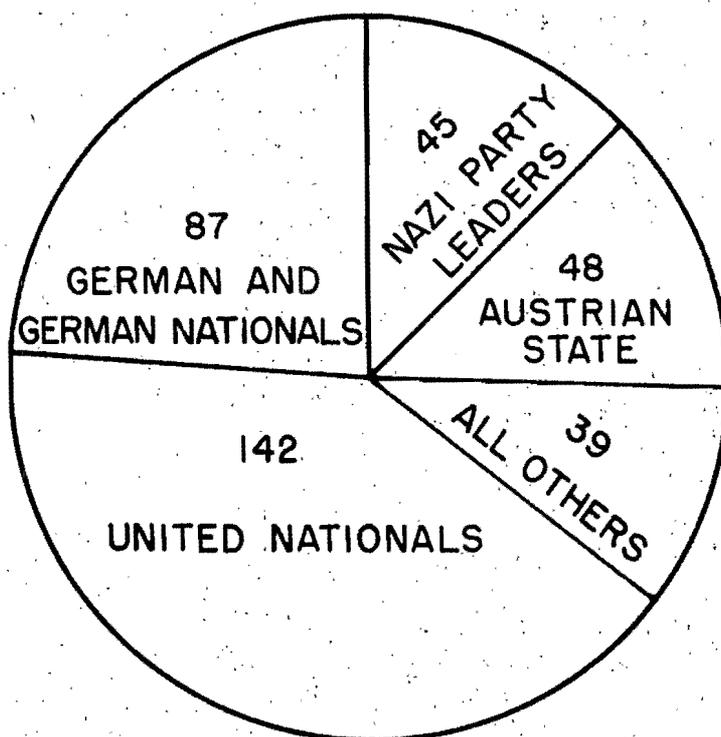


CHART 2

NOVEMBER 1945



R.D. & R. DIVISION

PROPERTY CONTROL

### 25 PROPERTY GROUPS CURRENCY & PRECIOUS METALS

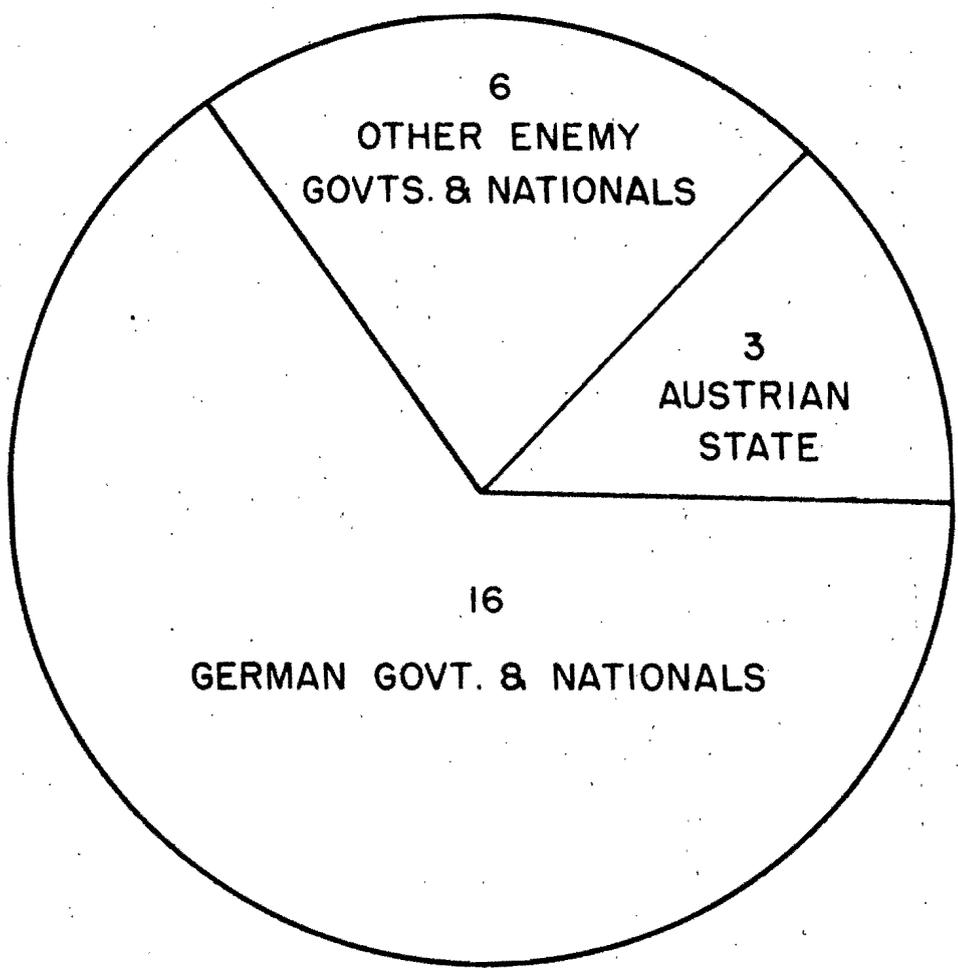
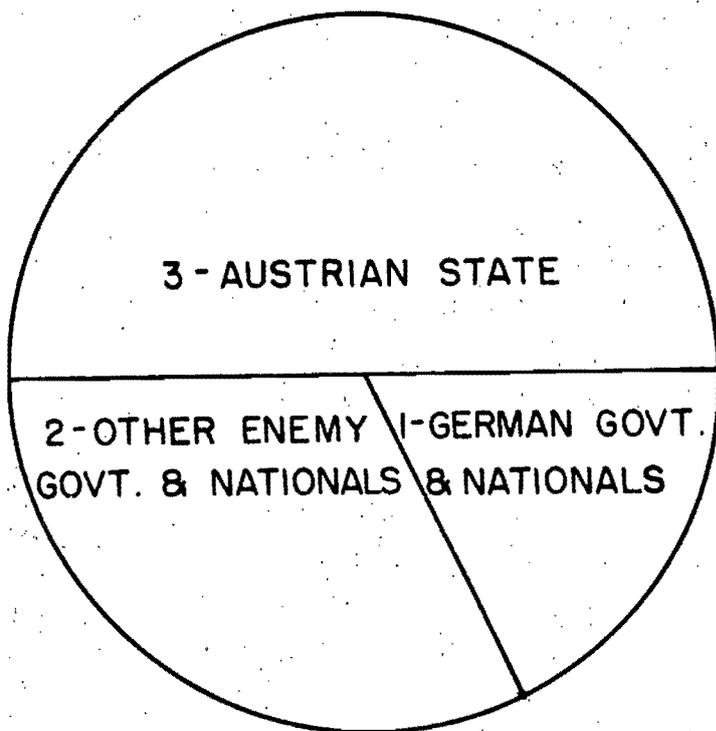


CHART 3

NOVEMBER 1945

### 6 GROUPS OF ART OBJECTS



### 37 OTHER PROPERTIES

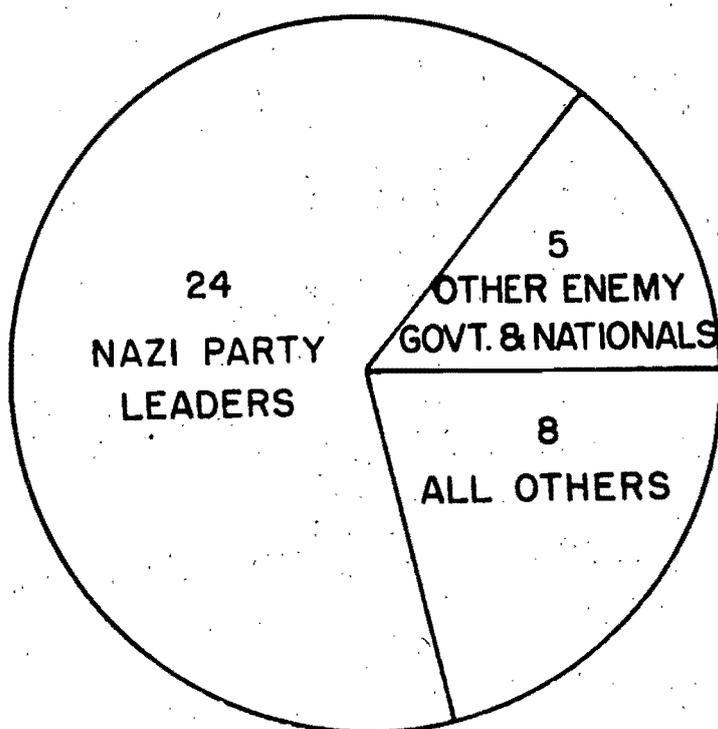


CHART 4

NOVEMBER 1945

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HOOPER INSTITUTION  
ON WAR, REVOLUTION AND PEACE



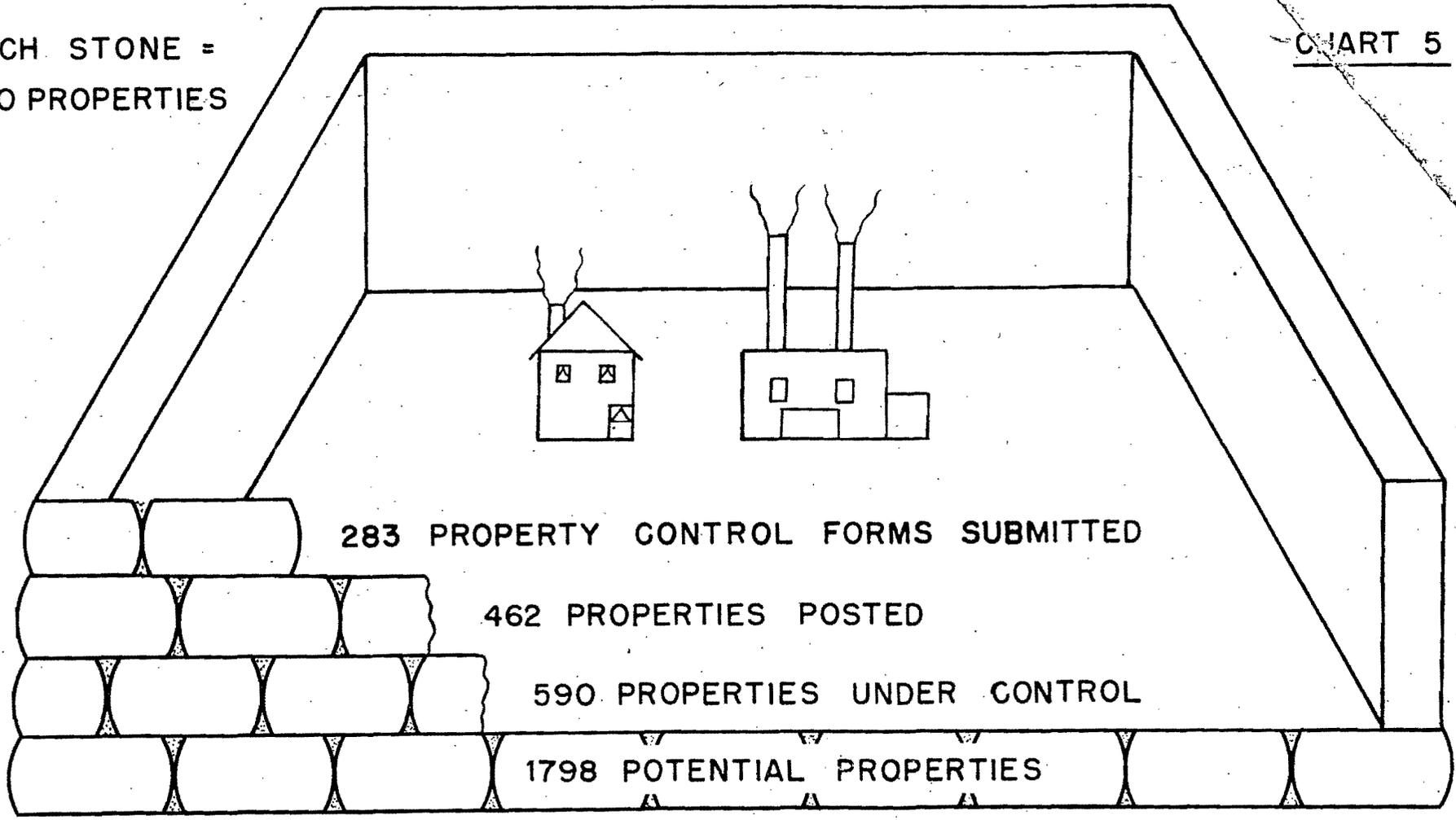
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PROPERTY CONTROL

R. D. & R. DIVISION

EACH STONE =  
200 PROPERTIES

CHART 5

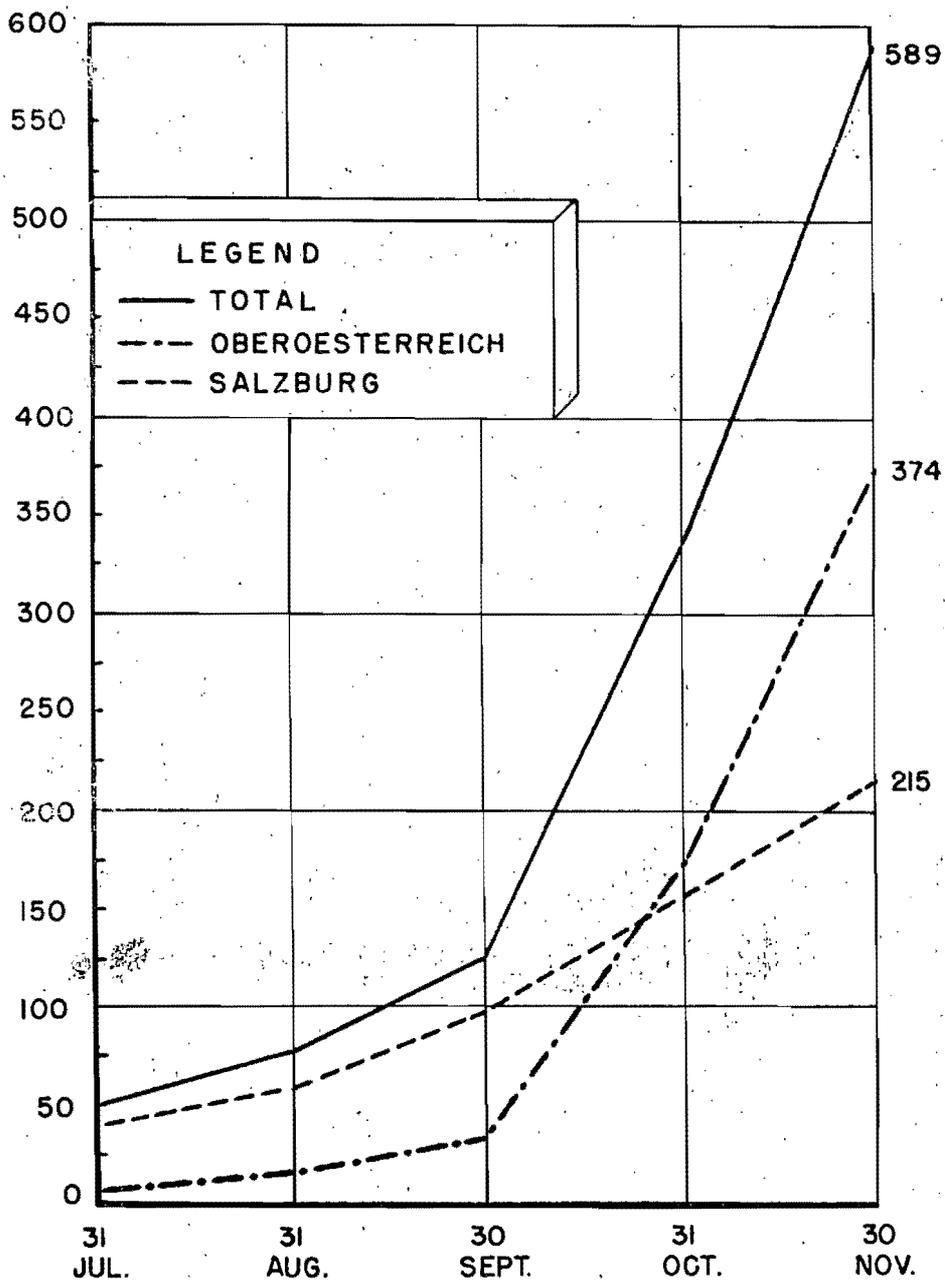


PROPERTY CONTROL PROGRESS CHART

NOVEMBER 1945

153

# MONTHLY SUMMARY PROPERTIES UNDER CONTROL



NOVEMBER 1945

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The Distribution of Books in Jewish DP Camps by American Joint Distribution

Committee (AJDC):

The American Joint Distribution Committee (AJDC) played a very important role in providing humanitarian relief to Jews in displaced camps throughout Europe. As part of its humanitarian effort, the AJDC distributed more than 20,000 books from OAD in different Jewish DP camps. However, because the AJDC violated its agreement with OMGUS for the loan of these books, the book distribution was halted by OMGUS in February 1947.

The AJDC made its first request to OMGUS for the loan of 25,000 books, to be distributed in Jewish DP camps, as early as November 28, 1945.<sup>1</sup> Judge Simon Rifkind, an Advisor to the Theater Commander on Jewish Affairs, made the request to OMGUS on behalf of the AJDC. This request was refused on December 15, 1945.<sup>2</sup> The reason for refusal was the MFA&A's fear that the loan would complicate the restitution process since it was still difficult to ascertain which books belonged to identifiable owners. In addition, Paul Vanderbilt, Technical Advisor for Archives and Libraries with the MFA&A, <sup>questioned</sup> stated that he doubted "whether the consideration of this removal as a 'loan' could be taken seriously in camps for displaced persons."<sup>3</sup> Vanderbilt was also worried that if such a loan were to be authorized, it would "open the doors" to similar proposals, resulting in the scattering of these materials.<sup>4</sup>

On January 9, 1946, Judge Rifkind made a personal request to General Clay on behalf of the AJDC.<sup>5</sup> In his request, Judge Rifkind described the efforts of UNRRA and Jewish voluntary organizations in creating educational and cultural programs in the DP Camps. He stated that the need for the requested reading materials was "acute" and that

<sup>1</sup> To Office of the Inspector General, from Richard H. Howard, Memorandum, "Report and Request for Investigation", 20 February 1947, NACP, RG 260, Ardelia Hall Collection, Box 66 [117138-117140]

<sup>2</sup> Sec To Office of the Inspector General, from Richard H. Howard, "Report and Request for Investigation", Memorandum, February 20, 1947, NACP, RG 260, Ardelia Hall, Box 66 [117138-117140].

<sup>3</sup> From Paul Vanderbilt to Capt. Ratsky, "Selection and removal of books from ROTHCHILD library building at request of Judge RIFKIND", 15 December 1945, NACP, RG 260, Box 721 [110495-110496].

<sup>4</sup> From Paul Vanderbilt to Capt. Ratsky, "Selection and removal of books from ROTHCHILD library building at request of Judge RIFKIND", 15 December 1945, NACP, RG 260, Box 721 [110495-110496].

<sup>5</sup> MFA & A to Office of the Inspector General, OMGUS, Memorandum, "Report and Request for Investigation", 20 February 1947, NACP, RG 260, Ardelia Hall Collection, Box 66 [117138-117140]

*with a description of this agreement precede this?*

*How was it still difficult? was it always difficult or did it become more difficult?*

*template? example*

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the DPs were "starved for reading and study materials."<sup>6</sup> Judge Rifkind suggested that materials for the loan be taken from Frankfurt and Offenbach, where "thousands of ordinary books of no historical or artistic merit" could be found.<sup>7</sup>

As part of an effort to ensure the approval of this request, Judge Rifkind proposed that three experts would ensure that no valuable items would be included in the loan. These experts were Professor Koppel S. Pinson, Professor of History at Queens College, New York;<sup>8</sup> Rabbi Alexander Rosenberg, member of the Executive Committee of Union of Orthodox Rabbis;<sup>9</sup> and Professor Samuel Sar, Dean of Yeshiva University in New York.<sup>10</sup> Judge Rifkind assured General Clay that "these men are eminently qualified to make a selection which would in no way prejudice the preservation of the historical, rare and valuable character of the collection nor interfere with its restoration to rightful owners."<sup>11</sup>

To further ensure that only unidentifiable books of no significant value would be included in the loan, the AJDC proposed the following guidelines in selecting the books:

"a. That no book be borrowed that is in any way unusual, irreplaceable, very valuable, or very difficult to procure. b. That no book be withdrawn that has been established as the property of any known institution or individual."<sup>12</sup>

With these guidelines, the pledge of <sup>the</sup> AJDC integrity, <sup>of the AJDC</sup> as a "financially responsible organization,"<sup>13</sup> and the personal recommendation of Judge Rifkind, General Clay approved the request on January 12, 1946.<sup>14</sup>

After the approval of the loan, various Jewish organizations expressed their concern. For example, Zorach Warhafid, a representative of the World Jewish Congress, reported that the Jewish DPs were pressing for study books. He noted that "they ask for

<sup>6</sup> To Lt. General Lucius Clay from Simon H. Rifkind, "Jewish Books", letter, 7 January 1946, NACP, RG 260, Ardelia Hall, Box 66 (P)

<sup>7</sup> To Lt. General Lucius Clay from Simon H. Rifkind, "Jewish Books", letter, 7 January 1946, NACP, RG 260, Ardelia Hall, Box 66 (P)

<sup>8</sup> Also Editor of Jewish Social Studies; Secretary of Commission for European Cultural Reconstruction; and Vice-chairman of Academic Council of Jewish Relations.

<sup>9</sup> Also founder and ex-president of Rabbinical Council of America, authority in the field of Rabbinic scholarship.

<sup>10</sup> Also Vice-president of Mizrahi.

<sup>11</sup> To Lt. General Lucius Clay from Simon H. Rifkind, "Jewish Books", letter, 7 January 1946, NACP, RG 260, Ardelia Hall, Box 66.

<sup>12</sup> MFA & A to Office of the Inspector General, OMGUS, Memorandum, "Report and Request for Investigation", 20 February 1947, NACP, RG 260, Ardelia Hall Collection, Box 66 [117138-117140]

<sup>13</sup> To Lt. General Lucius Clay from Simon H. Rifkind, "Jewish Books", letter, 7 January 1946, NACP, RG 260, Ardelia Hall, Box 66.

<sup>14</sup> To Judge Rifkind from Bryan L. Milburn, letter, 13 January 1946, NACP, RG 260, Ardelia Hall, Box 66.

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Q is there a word missing after simple?

simple, not rare copies or editions, but due to the lack of Jewish knowledge on the part of the librarian and his staff, mistakes can be made... one can only imagine how many valuable books will be among these volumes."<sup>15</sup> Another Jewish Organization, the JCR, was also concerned about the possible loss of books in DP camps. Joshua Starr, Executive Secretary of the JCR, stated in a report that although the texts shipped to the DP camps were considered a loan, "the possibility of their being returned is quite remote."<sup>16</sup> However, he did acknowledge that no valuable texts were shipped as part of this loan "as far as it is humanely possible to keep track."<sup>17</sup>

The procedure for the transfer of books to <sup>the</sup> AJDC was created by the MFA&A in February 1946.<sup>18</sup> According to this transfer procedure, Rabbi Rosenberg of the AJDC would make the initial selection of the books. After his selection was complete, Mr. Glen H. Goodman of the OAD would screen the selection and remove any books that might be identified for restitution. Captain Seymour Joseph Pomrenze, Director of OAD, would then review the selection to remove any rare or valuable books. Finally, Mr. Paul Vanderbilt, Technical Advisor to MFA&A, would draft the receipts to be used <sup>with</sup> when each transfer ~~was made~~.<sup>19</sup>

By June 1946, 19,127 Jewish books whose ownership or nation of origin could not be <sup>determined</sup> discovered were transferred to the AJDC.<sup>20</sup> These books were to be distributed in DP camps through UNRRA <sup>channels (?)</sup>.<sup>21</sup> The AJDC assured OMGUS that the responsible UNRRA officers in each camp were <sup>or would sign (?)</sup> signing receipts for each shipment. Copies of these receipts, as well as lists of the book titles distributed were, according to the AJDC, being kept in

<sup>15</sup> To J. Robinson from Zorach Warhaftig, "CC: Rabbi Federbush, Dr. Kubowitzki", Memo, January 18, 1946, American Jewish Archives, Cincinnati, Ohio, World Jewish Congress Papers, Box E10 [116082-116083].

<sup>16</sup> "Excerpts from Dr. Joshua Starr's Report dated Frankfurt, June 2, 1948", letter, American Jewish Archives, Cincinnati, Ohio, World Jewish Congress Papers, Box E10 [116063-116066].

<sup>17</sup> "Excerpts from Dr. Joshua Starr's Report dated Frankfurt, June 2, 1948", letter, American Jewish Archives, Cincinnati, Ohio, World Jewish Congress Papers, Box E10 [116063-116066].

<sup>18</sup> From H.D.M. Grier, Captain Information, Assistant Chief of MFA&A Section, "Archives-Offenbach Collecting Point", Memorandum, NACP, RG 260, Records of USA Headquarters, Box 720, [110561].

<sup>19</sup> From H.D.M. Grier, Captain Information, Assistant Chief of MFA&A Section, "Archives-Offenbach Collecting Point", Memorandum, NACP, RG 260, Records of USA Headquarters, Box 720, [110561]; See also To Col. Kluss, from Paul Vanderbilt, letter, 4 February, 1946, NACP, RG 260, Records of USA Headquarters, Box 720 [110560].

<sup>20</sup> To Mr. Cronin, Restitution Branch, from L.B. LaFarge, Major, "Jewish Cultural Material", Memorandum, 3 June 1946, NACP, RG 260, Ardella Hall, Box 66 [305581-305582].

<sup>21</sup> To Mr. Cronin, Restitution Branch, from L.B. LaFarge, Major, "Jewish Cultural Material", Memorandum, 3 June 1946, NACP, RG 260, Ardella Hall, Box 66 [305581-305582].

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the AJDC's office.<sup>22</sup> In addition, the AJDC assured that proper facilities would be available in each DP camp for the preservation of the books.<sup>23</sup>

According to a report by the AJDC, the following DP camps received books under the loan agreement: Aglasterhausen, Amberg, Backnang, Bamberg, Belsen, Berlin, Biberach, Deggendorf, Eschwege, Fahrenwald Feldafing, Freimann Siedlung Munich, Fulda, Furth, Geringshof, Heidenheim, Lampertheim, Landsberg, Leipheim, Mittenwald, Munich (Rabbinat), Pocking, St. Ottilien, Stuttgart, Zeilshiem, Frankfurt, Marburg, Bad Nauheim, and Gailingen.<sup>24</sup> The distributed books included German Jewish encyclopedias, dictionaries and handbooks, classics of Yiddish and Hebrew literature, general literature in German, English and French and rabbinical literature for the use of orthodox Jews.<sup>25</sup>

Throughout the process of distribution of books to the DP camps, the AJDC was criticized for its alleged mishandling of the books. For example, on January 12, 1947, Mr. Mordechai M. Breuer, an UNRRA Educational Officer at Bergen-Belsen wrote to the European Head Office of the AJDC complaining that identifiable books were sent to the camp by the AJDC:

Several months ago the Joint team at Bergen-Belsen received a great number of Hebrew and Jewish books which were sent to them by the AJDC, Frankfurt for the use of Belsen camp inmates. As Educational Officer at Belsen Camp, I took an interest in the matter. To my great astonishment I found among the books several which were clearly inscribed with the name "FANNY BREUER". I also found several other books by well-known German-Jewish orthodox writers such as S.R. Hirsch, parts of the title pages of which, where obviously the owner's name had been inscribed, had been cut away. All these books carried the stamp "AJDC LIBRARY- NOT TO BE REMOVED FROM PREMISES."

The discovery of the name mentioned above, the bearer of which, incidentally a cousin of mine, lives at Tel-Aviv, 4 Weisel Street, as well as other names of well-known Frankfurt families, must lead to the obvious conclusion that

<sup>22</sup> To John H. Allen from American Joint Distribution Committee, "Application for extension of loan from Offenbach Collection Point", letter, July 12, 1946, NACP, RG 260, Ardelia Hall, Box 66.

<sup>23</sup> To John H. Allen from American Joint Distribution Committee, "Application for extension of loan from Offenbach Collection Point", letter, July 12, 1946, NACP, RG 260, Ardelia Hall, Box 66.

<sup>24</sup> To John H. Allen from American Joint Distribution Committee, "Application for extension of loan from Offenbach Collection Point", letter, July 12, 1946, NACP, RG 260, Ardelia Hall, Box 66.

<sup>25</sup> Koppel S. Pinson, "Jewish Life in Liberated Germany: A Study of Jewish DP's", Jewish Social Studies 9 (April 1947), page 121. []

OMGUS MPAA officials or other critics

same place

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*spacing*

AJDC incorporated in their library many books the rightful owners of which are still alive in many parts of the world including Palestine and the U.S.A."<sup>26</sup> Mr. Breuer concluded the letter by acknowledging the importance of the use of these books in DP camps, but stated that he felt "bound to protest in the names of many Jews formerly resident in Germany, against this lawless handling of property whose ownership could, and can still, easily be established."<sup>27</sup>

In a response to Mr. Breuer's letter, the AJDC explained that because the books were issued as a loan, Dr. Koppel Pinson had each book stamped "AJDC library-not to be removed from the premises."<sup>28</sup> This measure was taken as simple precaution, although "it was expected that some of the books would be lost."<sup>29</sup> As for the ownership of the books, the AJDC explained that "our Army officials felt that some of the books might be claimed at a later date by the owners or their heirs."<sup>30</sup> Thus, Mr. Breuer's relatives from Palestine were advised to file an action in Palestine for the return of their books. However, the distribution of identifiable books to DP camps was a violation of the loan agreement between OMGUS and AJDC.

*criticism*

*ADJC*

*to reduce the # of books lost? how/why did they expect to lose books*

*maybe cite the original language*

The allegations against the AJDC continued when in December 1946, five boxes of Hebrew and Yiddish irreplaceable and very valuable manuscripts disappeared from the OAD.<sup>31</sup> The outgoing receipt for these boxes, which stated that they contained 1100 items, was signed to the AJDC in the name of Koppel Pinson.<sup>32</sup> After extensive investigation by the OMGUS, the boxes were eventually located in Hebrew University,

*the*

*stating*

*for?*

*OMGUS MFAA(?) OAD officials?*

*of the agreement to bring the point home*

<sup>26</sup> To The European Head Office, American Joint Distribution Committee, from Mordechai M. Breuer, letter, January 12, 1946 [year corrected to 1947], Central Archives for the History of the Jewish People, Jerusalem, Israel, JRSO NY, File 875 [115485].

<sup>27</sup> To The European Head Office, American Joint Distribution Committee, from Mordechai M. Breuer, letter, January 12, 1946 [year corrected to 1947], Central Archives for the History of the Jewish People, Jerusalem, Israel, JRSO NY, File 875 [115485].

<sup>28</sup> To AJDC Paris, attention Mr. Herbert Katzki, Secretary, from M. J. Joslow, Executive Assistant, AJDC New York, "Jewish Books in Belsen library", letter, February 5, 1947, Central Archives for the History of the Jewish People, Jerusalem, Israel, JRSO NY, File 875 [115483].

<sup>29</sup> To AJDC Paris, attention Mr. Herbert Katzki, Secretary, from M. J. Joslow, Executive Assistant, AJDC New York, "Jewish Books in Belsen library", letter, February 5, 1947, Central Archives for the History of the Jewish People, Jerusalem, Israel, JRSO NY, File 875 [115483].

<sup>30</sup> To AJDC Paris, attention Mr. Herbert Katzki, Secretary, from M. J. Joslow, Executive Assistant, AJDC New York, "Jewish Books in Belsen library", letter, February 5, 1947, Central Archives for the History of the Jewish People, Jerusalem, Israel, JRSO NY, File 875 [115483].

<sup>31</sup> To Office of Inspector General, OMGUS, from Richard F. Howard, Chief, MFA&A Section, "Report and Request for Investigation", Memorandum, February 20, 1947, NACP, RG 260, Ardelia Hall, Box 66 [117138-117139].

*it. "no books that have been established as the property of any known individual or institution..."*

where they were <sup>had been</sup> illegally sent, <sup>illegally could never prove</sup> OMGUS could not prove the involvement of the AJDC in this incident, but it <sup>was becoming increasingly</sup> became increasingly agitated by the AJDC's behavior.

In a letter to <sup>me</sup> AJDC on February 24, 1947, <sup>increasingly</sup> Theodore A. Heinrich, Chief of MFA&A, <sup>who</sup> wrote:

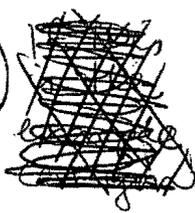
Your letter to Mr. Horne, Director of the Offenbach Archival Depot, announcing the appointment of Miss. Lucy Schildkret as the official representative of the AJDC to the Depot and as the only person authorized 'to draw books, manuscripts or ceremonial objects from the Offenbach Archival Depot for distribution to the Displaced Persons in Germany' has been brought to my attention.

I must point out, however, that the terms of the loans to the AJDC for supplying reading matters to the Displaced Persons Camps are confined to books of unidentifiable ownership. No person or organization has at any time been authorized to draw manuscripts or other unique objects on loan or for any other purpose save restitution to a claimant national when satisfactory identification and proof of ownership have been presented, and there is no likelihood that the policy in this respect will be altered.

This letter, as well as the other violations of the loan agreement, <sup>now</sup> prompted OMGUS to pay closer attention to the AJDC's activities.

On July 1, 1946 Koppel Pinson requested an additional 25,000 books as an extension of the original loan.<sup>34</sup> On June 17, 1947, Rabbi Bernstein, Advisor to the Theater Commander of Jewish Affairs, also requested consideration on behalf of the AJDC for this extension.<sup>35</sup> Before responding to this request, OMGUS requested that the AJDC submit a detailed report on the fate of the books drawn under the original loan agreement.<sup>36</sup> It had been six months since OMGUS received the last activity report from the AJDC, and it was concerned with the recent allegations <sup>that the AJDC was</sup> of mishandling of books by the AJDC.

Do you have any examples of this agitation?



Maybe add "Such agitation was evidenced in..."

If dates are correct flip the order in which they appear.

<sup>32</sup> To Office of Inspector General, OMGUS, from Richard F. Howard, Chief, MFA&A Section, "Report and Request for Investigation", Memorandum, February 20, 1947, NACP, RG 260, Ardelia Hall, Box 66 [117138-117139].

<sup>33</sup> To American Joint Distribution Committee, from Theodore A. Heinrich, Chief, MFA&A, "AJDC Representative at Offenbach Archival Depot", letter, 24 February 1947, NACP, RG 260, Ardelia Hall, Box 66.

<sup>34</sup> To Col. J.H. Allen, from Lester K. Born, "Loan of Jewish Books from Offenbach Archival Depot", Memorandum, February 27, 1947, NACP, RG 260, Property Division, Box 722.

<sup>35</sup> To Commander in Chief, European Command, from Rabbi Philip S. Bernstein, "Loan of Books from Offenbach Archival Depot to Jewish Displaced Persons Camps," RG 56----- <sup>date?</sup>

<sup>36</sup> To American Joint Distribution Committee, from John H. Allen, "Books loaned from Offenbach Archival Depot", letter, February 26, 1947, NACP, RG 260, Ardelia Hall, Box 66.

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When ~~the~~ Lucy Schildkret, the AJDC's representative, arrived at Offenbach in February 1947, the Office of Military Government of Greater Hesse was asked by the Economic Division of OMGUS to report on her activities in the Depot.<sup>37</sup> By the time of her arrival, the AJDC had distributed 20,201 books under the original loan agreement.<sup>38</sup> Miss Schildkret was working <sup>to</sup> at OAD to select <sup>the</sup> an additional <sup>the remaining</sup> 5,000 books of unidentifiable ownership under the original loan agreement <sup>for</sup> of 25,000 books. Without her knowledge, Miss Schildkret's activities were being reviewed by Joseph Horne, Director of OAD. In a report to OMGUS, Horne stated that the materials selected by Lucy Schildkret for distribution in DP camps were examined <sup>(u)?</sup> without her knowledge <sup>(u)?</sup> by Dr. Ernst Grummach, who reported that her work was in accordance with the regulations and restrictions of the AJDC's loan agreement.<sup>39</sup> Horne further reported that Schildkret investigated the AJDC files and was convinced that there were some irregularities. She felt that the AJDC could not account for as many as 10,000 books transferred to its custody.<sup>40</sup>

*unless*

Despite ~~these findings~~ <sup>selected</sup> by Lucy Schildkret, <sup>is</sup> Joseph Horne recommended that the 5,000 books already <sup>selected</sup> set aside by Schildkret be approved for shipment as the last disbursement for the AJDC. In his report to OMGUS Horne explained:

*It is clear that she is distressed by the mess which her predecessor (Koppel Pinson) made of the whole affair, and it is believed that she sincerely desires to clear up whatever irregularities can be cleared up. She has little sympathy with the motives which impel so many of her persuasion, for example she is not a Zionist, and she does not believe in grabbing everything which is not bolted down.*

*This irregularity then is an additional problem?*

*Lovely.*

<sup>37</sup> To Office of Military Government (US) from Joseph A. Horne, Director of Offenbach Archival Depot, "Loan of books to the American Joint Distribution Committee", Memorandum, March 3 1947, NACP, RG 260, Ardelia Hall, Box 66 [319149-319150]

<sup>38</sup> This number of books were distributed in 15 shipments from OAD. To Col. J.H. Allen from Lester K. Born, "Loan of Jewish Books from Offenbach Archival Depot", Memorandum, February 27, 1947, RG 260, Property Division, Box 722.

<sup>39</sup> To Office of Military Government (US) from Joseph A. Horne, Director of Offenbach Archival Depot, "Loan of books to the American Joint Distribution Committee", Memorandum, March 3 1947, NACP, RG 260, Ardelia Hall, Box 66 [319149-319150]

<sup>40</sup> To Office of Military Government (US) from Joseph A. Horne, Director of Offenbach Archival Depot, "Loan of books to the American Joint Distribution Committee", Memorandum, March 3 1947, NACP, RG 260, Ardelia Hall, Box 66 [319149-319150]

REPRODUCED AT THE NATIONAL ARCHIVES

Also, this would be the final loan under the terms of the original arrangement, and the Depot would have the organization off its neck for good and all.<sup>41</sup>

Although Horne recommended that the final transfer of 5,000 books under the original loan be approved, he did not support <sup>further?</sup> an extension of the loan agreement.

On February 27, 1947, Major Lester K. Born, ~~and~~ Archives officer with the MFA&A, wrote a lengthy report to Colonel J. H. Allen, Chief of the Restitution Branch, on the handling of books by the AJDC.<sup>42</sup> Born was alarmed to discover that some of the DP camps which received books from the AJDC have since been dismantled, and several, such as Belsen, were not <sup>even?</sup> in the American zone of occupation. Born also found that no lists of book titles sent to the DP camps could be found at the AJDC offices.<sup>43</sup> He concluded that the AJDC "is not the proper agency with which to deal, because of (1) past record in relation to OAD, and (2) channels of responsibility."<sup>44</sup> He recommended that "no further loan of books, to any agency for any purpose, be made at this time."<sup>45</sup>

As a result of this report and the recommendation made by Horne, the agreement with the AJDC for the distribution of books to DP camps was terminated by OMGUS on July 15, 1947.<sup>46</sup> In a letter to the AJDC and Lucy Schildkret, Lieutenant Colonel G.H. Grade explained the reasons for termination:

By the 5<sup>th</sup> of July 1947, one year later, it apparently was possible to discover the whereabouts of approximately 4300 out of the total of more than 19,000. There is no evidence of any receipts on file in the AJDC office and no evidence that the books have been carefully cared for. Moreover, as you know, the AJDC, possibly through no fault of its own, was used for the removal of books of great value and known ownership, and it has required intensive investigation to discover the source and nature of that unauthorized move. Allegations have also been made that other removals have been made under the cloak of this loan to AJDC, which

<sup>41</sup> To Office of Military Government (US) from Joseph A. Horne, Director of Offenbach Archival Depot, "Loan of books to the American Joint Distribution Committee", Memorandum, March 3 1947, NACP, RG 260, Ardelia Hall, Box 66 [319149-319150]

<sup>42</sup> To Col. J.H. Allen, from Lester K. Born, "Loan of Jewish Books from Offenbach Archival Depot", Memorandum, February 27, 1947, NACP, RG 260 Box 722 []

<sup>43</sup> To Col. J.H. Allen, from Lester K. Born, "Loan of Jewish Books from Offenbach Archival Depot", Memorandum, February 27, 1947, NACP, RG 260 Box 722 []

<sup>44</sup> To Co. J.H. Allen, from Lester K. Born, "Loan of Jewish Books from Offenbach Archival Depot", Memorandum, February 27, 1947, NACP, RG 260 Box 722 []

<sup>45</sup> To Col. J.H. Allen, from Lester K. Born, "Loan of Jewish Books from Offenbach Archival Depot", Memorandum, February 27, 1947, NACP, RG 260 Box 722 []

<sup>46</sup> To American Joint Distribution Committee, from G.H. Grade, "Loan of Books", letter, 15 July 1947, NACP, RG 260, Ardelia Hall, Box 66 [100551-100552].

REPRODUCED AT THE NATIONAL ARCHIVES

were both unjustified and illegal. Investigation of these allegations has not been completed.<sup>47</sup>  
 Lieutenant Colonel Garde concluded that "it is not felt that any further loans can be made at this time."<sup>48</sup> This included the last 5,000 books under the original loan with the AJDC. These 5,000 books were later distributed in DP camps through a loan to the newly formed Board of Education and Culture for the Liberated Jews of Germany.<sup>49</sup>

In conclusion, it was evident that the need for reading materials by Jewish DP's was dire. Some of the DPs ~~did~~ <sup>had</sup> not see <sup>n</sup> a Hebrew text for more than six years. The organization of adult study groups and children's classes in the Jewish DP camps helped the DPs <sup>re</sup>gain a sense of normalcy in their lives. With the loan of books from OMGUS, the AJDC helped the DPs in a way that other organizations could not. However, the allegations of misconduct and mishandling of books by the AJDC cannot be ignored. Enough evidence has been gathered to prove that the terms of the loan agreement were violated repeatedly. The distribution of identifiable or valuable books was enough to justify OMGUS's termination of the agreement.

Also: Folder on C:\ drive of  
 Archie's desktop computer with  
 each of the appendices you should  
 need.

Lisa - Well done. This paper has a clear  
 argument and is well written. I will call  
 you from the car — Don't stress you are

<sup>47</sup> To American Joint Distribution Committee, from G.H. Garde, "Loan of Books", letter, 15 July 1947, NACP, RG 260, Ardelia Hall, Box 66 [100551-100552].

<sup>48</sup> To American Joint Distribution Committee, from G.H. Garde, "Loan of Books", letter, 15 July 1947, NACP, RG 260, Ardelia Hall, Box 66 [100551-100552].

<sup>49</sup> To Office of Military Government (US), from Joseph A. Horne, "Receipt for books to the Board of Education and Culture for the Liberated Jews in Germany", letter, NACP, RG 260 Box 721 [100491].

doing  
 a  
 fabulous  
 job!!

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0438
CONNECTION TEL	92023715678
CONNECTION ID	HOLOCAUST ASSETS
ST. TIME	06/12 15:56
USAGE T	00'35
PGS. SENT	1
RESULT	OK

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	0437
CONNECTION TEL	92023715678
CONNECTION ID	HOLOCAUST ASSETS
ST. TIME	06/12 15:51
USAGE T	03'16
PGS. SENT	8
RESULT	OK



in view of the fact that it touches upon the argument of defendants' good faith, the background and nature of the exception are treated in the accompanying footnote. n5

-----Footnotes-----

n5 Arnold Bernstein was a shipowner of the Jewish faith who lived in Germany. Under the Nazi regime, his worldly possessions were ruthlessly taken from him. In January, 1937, he was imprisoned in Hamburg, Germany, where he was given reasonable grounds to believe that there were designs on his life as well as his liberty and business interests. While in prison, he was compelled by Nazi officials to execute documents purporting to transfer his shares in Arnold Bernstein Line to a Nazi designee, one Marius Boeger.

Boeger transferred his interest to Van Heyghen Freres S. A. and, in Federal court in New York, Bernstein, who survived, brought an action for conversion against Van Heyghen.

Applying the Act of State Doctrine, the United States Court of Appeals, affirming a judgment dismissing the complaint, stated: "No Court will exercise its jurisdiction to adjudicate the validity of the official acts of another state." (*Bernstein v. Van Heyghen Freres Societe Anonyme*, 163 F. 2d 246, 249-250 [C. A. 2d, 1947] cert. den., 332 U.S. 772 [1947].)

In a later suit against Holland-America Line, *Bernstein v. N. V. Nederlandsche-Amerikaansche, etc.* (173 F. 2d 71 [C. A. 2d, 1949]), a similar result was reached, although in an apparent attempt to avoid the applicability of the Act of State Doctrine as enunciated in his prior litigation, his complaint merely alleged duress, without mentioning Nazi officials.

Following the decision of the United States Court of Appeals, plaintiff Bernstein was able to secure an expression of views of the Department of State of the United States, which, for the first time, with respect to acts of the Nazis, relieved the courts of any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials.

The expression of views, set forth in a letter dated April 13, 1949, to Bennett, House & Couets, Counsellors at Law, New York, and signed by Jack B. Tate, Acting Legal Adviser, and published April 27, 1949, as a press release, and in the Department of State Bulletin (vol. XX, May 8, 1949, pp. 592-593) states, among other things, that: "It is this Government's policy to undo the forced transfers and restitute identifiable property to the victims of Nazi persecution wrongfully deprived of such property; and \* \* \* to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials."

It was also stated in the letter, citing Military Government Law No. 59, applicable to the United States Area of Control, published in Military Government Gazette in Amtsblatt der Militarregierung Deutschland, Amerikanisches Kontrollgebiet, Nov. 10, 1947, that "*this policy applies generally despite the existence of purchasers in good faith.*"

The United States Court of Appeals, in view of this expression from the Department of State, proceeded (*Bernstein v. N. V. Nederlandsche-Amerikaansche etc* 210 F. 2d 375 [1954]) to amend its mandate so as to permit the District Court to examine and to pass, without restraint, upon the acts of the Nazi officials.

Eventually the *Bernstein* cases were settled; but the cases did serve to chart a new path and to graft an exception onto the Act of State Doctrine, the exception being that in the case of acts of Nazis, American courts might examine the official acts of another State. And the exception became known as the "Bernstein exception".

In *Sabbatino (supra)* however, the Supreme Court, while not passing on the Bernstein exception, stated: "It is highly questionable whether the examination of validity by the judiciary should depend on an educated guess by the Executive as to probable result". (376

ALI-ABA Course of Study  
Legal Problems of Museum Administration

Cosponsored by The Smithsonian Institution with the  
cooperation of the American Association of Museums

March 26-28, 1998  
Chicago, Illinois

Who has  
Burden  
Due Diligence standard for claimants  
Good Faith standard for purchasers  
see page 6

Cultural Property and World War II: Some Implications for American Museums  
A Legal Background

By

Patty Gerstenblith  
DePaul University College of Law  
Chicago, Illinois

P.O.S.  
47 or 49 letters

doctrine. On the other hand, many transactions involving art works taken during World War II had more significant contacts with the civil law nations. It might be possible for a U.S. court to conclude that the substantive law, including the good faith purchaser doctrine, should apply. It is also possible that the public policy deeply embedded in the common law concerning the inability of a thief to transfer title would outweigh any such technical choice-of-law analysis.

*Act of State Doctrine:* The act of state doctrine provides that certain acts of a foreign state will be presumed to be valid and that a United States court will not sit in judgment on them. The doctrine may be viewed as an exception to the choice of law analysis for conflict-of-law situations discussed above. While a court will usually apply the substantive law of the jurisdiction with the most significant relationship or contact with the case, a court may also reject this substantive law when it conflicts with a strong public policy of the forum jurisdiction. The act of state doctrine further supercedes this consideration of policy and permits a United States court to defer to the foreign nation's law in the interest of separation of powers considerations with the U.S. government and the relations between the two nations.

The "modern" formulation of this doctrine is found in a U.S. Supreme Court decision, *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398 (1964), where the Court stated that courts will not exercise their jurisdiction to "examine the validity of a taking of property within its own territory by a foreign sovereign government, extant and recognized by this country at the time of suit, in the absence of a treaty or other unambiguous agreement regarding controlling legal principles, even if the complaint alleges that the taking violates customary international law." Although the doctrine has been modified by both subsequent judicial opinions and Congressional amendment, it generally applies when four factors are present: the taking was by a foreign sovereign government, the taking was within the territorial limitations of that government; the foreign government is extant and recognized by the U.S. at the time of suit; the taking did not violate any treaty obligation.

The court considered this doctrine in the context of an art work taken during World War II in some detail in *Menzel v. List* and held that none of the four necessary criteria was present. The taking of the Menzels' painting was carried out by the Einsatzstab des Reichsleiters Rosenberg, which the New York court held to be a part of the Nazi party and not the foreign sovereign government. The taking occurred in Belgium, which was not within the territorial limits of Germany. On the third factor, the court seemed to consider the Third Reich to be the government, which was no longer extant at the time of the suit. Finally, the taking of the painting was held to violate the Hague Conventions of 1899 and 1907, as well as the Kellogg-Briand Peace Pact of 1928, to which the United States is a party, as these conventions all prohibit the seizure, pillage, destruction or damage of private property and works of art and science.

Despite this clear rejection of the applicability of the act of state doctrine by the New York court in *Menzel*, whether other courts dealing with other foreign powers would reach this same result is unclear.<sup>10</sup> In a later case, *Stroganoff-Scherbatoff v. Weldon*, 420 F. Supp. 18

<sup>10</sup> In earlier decisions, *Bernstein v. Van Heyghen Frères S.A.*, 163 F.2d 246 (2d Cir. 1947) and *Bernstein v. N.V. Nederlandsche-Amerikaansche*, 173 F.2d 71 (2d Cir. 1949), the Second Circuit used the act of state doctrine to refuse to hear two suits brought by a victim of Nazi

(S.D.N.Y. 1976), the court concluded that it could not hear the claim of the descendant of a Russian noble. The court held that it was barred from examining the actions of the government of the Soviet Union in seizing the art collection of the noble. In the *Goldberg* case, on the other hand, the courts refused to apply the doctrine to the nationalization of the property of the Cypriot Greek Orthodox Church by the Turkish National Republic of Cyprus on the ground that the United States government had not granted recognition to the government of the northern sector of Cyprus.

*Conclusion:* The interweaving of these many legal doctrines demonstrates the complexity underlying the question of whether an original owner can recover art works, particularly those taken during time of war. The particularly tragic circumstances of World War II and the realization that the ability of the families of these owners to recover their lost art is diminishing as the generation of survivors dwindles make these facts even more poignant. While the sympathies of many courts as well as legislators and the public will undoubtedly be with these victims, it becomes ever more urgent for museums to gain understanding of these issues. In the end, it seems likely that the framing of public policy and the courts' interpretation of this policy will prevail over the technical legal doctrines.

---

persecution whose possessions had been seized from him in Hamburg, Germany, by Nazi officials in 1937. Bernstein subsequently obtained a letter from the State Department stating that the courts could exercise their jurisdiction to pass upon the validity of the acts of Nazi officials. The letter stated "It is this Government's policy to undo the forced transfers and restitute identifiable property to the victims of Nazi persecution wrongfully deprived of such property." Citing Military Government Law No. 59, which applied in the areas of United States control, the letter also stated that "this policy applies generally despite the existence of purchasers in good faith." What has become known as the "Bernstein exception" to the act of state doctrine has been extensively criticized in subsequent judicial opinions primarily on the grounds that the State Department does not have authority to dictate to the courts the limits of judicial jurisdiction. Nonetheless, in *Sabbatino*, the Supreme Court referred to *Bernstein* and seemed to approve the conclusion that the Nazi government was no longer in existence: "The balance of relevant considerations may also be shifted if the government which perpetrated the challenged act of state is no longer in existence, as in the *Bernstein* case, for the political interest of this country may, as a result, be measurably altered." It seems very likely that the act of state doctrine would not bar consideration of the validity of an act of confiscation or seizure by the Nazi Germany even if the seizure had been carried out by the sovereign government or within the national boundaries of Germany. Given the many statements of U.S. policy to right the wrongs of Nazi Germany, it is difficult to posit the case in which the U.S. courts would demonstrate such deference.

unlikely US would  
that defer to  
act of state  
doctrine  
in Holocaust  
case

1-17-00: Georgetown Univ. Library

The Linz File: Hitler's Plunder of Europe's Art Charles de Jaeger  
(Webb & Bower, Exeter England, 1981)

Art in Peril - 1966 production of Wynford Vaughan-Thomas

- p. 103-104 "Not until 1944 did the Anglo-American joint MFA & A group  
become part of the Allied armies liberating occupied Europe, 2 weeks  
after Allied landing in Sicily

p. 123

" At the Nuremberg War Crimes Trial it was stated that the works of  
art removed by the retreating Germans from Italian museums represented  
the most important cultural treasure from any of the occupied  
countries. Today there are still 1,600 items, many very valuable, that  
have never been found, 600 of them from the Kunstschatz  
files alone."

- copied pages relative to the losses of German museums -

The Ordeal of the Hermitage: The Siege of Leningrad, 1941-1944

Sergei Vorstovskiy & Boris Rest - Aurora Art Publishers, Leningrad NY, 1985. Harry Abrams

Loot! The heritage of Plunder Russell Chamberlin - Facts on File - New York

(p. 7) 1970s term  
Loot - elgisme - the retention by richer nations of the cultural treasures of poorer nations - usually obtained under duress.

UN. WIPO (World Intellectual Property Organization)

copied chapter on Hitler (called "warlords")

Men & Monuments by Janet Flanner: Horist Hamilton, London, 1957.  
Compiled from The New Yorker

p. 281 12 of 3 million men were in MFAA.  
→ 25 by war's end. Autumn '45 → 84 men?

ambitions prospectus? of '44? (check Nicholas)

recherche

Copied chapter

AMGOT = Allied MG Occupied Territory

Florentine Art under Fire: by Frederick Hartt. Princeton Univ. Press 1949.

p. 5 1st MFAA officers in Italy were with AMGOT in Sicily.

Once ACC was established a subcommission for MFAA was founded under ACC authority over the entire artistic heritage of Italy as long as it remained under direct Allied control.

Under leadership of Major, later Lt. Col. Ernest T. Bellwald & British Dep. Director Mgt. John B. Ward Perkins.

"Another MFAA officer was assigned to 5th Army and still another to Eighth Army as staff officers of the army AMG, for each army commander had his own fairly autonomous AMG organization guided only in the broadest sense by directives from ACC in Naples (later in Rome). The rest of the MFAA officers were assigned to the staffs of the regional commissioners of the various regional AMG's into which Italy was to be divided, directly responsible to the ACC.

...THE EXTENT OF THE  
 SURVIVAL OF SOME OF THESE  
 SUPREME WORKS OF ART CAN  
 ONLY BE CALLED MIRACULOUS

*from WOT 1 (notes)  
 p. 173*

...ATION OF ORGANIZATION  
 ... LOOTING INVESTIGATION UNIT  
 OF THE US OFFICE OF STRATEGIC  
 STUDIES (OSSI)

... EISENHOWER HAD BEEN  
 PERSUADED THAT RESTORATION OF  
 LOOTED MATERIAL WAS A  
 MATTER OF GREAT IMPORTANCE

*LOOT! p. 179*

...PRODUCED A NUMBER OF  
 REPORTS WHICH WERE SECRET

... KEPT SECRET PERHAPS BIG OF  
 AN AVALANCHE OF REQUESTS FOR  
 RESTITUTION OF WHICH MANY WERE  
 SPURIOUS

... KEPT SECRET BIG OF  
 EMBARRASSMENT CAUSED BY DISCOVERY  
 OF JUST HOW MUCH COLLABORATION  
 MUST HAVE BEEN TAKING PLACE  
 BETWEEN GERMAN INVADERS +  
 CITIZENS OF OCCUPIED COUNTRIES

*Comp. 175  
 WOT! p. 175*

...Problem of tracking down Nazi  
 loot was immense

... homelands of those who  
 acquired Nazi loot were scattered  
 all over globe + when they returned  
 home they took their acquisitions

... loot was sold in private sales

... some loot was so well known  
 that when it resurfaced it  
 caused an international furor

*LOOT! p. 177*

Italy suffered more than any  
 other country from looting

*LOOT! p. 179*

... number of objects had not been  
 looted in the traditional sense but  
 purchased

... doesn't matter that  
 transaction was made under  
 pressure or sums paid were far  
 less than that obtained in  
 open market

... receipts existed  
 ... contracts had been signed

*LOOT! p. 180*

\*All these were posted  
 on the previous page.

Jan 19 2000: Ethical Conduct  
Obligation under Presidential Records Act.

Feb 29 2000 Mtg.: Deliverables  
Restitution → Real Paper  
Context Chapter

Don't decline a barometer!

Report for  
Lucille on  
boxes reviewed

8 laptops + 7 CMH + 3 desktops (1 Archives, 2 Office)  
(1 at office not connected)

Templates for writing Save template as "document template"

Next week  
Mtg. Tuesday  
10am.  
conf. call w/ Bob?  
Bobby?

APC?

- US Customs TWEA...
- Postal Service
- Roberts Commis.
- MFAAA
- DoS - Ardelia Hall

Geographic  
Index  
place names that  
change sent  
to Army

American spelling  
of German  
city unless in  
direct quote...

shared back office space? - Helen's comp. will not / can not be connected to  
the server

Lucille? Deadline? next wed. Mon?

Footnote styles?

Chicago Manual

- Baltic doc
- Email Jonathan
- MFAAA

open doc; foots → Templates & Add-ins  
Auto update styles;  
View → Outline

of Style  
- month, date, year  
- 1st name of  
individuals  
- spell out  
mil, rank  
in text  
abbrev. in  
Footnote

Thurs - KA Redback - on 1st draft doc.

KA  
• footnotes  
• style bars  
Footnote  
block quote  
normal  
headings  
Title

pull Prop. intul files together

SCCP descriptions | where to store? family of collecting points...

Deadlines; Minerva / Baltic

MFAAA list (?)

descrip of  
(MCCP, → note of Missions...)

- Draft proposal  
based on? ...

Lists of Looted Artworks)

• Goudstikker Catalog

• Intelligence Records

collections seized in Soviet zone

- claims filed for collections that

ended up in Soviet zone

to ascertain "inventory"

marc - where specific records re:

removal of assets from victims in  
Ghettos, Camps

Tricky to get at volume of assets

seized.

German records? collaboratorist Gov't

Records?

- Belgium - will check re: info from  
concentration camps.

- Hungarian Jewery - countryside

Some subdivisions detailed lists

made for Jews prior to

deportation.

Hung & Poland records in

Lichtenfeld (Germany)

• Belgium - inheritance  
issues

trail ends at

emigration to US

| US DoJ could

| look into.

• Print email from KA

• Call AS.

• Call JP.

(citizenship classes)?

Prof Marta

[www.mae.es/holocaust](http://www.mae.es/holocaust)

} Francisco to work on  
↳ 1st Eng. 2nd 3 Español

## AH Russia transfer chronology

Case discovered.

Transfer of custody only 31 March 47

Basic Agreement 11 July '46 letters re MFAA activities in Austria & Germany.

7 July 1947 USFA Rep at M.C.C.P.

receipts handled in Munich as if rest were actually made in Austria

8 July '47: US began unilateral rest. to Austria based on JCS WX-99226

"The return of Austrian property removed by the US 3rd Army does not fall within the scope of restoration."

14 July '48 Tucker letter: 1st comments re: Howard

Clay memo that M.C.C.P. should to Baranin <sup>Gov</sup> by 31 Aug '48.

Jurisdiction of non-German fixants would be retained by the American MFAA section - though Sov. govt would have custody.

## Alt Russia transfer chronology

Cave discovered:

Transfer of custody only 31 March 47

Basic Agreement 11 July '46 letter re MFAA activities in Austria & Germany.

7 July 1947 USFA Rep at M.C.C.P.

receipts handled in Munich as if rest were actually made in Austria.

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Clay memo that M.C.C.P. should to Baran by 31 Aug '48.

Jurisdiction of non-German fixants would be retained by the American MFAA section - though Govt would have custody.

## Art in Austria

Art Anstalt: 400 tons of art  
- Goering's Monte Cassino loot  
- Rothschild  
- Gordon Craig's Theater Collection  
- Linz

Lauffen: 150 tons 787 Museum of Art History

Hallerin: 545 cases Hertriana Library - Rome  
Salzburg Gold Coin Collection  
Hammler's loot.

St. Florian: 20 freight cars antique furniture, 5000 volumes music

used as one of 3 depots: when art of undiscovered origin is stored. Other depots Linz & Salzburg.

Linz - Landhaus Salzburg - Heilbrunn Castle  
resident palace of the <sup>Prince</sup> Archbishop of Salzburg

Castle Fischhorn: Polish Art Depot under SS General Fegelein  
481 paintings; 81 tapestries; oriental rugs;  
2,124 engravings; 17,000 library volumes.

Kremsmuenster - sculptures, Gordon Craig Theater Collection

Schloss Kogl - ERR materials

Castle Mittersill - ?

Castle Eberding [Count Starhemberg's] - ?

of stamps (on reverse) of <sup>former location of</sup> names.

↓ claims must establish proof of ownership of details ↑

claims from nations were processed through Amlegation Vienna

if in private hands possessor is named military custodian until settlement of the claim

Identified works were turned over to the American Legation which returns them to the countries from which they were looted.

Rest & Rep Branch of USACA made final decisions re: claims.

[101544 - 101553]

Hq USFA Public Information Office, Mult Sheet: "Art Restitution", undated, NACP, RG 260, USACA Records, Reparations and Restitution Branch, Box 160

Siegen April 2 1945

Neuschwanstein

Munich April 7 1945

Neuschwanstein Apr 28 1945

Berchtesgaden May 4

Alt Aussee May 8

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train"

The history of the treatment of the Hungarian Gold Train by American authorities continues to raise questions about American restitution policy, cold-war politics, and the role of successor organizations in the disposition of victims' assets. As the issues raised by the history of the train are vast in both scope and importance, any answers or explanations offered now and in the future must reflect careful consideration of the available evidence.

Treatment of the larger themes raised by the Gold Train's history must then involve a return to questions raised following the release of the draft report on the "Mystery of the Hungarian Gold Train." These questions include the origin and number of paintings on the train; the final disposition of those paintings; the existence of an inventory of the train's contents (created by American or Hungarian authorities); and the decision making process which enabled the assets to be treated as unidentifiable, and heirless. In addition, divergent and alternative information received by the Commission should be addressed and reviewed. Finally, avenues for future research must be identified and pursued to the extent possible.

Do these categories match those in psan? should be exact.

Also, let's do a category on the 14 paintings put at the disposal of the US forces. Excellent intro!!

1. The Paintings:

The history of the 1176 Hungarian Jewish paintings is complicated due to the fact that clear records relating to the paintings were not compiled until Evelyn Tucker encountered them in 1947. The 1176 paintings included works from two groups: 57 looted paintings that had been stored in the castle Fischhorn bei Zell-am-See and approximately 1169 paintings from the "Gold Train." Fischhorn Castle was used primarily by the SS as the repository of cultural property removed from Poland. When, or why, Hungarian paintings were stored there remains unknown at the present time.

Section doesn't work - quite wants to know why on how many paintings were on the train. We don't explain how many we can't say why. Place on the train that they're from Hungarian Jews.

DRAFT - 3/6/00

## Update of "The Mystery of the Hungarian Gold Train"

After the U.S. military authorities took control of the Werfen Train property, it was taken to the Property Control Warehouse in Salzburg, Austria.<sup>1</sup> A history of the first phase of Property Control functions in Austria gives the following details of the initial response to the train, "with the discovery of a 44 car train of Hungarian looted property in the Salzburg area, Mr. Walker M. Treece, ... with four officers and seven enlisted men, moved up from Verona, Italy into the Salzburg area on 15 July 1945, to represent Property Control in taking the train into custody and inventorying its contents."<sup>2</sup> Some of the details of the treatment of these assets while in the warehouse between July 1945 and November 1947 were documented in the Commission's October 1999 draft report.

In October 1947, paintings from the train, stored at the Military Government Warehouse, were brought to the attention of Evelyn Tucker, Monuments and Fine Arts Advisor to USFA. She wrote that she received information that "approximately 200 paintings from the Werfen Train loot" were stored in a room of the MG Warehouse in Salzburg.<sup>3</sup> With this information, Tucker secured permission for release of the paintings to her for transfer to the Residenz, used as a depot for the Monuments ~~and~~ <sup>and Archives</sup> Fine Arts work in Salzburg. The release, issued before Tucker's inspection of the paintings, and dated November 5, 1947, read "You are authorized to release to the custody and control of Miss Eve Tucker, MFA&A Representative of this division approximately two hundred (200) paintings presently stored in the Military Government Warehouse in Salzburg."<sup>4</sup> When Tucker finally made her inspection the following day, she discovered not 200 but 1,181 paintings. According to Tucker, "no inventory on these paintings

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<sup>1</sup> Further research into the initial transfer of assets from the train to the warehouse is ongoing.

<sup>2</sup> "Introduction to the First Phase of Property Control," NACP, RG 260, USACA/USFA, Entry 119, Property Control Branch, General Correspondence Files, Box 2 [bates #].

<sup>3</sup> Evelyn Tucker Field Report to Hq. USFA-USCA RD&R Division, Reparation and Restitution Branch, October 27 1947, RG 260, USACA/USFA, General Records, Box 160 [bates #].

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train

apparently exists in the Zone and no one knew where they came from. The estimation of 200 came from the two American working on the Werfen Train property... "[CITE!]

Tucker learned that 57 ~~of the "200"~~ of the actual 1,181 paintings had been ~~moved~~ <sup>relayed</sup> to the MG Warehouse from the Fischhorn castle where they were combined with paintings from the "Gold Train" in 1945/1946.<sup>4</sup> In 1947, Tucker characterized the sloppy record keeping of the MG Warehouse, "...we have no way of knowing if the entire lot was found at Fischhorn Castle – or if some of the 1,181 paintings were actually on the Werfen Train."<sup>5</sup> By 1949, however, an inventory of the 57 Fischhorn paintings was prepared and submitted with a letter requesting Dr. <sup>Federal</sup> Otto Demus <sup>the President of the Austrian Monuments office,</sup> to check the list for any pre-war Austrian property. Additional available information about the loot held in Castle Fischhorn was ~~not~~ <sup>provided</sup> organized there by the Nazis, <sup>as</sup> ~~the~~ most paintings from Fischhorn were marked with a Fischhorn number on the back of the painting before the American authorities ever ~~took control of~~ <sup>occupied</sup> the Castle, ~~or its holdings~~.

Tucker took control of the 1181 paintings on \_\_\_\_\_ and transferred them to the Residenz building. A report of the Property Control and Restitution Section, dated November 12, 1947 describes Tucker's transfer, "About 1180 unidentified paintings, among them a few very valuable ones, previously stored at Property Control Warehouse, Salzburg, were brought to the Residenz building for inventorying and identification of ownership."<sup>7</sup> A property report from later in November detailed the progress on the inventory of the transferred paintings, "up to now

<sup>4</sup> "Paintings (allegedly Hungarian) stored in M.G. Warehouse, Salzburg," November 5, 1947, NACP, RG 260, USFA, General Records, Box 158 [bates #].

<sup>5</sup> James A. Garrison, Chief RD&R Division, USFA to Dr. Otto Demus, President, Bundesdenkmalamt, "Paintings of Unknown Origin from Schloss Fischhorn," January 5, 1949, NACP, RG 260, USFA USACA, General Records, Box 159 [105918-105922].

<sup>6</sup> Evelyn Tucker Field Report to Hq USFA-USCA RD&R Division, Reparation and Restitution Branch, November 6-11, 1947, NACP, RG 260, USACA/USFA, General Records, Box 160 [bates #].

<sup>7</sup> "Report of Property Control and Restitution Section," Memo from Headquarters Zone Command Austria, Property Control and Restitution Section, APO 541, US Army, November 12, 1947, NACP, RG 260, USACA, Entry 119, Property Control Branch, General Correspondence Files, Box 7 [bates #].

USA / RA

§  
§  
§

context for discussions at hearing

later platform for suggestions @

Commission's end

Museums:

- Policy at time '33 to 4'50s
- Policy now & actions
- Self studies / release of lists of questionable works
- Public pressure

Guidelines?

Cases of independent (?) possible? provenance research?

~~other~~  $\beta$  MFA; NG; Met; MoMA (?) [LACMA]

w/ OSS list (?) Add'l archives info

no central database/register

leads

More (?)  
JP (?)  
RA (?)  
JHU (?)

April 12 hearing

to "scare museums"

- Time
- Public Pressure

Art Loss Register

Excuse (?)

No us art loss register centralized

transfers to Fed Gov  
Germ/FRS

Systematic Provenance Research

way to combine w/ RA ongoing research

DRAFT - 3/6/00

## Update of "The Mystery of the Hungarian Gold Train

150 paintings have been inventoried out of the 1184 unidentified paintings located at MFA Depot in the Carabinieriersaal, Residenz building."<sup>8</sup>

The Hungarian provenance of the paintings and their status as assets belonging to victims of the Holocaust was never doubted by U.S. authorities. <sup>Further more,</sup> In all but one American documents, those composed by the United States Forces Austria and by the Arts Adviser to the State Department, Ardelia Hall, the paintings were referred to as "Gold Train" property, "Werfen Train" Property, and "miscellaneous Jewish loot."<sup>9</sup> Also, the inventory of paintings Tucker transferred to the Residenz includes a description of each painting's label complete, in some cases, with the names and addresses of their owners. **NEED STATS?, CITE?**

A recently uncovered document, "SS Art Depot in Schloss Fischhorn," offers further evidence that not all of the Hungarian paintings stored in the MG Warehouse could have come from the castle. According to the document, "at the beginning of the occupation Schloss Fischhorn contained ...481 paintings."<sup>10</sup> The majority of these paintings were restituted to Poland.

According to the document, about 98 percent of the cultural valuables in the castle came from Poland, while the remainder was of French, Dutch, Austrian, German and Hungarian origin.

According to Marc Masurovsky, a record of an interrogation of the SS officer responsible for the repository in the castle exists. In it, the officer stated that all art works of Hungarian origin were confiscated from the victims of Holocaust."<sup>11</sup>

In addition to providing a better context of the train's history, a 1949 letter from the Hungarian Restitution Mission notes that "all property of Hungarian Jews was labeled with name

<sup>8</sup> "Report of Property Control and Restitution Section." Memo from Headquarters Zone Command Austria, Property Control and Restitution Section, APO 541, US Army, November 25, 1947, NACP, RG 260, USACA, Entry 119, Property Control Branch, General Correspondence Files, Box 7 [no Bates number available at this time].

<sup>9</sup> Colloday expressed doubt in the 1950s that the property was Hungarian? Cite from original report with reference to where these attributions were written.

Wendland → database ? answers?

- Getty (not up to date...)

↓ very many / some deals legitimate Early dates

↓  
not problem years

NGI Snijders (most questionable work)

↓  
[still life w/ horses]

Problem

~~AMN~~ Declaration

no one publish <sup>red flag</sup> list

British Museum list - benefits of publication of questions...

400 pgs gap in provenance

Nat'l Gallery now using OSS list to search provenance

WJC use: no art expertise

Museums w/ curators

burden to check that to

only respond to public

pressures...

Museums not living up to

their pledge...

Database searching...

Rubens → Met.

(check docs at archives re: Rubens)

↓

call Allison re: docs - in DC?

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train

and address of the owners forced to deposit their valuables with Hungarian banks."<sup>12</sup> This information further substantiates the quote of Ardelia Hall included in the draft report. **(This should be further supplemented with information from Army hq docs; and if not, should not be emphasized without further evidence).**

?  
What  
quote  
exactly

The main part of the property on the train belonged to Hungarian Jews. The 1949 Hungarian Restitution Mission letter detailed that the train included such property as: 35 kilos of mounted jewelry, 60 kilos of watches, 100 kilos of gold coins, 560 pieces of silver, 1 case of silver bars, 3,000 carpets, and other goods.<sup>13</sup> In addition to the above victims' property, the train contained one case of paintings (about 100) from the City Museum in Gyor marked "Varosi Muzeum, Gyor."<sup>14</sup> **[were the paintings mentioned in the report, or were they not mentioned- this is a citation from the document, so does the doc just say that the 100 paintings were from the Gyor museum?]** The paintings from the Gyor museum were not mentioned in the report, because they didn't belong to the Jewish property. These paintings were left to the custody of the Austrian government and restituted to Hungary in the beginning of the 1960s. They are not to be confused with the list of 1176 paintings of alleged Jewish ownership, mentioned in the report **[the original Gold Train Report, or the Comm. No. report]** Some property of the Hungarian Nazis was also on board the train. This property, however, belonged to Minister Toldy and his entourage alone and therefore would not have composed a substantial part of the train's contents. **[How do we know this?]**

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<sup>10</sup> FOOTNOTE INFO!

<sup>11</sup> Marc Masurovsky has promised to provide a copy of the document

<sup>12</sup> Hungarian Restitution Mission, Vienna to Allied Commission for Austria, "Communication No. 6430/1949," March 25, 1949, NACP, RG 260, USACA Records, USFA, RD&R Division, Box 99 [bates #].

<sup>13</sup> "Communication No. 6430/1949," NACP, RG 260, USACA Records, USFA, RD&R Division, Box 99 [bates #].

<sup>14</sup> "Communication No. 6430/1949," NACP, RG 260, USACA Records, USFA, RD&R Division, Box 99 [bates #].

Alan Steinberg — call at office →

Chicago  
Lombard

names OSS suspect list

↓ databases (NG; —?)

hits — — — — — Führer (?)

API?

↓ chain of provenance

Rembrandt

— LACMA

BMFA

admits?

? inclusion of all works once looted?

Still life w/ hares — the looted painting?

bookshelves — "still life"

← other still life w/ game

exact match dimensions

Some marking in back

Approach — "we've got to study this more"...

not working

— can we do more to

Jill/KA

talk w/ Alan...

OSS list ↓ databases

provenance search

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train"

A January 5 1949 letter from James A. Garrison to Dr. Otto Demus, President of the Bundesdenkmalamt, gives a clear indication that not all of the paintings in the "List of "Unidentified Paintings Stored at Residenz-Depot Salzburg" were Gold Train paintings. The letter helps to further alleviate confusion over the number of paintings from the train, confusion raised by a lack of original inventory of the train's contents and lack of careful treatment of the properties in the records of the Military Government Warehouse, Salzburg. "Attached is a list of 57 paintings of unknown origin which were removed from Schloss Fischhorn by Zell-am-See. These paintings are presently in the art depot of this Headquarters in the Residenz Palais, Salzburg." "It is requested that you advise us if you are successful in identifying any of the paintings on the attached list as pre-war Austrian property."<sup>15</sup>

2. The Inventory

We have not yet uncovered all Army documents relating to the capture of the train in Werfen, Austria. However, additional documentation of this capture (other than the letters from the Central Board of Jews in Hungary/ Central Bureau of Hungarian Jews already cited in the report) is available. In a communication dated March 25, 1949, the official Hungarian Ministry of Finances Restitution Mission, Vienna, addressed a letter to the Allied Commission for Austria detailing the story of the train, its contents and American actions from 1945 through 1949:

The Hungarian Government was surprised to learn that, properties of Hungarian Jews, such as valuables, jewels, objects of art, carpets etc., as well as approximately hundred paintings by great masters - the latter property of the Municipal Museum of Gyor - removed by the Germans and transported to Austria, have been placed at the disposal of the Intergovernmental Refugee Organization by the American Military Authorities in Austria and are to be sold by auction in the near future...

<sup>15</sup> James A. Garrison, Chief RD&R Division, Reparations and Restitution Branch, Hq. USFA, USACA Section, to Dr. Otto Demus, President Bundesdenkmalamt, January 5, 1949, "Paintings of Unknown Origin from Schloss Fischhorn," NACP, RG 260, USFA, USACA, General Records, Box 159 [105918-105922].

*Again - give exec summary 1st of main point. (we don't have inventory, compelling, almost indisputable proof that property came from Hungarian Jews.)*

DRAFT - 3/6/00

## Update of "The Mystery of the Hungarian Gold Train"

The Restitution Mission pleaded for the Allied Commission to take "swift action in this matter" and to "avoid an irreparable situation," by restituting the Hungarian property based on the following:

The objects referred to above, except the paintings [the hundred paintings by great masters from the museum in Gyor], originate from forced deposits made by Jews with the Hungarian banks after March 19, 1944, date of the Nazi aggression against Hungary. These objects, subsequently confiscated by the nazi-installed Hungarian Government, were transferred to Austria in pursuance of a forced evacuation of the South-East area ordered by Himmler and executed by SS Obergruppenführer Lorenz (the original of a relative exchange of telegrams is to be found among documents placed before the International Court in Nuremberg) and according to a special agreement dated by March 28, 1945, concluded between the Commissioner for Hungarian Jewish Property and the delegate of Reich, Boden, i.o. after the Armistice entered into between Hungary and the United Nations...

The Hungarian Restitution Mission wishes to state that this property, generally called "Hungarian Gold Train" was immediately after its arrival at Werfen in Austria, taken into custody by the American Army and at first remained guarded by the escort personnel [Hungarian] and members of the American Army. On July 19, 1945, the train was finally taken over by the American Army... On July 29, 1945, the American Military Authorities laid down the story of these valuables in a protocol, where their Hungarian origin was clearly emphasized. This protocol was also signed by the escort.<sup>16</sup>

The Hungarian Restitution Mission challenged the decision that the origin of the train's contents was unknown or unable to be determined,

The Hungarian Restitution Mission must suppose that subsequently the personnel dealing with those properties was changed and the story of the Gold Train forgotten. Otherwise it is inexplicable that the origin of these should be considered as doubtful.

The Hungarian Restitution Mission wishes to recall that all property of Hungarian Jews was labelled [sic] with name and address of the owners forced to deposit their valuables with Hungarian banks.

Further, ... these valuables were not collected in concentration camps and do not originate from indiscriminate robbery, but constituted the property of definite and identifiable Hungarian citizens.<sup>17</sup>

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<sup>16</sup> "Communication No. 6430/1949," NACP, RG 260, USACA Records, USFA, RD&R Division, Box 99 [bates #].

<sup>17</sup> "Communication No. 6430/1949," NACP, RG 260, USACA Records, USFA, RD&R Division, Box 99 [bates #].

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train

The Presidential Advisory Commission has taken steps to locate an "American Military Authority protocol" of July 29, 1949. Research for this document, and additional military documentation of the train's capture, will continue through the production of the final report. Documentation already cited in the report gives evidence that since the very beginning the U.S. Army had compelling evidence that the train's property was Hungarian, and that the property was largely Jewish owned [where is it called Hungarian? By who? And When?] The train was escorted by Hungarian military personnel, "forty-two Hungarian guards" according to James J. Rorimer.<sup>18</sup> (It is likely that U.S. military authorities questioned the Hungarian guards, though these reports have also not yet been discovered [how is this likely, and do we have any idea of how to find such an interview?])

*Myth in the Archives of Am Art Museum of Rorimer book*

*→ Further research*

According to American documents, an original Hungarian inventory of the trainload was destroyed. In February 1948, Nyaradi, the head of the Hungarian Restitution Mission discussed the fate of the train with James Garrison:

He outlined the complete history of the contents of this train, as to how the Nazis forced the Jews to deposit their jewelry, gold, rugs, furs, and other valuables with the Hungarian banks, and then ordered the banks, just before the Russians arrived, to send the gold to one collecting point. All the valuables were damped in one pile and the records were destroyed. The train then proceeded westward...<sup>19</sup>

Nyaradi continues to say that he was shown the complete inventory of the contents of the "Golden Train" by Colonel Ernest Owens, "during the time that he was Chief of RD&R (approximately June 1946)."<sup>20</sup> Owens also told him that "the contents were stored in the warehouse in Salzburg." This is unlikely as it would have gone against American restitution

<sup>18</sup> James J. Rorimer. *Survival. The Salvage and Protection of Art in War*. New York. p. 154

<sup>19</sup> James A. Garrison. Chief RD&R Division USACA, Memoranda for the Record, conference with Nyaradi, Dr. Varvasovsky, Head of Hungarian Restitution Mission in Austria, Garrison, and Lt. Col. McKee, Chief of Restitution Branch of RD&R Division, NACP, RG 84, Entry 2056, File 110 Hungary, Box 18.

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train

policy to show the head of a Restitution Mission an inventory of assets in American control.<sup>21</sup>

By February 25, 1948, Colonel Owens had left the RD&R Division, and Garrison noted, "I can only say that this inventory has remained in our files and has only been used by our personnel during the time that I have served as chief of this division."<sup>22</sup>

### 3. Additional Information

Recently, Hungarian colleagues prepared a document, "The Brief Summary of the History of the Golden Train" and shared it with the Presidential Commission. The document gives the quantity of paintings as 100, which is much lower than the numbers cited in the Commission's Draft report. Ron Zweig, an Israeli historian researching the fate of the "Gold Train," also believes that the majority of the 1181 paintings were not on the train. However, official American documents of the period contradict such arguments.

The Hungarian summary mentions the secret record of the numbers of the cases and of the category of the items contained in them. According to these secret records, 105 cases and two iron boxes were filled with loot from indicated categories. This list, however, does not include a category for paintings. In addition, it is unfortunate that the Hungarian report does not give any direct quotes or footnotes, which could help to evaluate the information used. Despite this, some of their sources could be recognized from the sources used in the Commission's October report.

Page four of the Summary mentions that: "Its ("Golden Train") freight was the following: 54 cases containing valuables, 1360 cases containing silver of reduced purity, one case of pure

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<sup>20</sup> James A. Garrison, Chief RD&R Division USACA, Memoranda for the Record, conference with Nyaradi, Dr. Varvasovsky, Head of Hungarian Restitution Mission in Austria, Garrison, and Lt. Col. McKee, Chief of Restitution Branch of RD&R Division, NACP, RG 84, Entry 2056, File 110 Hungary, Box 18.

<sup>21</sup> American policy for the submission of claims detailed .....

<sup>22</sup> James A. Garrison, Chief RD&R Division USACA, Memoranda for the Record, conference with Nyaradi, Dr. Varvasovsky, Head of Hungarian Restitution Mission in Austria, Garrison, and Lt. Col. McKee, Chief of Restitution Branch of RD&R Division, NACP, RG 84, Entry 2056, File 110 Hungary, Box 18.

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train"

silver, one case containing silver bricks, approximately 100 paintings, the exhibits of the Gyor Museum, maps, approximately 3000 knotted Hungarian and Persian carpets, clothes, valuable fur coats, stamp collections, lace collections, cameras, gramophones, silver jewelry, porcelain articles, pocket watches and watches (about 10.000 of them)...<sup>23</sup> This description of the cargo of the "Gold Train" is based on the July 28, 1947 letter of the Central Board of Jews in Hungary, Autonomous Orthodox Israelitic Central Board of Jews in Hungary and the Committee for the Repatriation of Abducted Properties to the State Department.

In this letter, the Jewish organizations in Hungary wrote that they had learned that American military authorities took control of the following: "1560 cases containing silver with different weights, 1 case of silver bricks, about 100 artistic pictures, about 3000 knotted Persian and Oriental carpets and some home-made manufactured carpets sporadically among them... According to the reports received from the officials, there were also clothes, fur-coats, made of noble furs, stamp-collections, collections of laces. Cameras, gramophones, silver-jewels, porcelains, pocket and wrist watches (about 8-10.000) laden into wagons."<sup>24</sup> It seems clear that the information provided in the recent Hungarian Summary is based on the same letter, quoted above and in the commission report. *It provides no new details and it offers no proof that the 1169 lesser-quality paintings were not on the Werfen Train.*

In another letter received by the Commission, Professor Ernst Bacher elaborated that the paintings were restituted by the Austrian government both to private individuals and to the

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<sup>23</sup> Letter to the Presidential Commission....

<sup>24</sup> Included on page 4 of the letter ... There is a report available on the jewels and golden valuables ordered by Commander Arpad Toldy to be laden on two lorries and carried to the French zone, where they were seized by the French troops. According to these reports the following valuables were taken under control by the United States Military Authorities:..." see notes 4-6, 20, 26-28 of October Draft Hungarian Gold Train Report.

DRAFT - 3/6/00

## Update of "The Mystery of the Hungarian Gold Train"

Hungarian state. In the moment, the Commission is following up on some of the cases of restitution mentioned in the letter.

In one case, Bacher discusses fourteen paintings that "were put in the disposal of the US occupation authorities in 1951." Documentation shows that paintings were in use by the US Forces Austria and were to be returned to the custody of the Austrian government. All of them were included in the January 5, 1949 transfer lists signed by American and Austrian representatives. They were separated, Schedule "B" for paintings in use by Hq. Zone Command Austria, Salzburg, under the custody of Mr. Vernon R. Kennedy, and Schedule "C" for paintings in use by RD&R Division, USACA Section, Hq. USFA, under the custody of Lt. Col. Frederic W. Hodge.

*Make  
separate  
section*

Schedule "B" included the following:

- 210 ARTIST UNKNOWN, Rivulet, flowing between house in landscape, water-color, 26x35 cm, with #189
- 347 KOMAROMI KACZ, Sunset with peasant house at a lake, oil/canvas, 31x42 cm, broad, golden frame (rev. side Dr. Szalvendy, Odom Ugyved Salgotarian Wr. 7)
- 690 ZUBER R: Peasant woman, oil-wood, 29x23 cm
- 756 HEYER A: White angora cat, oil/canvas, 50x40 cm, no frame
- 777 FZENTHALY FERENCZ: Forest landscape in winter with woman collecting wood, oil/canvas, 47x56, golden frame (Friedmann Rezoss, Salgotaryan)
- 966 ARTIST UNKNOWN, Picture of an old castle, oil/canvas, 58x40, with frame
- 1065 ARTIST UNKNOWN, Head of a man, oil/cartoon, 34x24, with frame
- 1085 CSILLAC: Old peasants with pitcher, colored etching, 31x23, with frame and glass (rev. side 1255)
- 1090 OLCYOS: Winter landscape with big trees, colored etching, 35x26, with frame and glass, (rev. side 255)<sup>25</sup>

<sup>25</sup> Headquarters Zone Command Austria, Property Control and Restitution Branch, APO 541, US Army, Schedule "B" attached to Receipt for transfer of items "believed to be of Hungarian origin" from the Commanding General, United States Forces in Austria, to Austrian Federal Government, signed by Vernon Kennedy, Chief Property Control Branch and Restitution Branch, and Ministerialrat Josef Reith, January 5, 1949, Salzburg, Austria, NACP, RG 260, USFA/USACA. Reparations and Restitution Branch. Box 100 [103520].

DRAFT - 3/6/00

## Update of "The Mystery of the Hungarian Gold Train"

While Schedule C included:

SANTHAL 1913: Brook in winter landscape, oil/cartoon, 31x29 cm, nice golden frame

ARTIST UNKNOWN: Holy virgin with sleeping little Jesus and young saint, oil/copper,

16.5x21.5 cm, with broad golden frame (250 Fischorn, Stockholm)

ARTIST UNKNOWN: Portrait of a lady, on porcelain plate, round, diam. 16 cm, golden frame

ARTIST UNKNOWN: Society with horses and tent (camping scene) Dutch school 18<sup>th</sup> century, oil/wood, 58x35

cm, golden frame

ARTIST UNKNOWN: Two peasant women and peasant at the field, oil/wood, 34x24 cm, framed, under glass.<sup>26</sup>

Documents indicate that six of these paintings were returned from James Garrison to Walter Q. Loehr, Chief RD&R Branch, Legal Division, USCOA on January 12, 1951.<sup>27</sup>

Yet a list of paintings on loan to U.S. Authorities in Austria offers evidence that as of March 23, 1949, these paintings were not only still being held by U.S. officials, but had been formally recalled to U.S. control.<sup>28</sup> Communication with the Army will be the most helpful in the pursuit of further information about the final disposition of these paintings.

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<sup>26</sup> Headquarters Zone Command Austria, Property Control and Restitution Branch, APO 541, US Army, Schedule "C" attached to Receipt for transfer of items "believed to be of Hungarian origin" from the Commanding General, United States Forces in Austria, to Austrian Federal Government, signed by Vernon Kennedy, Chief Property Control Branch and Restitution Branch, and Ministerialrat Josef Reith, January 5, 1949, Salzburg, Austria, NACP, RG 260, USFA/USACA, Reparations and Restitution Branch, Box 100 [103521].

<sup>27</sup> Receipt of six paintings from James Garrison to Walter Q. Loehr, Chief, RD&R Branch, Legal Division, USCOA, 12 January 1951, NACP, RG 260, USACA, General Records, Box 158. Returned paintings included: the Santhal "Brook in Winter Landscape," the oil/copper "Holy Virgin with Sleeping Little Jesus and Young Saint," "Portrait of a Lady," "Two peasant women and peasant in the field," "Society with horses and tent," and "Landscape with sheep and shepherd."

<sup>28</sup> "Property on Loan to U.S. Establishments," NACP, RG 260, USACA, General Records, Box 159.

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train"

4. Military Government Warehouse, Salzburg

*best file for sub-section? is this decision making prog*

A June 1946 document provides evidence that the U.S. Military Authorities had reason to assume that a substantial part of the train cargo included property confiscated from the Hungarian Jews:

The items of household furnishings stored in the property Control Warehouse, Salzburg, that are suitable for use in family billets, i.e., rugs, chinaware, silver table service, are part of the contents of a 44 car train which left Hungary in March of 1945... Available evidence indicates that the items contained in this train were removed from Hungary by the Hungarian Nazi Government, and a portion of them may possibly have been taken from Hungarian Jews...<sup>29</sup>

*should this be in another section*

Not all of the goods stored in the Military Warehouse in Salzburg came from to the "Gold Train." However, all transactions cited in the report were made with "Gold Train" property. All documents about the requisitioning of goods by U.S. officers came from a file labeled, "Property Removed from Werfen Train for Use in Villas, Offices, etc." and organized by Evelyn Tucker.<sup>30</sup> It is possible to add that this file provides evidence that not only was the transferred property from the Gold Train, but that many U.S. officers received property marked with the names of its original Jewish owners. For example, silverware released for use of the officers of the Artillery Staff of the 42<sup>nd</sup> Division, housed in the von Trapp estate in Salzburg, included a chest "bearing name of Gergely[?] Henrik."<sup>31</sup> This chest was not restituted to Joly Gergely, despite the fact it should have been considered as recognizable property of her late husband [**When was her claim filed? What was process of inventorying at the MG Warehouse?**]. In addition, General Lande received a silver set for ten, marked by the name and address of "Dr. Otto Arodi, Tokai

<sup>29</sup> "Use of Items from Property Control Warehouse, Salzburg, for Furnishing Dependents Billets," June 5, 1946, NACP, RG 260, USACA Records, RD&R Division, USFA, Box 77.

<sup>30</sup> "Property Removed from Werfen Train for Use in Villas, Offices, etc.," NACP, RG 260, USACA Records, USFA, RD&R Division, Box 77.

<sup>31</sup> "Receipt signed by Lt. Ross Traphagen," October 24, 1945, NACP, RG 260, USACA Records, RD&R Division, Box 77.

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train

No 19"<sup>32</sup>; and Brigadier General Morrill Ross dined with a silver set marked by "Hungary-Monogramm "Emma."<sup>33</sup>

### 5. Future Research Question:

The Commission's Draft Report has been criticized for the description of the decisions made regarding the disposition of the assets on the "Gold Train." However, we maintain that General Marshall's 1947 cable, written in his capacity as the Secretary of State, gives a clear indication of the responsibility taken by the military command in Austria. In light of this criticism, as well as our own pre-existing research plan, it is one of the Commission's top priorities to research the details of the decision making process for policy and it has always been our intention to include the results of these efforts in the final report.

Restitution to individuals was ~~considered~~ <sup>deemed</sup> impossible from the beginning of considerations <sup>regarding</sup> ~~for restitution of~~ <sup>of</sup> assets ~~to~~ Holocaust victims and victims of Nazi aggression. In its place, the Allies worked towards the development of a program of restitution from nation to nation. There were, however, exceptions made in the case of the Gold Train (and other select instances) in which individual restitution was made. Jody Gergely was one case discussed in the October report, and the Austrian letter raises questions of the individual restitution made by the Austrians before the final restitution of 1002 paintings in 1963.

Lanc Faison...Gergely 1952 wanted to restitute; restitute to individuals; Austrians restituted 3 cases.

Garrison's discussion

<sup>32</sup> "For Use in Gen. Lande's residence at No 17 Nesselthalerstr, September 27, 1945, NACP, RG 260, USACA Records, RD&R Division, Box 77.

<sup>33</sup> "Silverware for use by Brig.Gen. Morrill Ross 42<sup>nd</sup> Div. Arty. APO 411, 15 Schwimmschulstr. Salzburg, October 24, 1945, NACP, RG 260, USACA Records, RD&R Division, Box 77.

DRAFT - 3/6/00

Update of "The Mystery of the Hungarian Gold Train"

Several questions remain about the history of the Hungarian Gold Train. Future research should especially determine more information about the following:

1. What is Vernon Kennedy's connection to the custody of some of the 14 paintings not transferred January 5, 1949 to the Austrians?
2. Why did Walter Loehr (of the Legal Division USACA) receive paintings transferred from Garrison?
3. Where is the train's original inventory? Who created it? When? Can this be located through archival records of the troop units?
4. What is known of Mark Clark's papers at the Citadel: Will/Can they provide any sense of context for his decision that the assets were "unidentifiable"?
5. What materials may be in Kenneth Alford's archives (for his book, Spoils of War)?
6. What can be determined about the Attorney General's Decision to tax the PCIRO goods that entered the U.S. in 1949? Are there any company files available for the firm <sup>which</sup> ~~who~~ handled the customs issues for the PCIRO?
7. Is there additional information about the train that could be gleaned from a review of Baron Kronfeld's restitution claim? What were the attempts at individual restitution?

8. *What was the U.S. policy for treatment of Hungarian assets? How did status as a defeated enemy nation affect policy?*

In any case the following seem clear from the recent update: A *significant* portion of the paintings found in the MG Warehouse in Salzburg belonged to the cargo of the Gold Train. The *majority* of the paintings belonged to the victims of Holocaust from Hungary (It was proved by cases of the individual restitution to the victims, survived labels with the names of owners and the character of the paintings, the majority of which was of low quality and could be amassed only in case of confiscation of different household properties.) *Also proved by the descriptions of the confiscations in Hungary and the details of the paintings as being of "no particular value."*

*Have we proved this?*

We do not believe that the question "How many paintings were on the train and how many were not" is of serious conceptual importance. The official American position was that all

9. *Were other assets returned to Hungary? (note - I think yes - "silver train"). Do these returns make "the Gold Train" an anomaly?*

Update of "The Mystery of the Hungarian Gold Train"

paintings belonged to the cargo of the Werfen Train and before the opposite is proven, we see no reason to abandon their characterization that the paintings originated from the train.

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GOOD Draft -

We need to work on  
CATEGORIES.

Also, take one more look at  
the report by the Hungarians  
one more time: we should  
engage their ideas in a bit  
more detail.

Also, remember the Q - Did  
the US officers/soldiers who  
misappropriated objects know they  
came from Hungarian Jews/victims?

Paintings

14 paintings

Inventory

Hungarian letter

Determination of origin / identity