

AMERICAN FEDERATION OF JEWS
FROM CENTRAL EUROPE, INC.

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Fourth Session of the American Jewish Conference

Organizational News

A M E R I C A N F E D E R A T I O N O F J E W S
F R O M C E N T R A L E U R O P E , I N C .

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I N F O R M A T I O N B U L L E T I N

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LAW #59 CONCERNING RESTITUTION OF IDENTIFIABLE PROPERTY IN THE U.S. ZONE OF GERMANY
BECOMES EFFECTIVE ON NOVEMBER 10, 1947.

The Departments of State and Army, and the Office of Military Government for Germany (U.S.) on November 10, 1947 jointly announced the promulgation of Military Government Law No. 59 providing for the restitution of identifiable property which was taken from its rightful owners by the Nazis during the period from January 30, 1933 to May 8, 1945 through transactions under duress arising from discrimination because of race, religion, nationality, and political opposition to National Socialism. From the joint State-Army release we quote:

"This Law represents the culmination of many months of work during which Military Government officials have discussed all phases of the problem with the other three occupying powers. Because of the complexity of the subject and the many different principles involved, complete agreement in all details could not be reached with the other occupying powers but the best suggestions of all have been incorporated into the Law which was issued today. In all stages of the discussions, the drafting of the Law was done in close cooperation with a committee of German experts appointed by the Minister-Presidents of the States in the U.S. Zone.

This Law provides for the return of property presently located in the U.S. Zone of Occupation including Land Bremen; it is not applicable to property in the U.S. Sector of the City of Berlin, which must be the subject of further legislation. Claims arising from war damage and claims for damages and injury not connected with the wrongful taking of identifiable property are not within the scope of this Law but must wait further legislation. Wide publicity will be given to any such legislation when it is promulgated in order that claimants for this type of loss may proceed at that time to submit their claims in the proper form and to the proper claims agency.

All claims for restitution under Military Law No. 59 are to be filed with a central filing agency which has been established in the U.S. Zone of Germany. Claims should be prepared in the form set forth in Regulation No. 1, which was issued simultaneously with the Law, and mailed directly to:

Zentralanmeldeamt (Central Filing Agency) Bad Nauheim, Germany.

Claims should not be sent to Military Government offices or to local German governmental officials. Non-residents of Germany filing claims should nominate in

the claim for restitution a person within Germany to receive, as the agent of the claimant, service of all papers and notices made pursuant to the Law. All claims under the Law must be filed on or before December 31, 1948.

In accordance with the United States policy of turning over to the German people the responsibility for governmental functions, the entire administration of the Law will be the responsibility of the German people; Military Government will, of course, exercise general supervision over the German agencies and reserves the right to review any decision of the German Tribunals. The central Filing Agency will forward the claim to the appropriate Restitution Agency in whose district the property is located. This Agency, after a preliminary investigation of the facts including an examination of matters of public record, will serve the proper notices on all interested parties. If no objection to the restitution of the property is filed, the Restitution Agency is empowered to enter an order of restitution. If there is a dispute between the parties, the matter in dispute will be adjudicated by the Restitution Chamber, which will be a branch of the ordinary German Courts (Landgericht). These courts will be composed of a judge and two other persons who are legally qualified to be judges; one of the three must belong to a class of persons persecuted under the Nazis. Appeals will be taken to the German appeal courts (Oberlandesgericht). Since the Law will be administered by German officials, the German text has been made the official text. For the same reason claims should, if convenient to the claimant, be filed in German; if not in German, they shall be in English.

Property recovered under the restitution law will be subject to the same laws and regulations as other property of the same category; for example, property owned by absentee owners will remain blocked and may be removed from Germany only pursuant to the usual policies governing such matters. Amounts due claimants will be paid in Marks and no remittance thereof outside Germany or conversion into another currency will be possible until foreign exchange is generally available for such purposes.

Restitution under this Law is not to be confused with external restitution in accordance with the policy which has been followed by the Allied Control Council for the last two years; thus, property taken by the Nazis from countries outside Germany must still be claimed from the government of the country from which it was removed which in turn may claim restitution of the property from Germany.

In order to facilitate the location of restitutable property, a duty is imposed upon persons in Germany who have or have had in their possession after its wrongful taking to report any property of a value of over 1000 Reichsmarks which falls within the scope of this Law. This report must be filed with the Central Filing Agency at Bad Nauheim, Germany, on or before May 15, 1948, in accordance with Regulation No. 2 issued simultaneously with the Law."

RESTITUTION IN THE FRENCH ZONE

On November 10, 1947 - the same day on which Law No. 59 was enacted in the American Zone - General Pierre Koenig, chief commander of the French occupying forces in Germany, issued Ordinance No. 120 for his zone regulating the restitution of properties confiscated from or disposed of by their rightful owners between January 30, 1933 and May 8, 1945 for reasons of nationality, race, religion, political conviction or anti-Nazi activities.

The French Ordinance differs in many respects from Law No. 59. To mention here only two examples: it protects the holder of property who acquired it in good faith, and any net profits drawn from the property by its present owner are not due to the original owner (persecutee) but shall be placed in a special fund for the victims of Nazism like all proceeds from the sale of heirless property.

RESTITUTION IN THE BRITISH ZONE

In contrast to the regulations of the American and French Military Government, General Order No. 10 issued by the British Military Government on October 20, 1947, means only a preparatory though important measure for future legislation on restitution of property confiscated or sold under duress during the Nazi regime. It does not contain any provisions ordering the restitution of such property, nor does it say whether good faith will be protected, or who will be entitled to claiming heirless property. It orders all persons who have, or at any time since 30th January 1933, have had possession, custody or control of any identifiable property which was between the 30th January 1933 and the 8th May 1945 confiscated or removed from the ownership of any person by reason of his race, nationality, religion or political opinion to declare such property to the local German authorities within six months from the date of the Order.

Any person deprived of property as defined in Article I of the Order may file a claim for its restitution. Such claims must be filed on or before 31st December 1948. Claims filed after that date will be inadmissible. Claims should be made on Form MG AF/C in triplicate and should be forwarded to

Zentralamt fuer Vermoegensverwaltung (Britische Zone) Bad Nenndorf,
Niedersachsen

Claimants residing outside Germany may obtain the forms from the British Consulates competent for the places of their residence or from the office of this FEDERATION which, we are glad to say, has been recognized as corresponding agency for the United States by the British Military Government for Germany.

A booklet containing the full text of the U. S. Military Government Law No. 59 and its regulations No. 1 and 2, of the French Ordinance No. 120 and of the British General Order No. 10 may be obtained from the office of FEDERATION against advance payment of \$1.50.

FEDERATION intends, in its further bulletins, to keep its members and friends posted on all developments in the field of restitution, especially on the interpretation and administration of the various laws and on the practice of the German restitution agencies and courts. For this reason FEDERATION plans to issue its bulletins more frequently, thus increasing their practical value to interested parties. However, FEDERATION can carry out this service only if it has the necessary means at its disposal. We therefore, call again upon our members and friends to provide us with the funds indispensable for the realization of this important part of our program.

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RESTITUTION IN AUSTRIA

On May 21, 1947 - published in the Bundesgesetzblatt of August 8, 1947 - the Austrian Nationalrat approved the Fourth Restitution Law (4. Rueckstellungsgesetz) which deals with the re-registration of trade names cancelled during the Nazi regime in Austria for reasons of discriminatory laws and measures, and with the restoration of trade names which were changed for the same reasons. Applications must be made within one year after the enactment of the law in order to take advantage of its privileges. The full text of the law will be mailed to interested parties upon request.

In this connection we wish to add that also copies of the Third Restitution Law can still be obtained from FEDERATION's offices.

According to a note published in the August issue of "Der Neue Weg", a Viennese bi-monthly periodical, a "Restitution G.m.b.H." located at Vienna IX, Widerhofer Platz 3 has been established, the special task of which is to furnish advice and legal assistance to claimants who cannot afford to engage the services of a lawyer. This information is given without any commitment on our part.

EXPORT OF PERSONAL PROPERTY FROM THE BRITISH ZONE

United Nations' and neutral nationals, who reside in the United Kingdom, as well as British subjects and British protected persons residing elsewhere may apply for the removal of their furniture, personal and household effects from the British Zone in Germany, provided that they were owned by these persons when resident in Germany at any time prior to 8 May, 1945. Applications, in triplicate, on forms which can be obtained from The Control Office for Germany and Austria, Room 229, Norfolk House,

St. James' Square, London S.W.1, should be addressed to the Military Government Headquarters of the region in which the property is situated.

For the removal of jewelry, precious metals, objects d'art or articles having a special value as antiques or collections a special license is required. Personal effects of which the owner has been dispossessed pursuant to Nazi discriminatory legislation do not come within the scope of these regulations.

FEDERATION wishes to inform its membership that it has entered into negotiations to obtain similar privileges for U.S. citizens and residents, and that the State Department has promised to raise this problem with OMGUS in the near future.

GERMAN IMMIGRATION QUOTA FOR PERSONS BORN IN POLISH CONTROLLED TERRITORIES

According to information received from the Visa Division of the Department of State, the German immigration quota applies to persons born in German territories which are now under Polish administration. In a special case it was decided that

"until the conclusion of a treaty establishing the new boundaries for Germany and the issuance of a proclamation reallocating the quotas concerned, persons born in Breslau or Stettin must be considered as being chargeable to the German quota".

VISITOR VISAS FOR PERSONS IN GERMANY LIMITED TO TRAVELS IN NATIONAL INTEREST

Jewish residents of Germany and Austria have been wondering whether it would be possible for them to visit their relatives in the United States. FEDERATION, in response to an inquiry with the Visa Division of the Department of State; learns that

"at this time the Consular offices of the United States in Germany and Austria will receive and consider applications for visitor visas by bona fide non-immigrants only whose visits to the United States are certified by the competent U.S. Military authorities to be in the national interest".

STATUS OF JEWS EMIGRATED FROM GERMANY WITH RESPECT TO THEIR NATIONALITY.

Again and again the question has arisen whether Jews who, after their emigration from Germany, were deprived of their German citizenship by the "Elfte Verordnung zum Reichsbuergergesetz" of November 25, 1941, and have not acquired citizenship of another country meanwhile, are considered stateless in spite of the repeal of the respective laws by the Allied Control Council.

According to the Allied Secretariat of the Office of Military Government for Germany (U.S.) the opinion on this question formulated on a quadripartite basis by the Legal Directorate reads as follows:

"Law No. 1 of Control Council is not retroactive. Consequently, it has not resulted in conferring automatically German citizenship to Jews and to other persons who are deprived thereof by virtue of legislation abrogated by Control Council Law No. 1. The question of the restoration of German citizenship to persons who were deprived thereof by reason of their race, or religious or political convictions, will be considered by the Allied Control Authority".

FOURTH SESSION OF THE AMERICAN JEWISH CONFERENCE

FEDERATION in its preceding bulletin informed its membership of the regional hearing the American Jewish Conference was holding throughout the country in order to learn the views of the various groups with regard to a permanent democratic body to be established as a representative of American Jewry as a whole. Such hearings were held in Chicago, Cleveland, Detroit, Philadelphia, Newark, Los Angeles, San Francisco, Boston, Minneapolis and New York.

FEDERATION's Executive Committee unanimously adopted at its last meeting the following resolution on the future organization:

"The American Federation of Jews from Central Europe, Inc. approves in principle and supports the plan for the establishment of a representative and democratic body authorized to speak and act for American Jewry.

At the same time FEDERATION expresses its wish that all efforts be made in order to have all major nation-wide Jewish organizations represented in the planned permanent body including those which have never been affiliated with the American Jewish Conference or have seceded from it".

Meanwhile, the American Jewish Conference held its Fourth Session in Chicago from November 29 to December 1st. The vote on the plan as prepared and proposed by the Committee on Future Organization was 198 for and 6 against.

ORGANIZATIONAL NEWS

The Annual Meeting for 1946/47 will take place in New York on January 26, 1948.

The place and the agenda of the meeting will be made known in due time.

All affiliated organizations are urgently requested to fill out the questionnaires mailed to them recently and to return them not later than by December 31, 1947.