in June 1951, put under “close supervision.” In December 1951 the Arab News Agency reported that the Syrian Ministry of Justice had ordered the preparation of legislation for the freezing of all Jewish property “on Iraqi lines.” This legislation was reported in September 1952 to have entered the final stage of government ratification. In January 1952 the Zilkha Bank of Damascus, the only remaining Jewish-owned business establishment of importance in Syria, was closed by the authorities and forced to wind up its business and liquidate by April 1, 1952.

SH. YIN'AM

GERMAN COLLECTIVE INDEMNITY TO ISRAEL AND THE CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY

The Federal Republic of Germany undertook obligations at the negotiations in The Hague in the summer of 1952 which are often erroneously referred to as the payment of “reparations.” The term “reparations” is reserved, in international legal terminology, for compensation by agreement between former belligerent states for war and occupation damages inflicted upon an occupied country, usually by a vanquished aggressor state.

In order to distinguish the nature of the new obligations of Germany from that of her other, already existing obligations for the amelioration of the material losses suffered by victims of Nazi aggression, it is necessary to review briefly the character of the earlier German commitments.

Restitution

The term “restitution of property” is self-explanatory, in the sense that it encompasses the restoration of properties confiscated or alienated under duress from their rightful owners. Restitution in the Western zones of occupation of Germany was provided for by separate zonal statutes enacted in their respective zones by the three Western occupation powers, the United States, Great Britain, and France. However, these Allied statutes, of which the United States zonal law is the most advanced and satisfactory, provide only for the restitution of existing and identifiable properties. They notably fail to provide for the return of properties that the Third Reich confiscated directly, most of which were unidentifiable. The reason for this serious omission was that at the time of the enactment of the United States zonal restitution law, no central successor state authority existed in Germany to satisfy the claims of owners of property confiscated by the Third Reich.

Indemnification

“Indemnification” is a collective term covering the settlement of a variety of nonproperty damages, deprivations, and losses inflicted upon individuals. These range from damages to life and limb, and to health, through depriv-
tion of liberty, to occupational losses and the loss of employment rights, benefits, and pensions. The various Laender (states) of West Germany individually enacted more or less uniform legislation to indemnify the victims of Nazism for damages of this nature. However, none of these laws fully and adequately satisfied the claims in question.

Collective Indemnity

Thus restitution and indemnification involve the satisfaction of the claims of individuals and their heirs. Another concept of restoration has emerged from the moral convictions of the Allied powers victorious over Nazism; since this concept is collective in character, it bears some relationship to the concept of reparations. The measures based on this new collective concept of restoration have yielded only modest material results. But, taken soon after World War II, they early established the principle of collective German responsibility for the wrongs of Nazism. These measures served, at least in general terms, to lay the conceptual basis and to establish a precedent for the collective claims of Israel and the Conference on Jewish Material Claims Against Germany.

GERMAN EXTERNAL ASSETS

One of the modest measures taken was in connection with the settlement of the problem of German assets held outside of Germany, chiefly in neutral countries. The Potsdam Agreement of August 1945 assigned such German external assets found in Western neutral countries to the reparation accounts of the Western Allies. In December 1945 the Final Act of the Paris Conference on Reparation allocated the sum of $25,000,000 to the Inter-Governmental Committee on Refugees (which was later succeeded by the International Refugee Organization) for the resettlement and rehabilitation of Nazi victims, and instructed the latter to use 90 per cent of the funds for the rehabilitation and resettlement of Jewish victims. As a result, 90 per cent of the amounts actually recovered from neutral countries was paid over to the American Joint Distribution Committee and the Jewish Agency for Palestine. (Sweden had paid her share fully; Switzerland had paid about half of her share and was expected to pay the remainder; because of certain currency difficulties, Portugal had failed to make any payment.) In addition, the Paris agreement assigned all non-monetary gold found in Germany (mostly loot from Nazi victims) to the same channels for the same purpose. It also "called upon" the neutral countries to make available for the same purpose heirless assets of Nazi victims held in their banks; but no action had been taken and no results ensued from this request.

HEIRLESS PROPERTY

On the other hand, the heirless property problem had been given particularly serious attention by the American authorities in Germany herself. A Jewish delegation headed by Judge Joseph M. Proskauer, then-president of the American Jewish Committee, persuaded General Lucius Clay, then United
States Military Governor of Germany, that the United States Government ought to recognize and implement a principle previously unacknowledged. As a consequence, the United States zonal restitution law of November 10, 1947, later emulated by the corresponding British and French zonal laws, of May 12, 1949, and July 26, 1949, respectively, recognized the principle that heirless property constituted a collective claim of Nazi victims; that it was to be restituted to successor organizations representing collectively the categories to which the victims, most of whom were Jews, belonged; and that the proceeds of such restituted properties were to be used for the rehabilitation and resettlement of the victims themselves. The Jewish Restitution Successor Organization in the United States zone and later the Jewish Trust Corporation in the British zone were officially appointed by military government to execute the various phases of this heirless property program. The JRSO successfully processed and prosecuted a large number of heirless property claims and collected considerable amounts for purposes of rehabilitation and resettlement (through the JDC and the Jewish Agency) of Jewish victims of Nazism. Much later a similar Jewish body was set up in the French zone.

As noted, these Allied laws provided only for the restitution of identifiable property. As a result, unidentifiable property, particularly the huge special levies imposed upon Jews by the Third Reich, could not be claimed at all.

It is against this background of partial solutions and a new concept of collective indemnity that the recent claims of Israel and of the Conference of Jewish Material Claims Against Germany must be viewed.

Israel's Claim Against Germany

From the time of its establishment in May 1948, the State of Israel had engaged in a general boycott of Germany that precluded any consideration of Germany making any material amends for its moral wrongs. However, the increased strain upon Israel's economy because of its absorption of large numbers of Nazi victims was accompanied by the realization at the beginning of 1951 that Germany, which had assumed no responsibility for what had developed into a world problem, was now about to negotiate a peace treaty with the occupying powers, and would receive from the occupying powers jurisdiction over restitution. These considerations impelled the Government of Israel to intervene in behalf of Jewish claims, though Israel was still at that time unwilling to approach the Federal Republic of Germany directly.

When a meeting of the Foreign Ministers' Deputies (representing France, Great Britain, the Soviet Union, and the United States) was convened in Paris to discuss the future status of West Germany, the Government of Israel submitted a note on January 16, 1951, to the four occupying powers. Concerned in detail with questions of restitution claims from Germany of individual Israelis, the note avowed for the first time Israel's intention to present its general claims against Germany.

On March 12, 1951, the State of Israel in notes addressed to the four occupying powers filed a claim for one and a half billion dollars from Germany. The notes stressed the German responsibility for the annihilation of 6,000,-
On June 29, 1951, Israel submitted a note to the United States Department of State. This note, with an aide mémoire attached, was concerned with the forthcoming conference called by a tripartite commission of the United States, Great Britain, and France, to deal with the settlement of German prewar debts owed to more than twenty countries. This note suggested that in settling Germany's debts, Israel's claims be taken into question, bearing in mind their unique legal and moral character.

On October 31, 1951, the Israel Government submitted a similar note to the United States calling attention to the individual claims of Israeli residents and the Government of Israel's collective claim against Germany in connection with the general consideration of the settlement of Germany's external indebtedness.

On November 30, 1951, the Government of Israel submitted still another note to the United States State Department. This note detailed the reasons for Israel's claim, referring to Germany's economic recovery which would make discharge of this claim possible "without imposing a financial burden on the Allies." The note urged the United States to "impress on the Government of the Federal Republic of Germany the urgent and compelling necessity to give effective satisfaction" to Israel's claim.

**Chancellor Adenauer's Statement**

In the meantime Chancellor Konrad Adenauer of the Federal Republic of [West] Germany, in an address to the West German Parliament in Bonn on September 27, 1951, had offered to start negotiations with Israel and representatives of Jewish groups outside of Israel to settle the question of "material amends." He said that the "unspeakable crimes perpetrated in the name of the German people" by Nazism imposed upon the Germans "the obligation to make moral and material amends." Specifically, Adenauer stated:

The Federal Government is prepared, jointly with representatives of Jewry and the State of Israel, which has admitted so many homeless Jewish refugees, to bring about a solution of the material reparation problem in order to facilitate the way to a spiritual purging of unheard-of suffering.

In a dramatic standing vote, the Bonn Parliament unanimously endorsed this offer.

**Organization of the Conference on Jewish Claims**

On September 2, 1951, the American section of the Jewish Agency for Palestine invited a number of Jewish organizations in the United States and other countries to participate in a conference for the purpose "of giving
public support to Israel’s claim against Germany *vis-a-vis* the Great Powers and Germany itself, and to discuss ways and means how best to organize such support in the future."

In the light of Chancellor Adenauer’s declaration it became manifest, however, that the German government was prepared to consider and to discuss with Jewish representatives the entire complex of still unsatisfied Jewish claims, including those of Jewish victims of Nazism living outside of Israel. On this basis, Jacob Blaustein, president of the American Jewish Committee, urged the inclusion as entirely independent and separate of these “non-Israeli” claims in the agenda of the proposed conference. This the conference decided to do.

On October 25 and 26, 1951, a Conference on Jewish Claims Against Germany was held in New York City. In addition to representatives of the Israel Government, delegations from the following organizations participated: the Agudath Israel World Organization, the Alliance Israélite Universelle, the American Jewish Committee, the American Jewish Congress, the American Zionist Council, the Anglo-Jewish Association, the B’nai B’rith, the Board of Deputies of British Jews, the British Section of the World Jewish Congress, the Canadian Jewish Congress, the Conseil Réprésentatif des Juifs de France (CRIF), the Council for the Protection of the Rights and Interests of Jews from Germany, the Delagación de Asociaciones Israelitas Argentinas (DAIA), the Executive Council of Australian Jewry, the Jewish Agency for Palestine (American Section), the Jewish Labor Committee, the Jewish War Veterans, the South African Jewish Board of Deputies, the Synagogue Council of America, and the World Jewish Congress. Present as observers were representatives of the American Jewish Joint Distribution Committee (JDC) and the Council of Jewish Federations and Welfare Funds.

The Conference issued a statement which declared that “crimes of the nature and magnitude perpetrated by Nazi Germany against Jews cannot be expiated by any measure of material reparations,” but that “every elementary principle of justice and human decency requires that the German people shall, at the least, restore the plundered Jewish property, indemnifying the victims of persecution, their heirs and successors, and pay for the rehabilitation of the survivors.” It was also noted that “no acknowledgment of responsibility or readiness to make any amends has been made by Eastern Germany.”

The Conference recorded its support of the collective claim of the Israel Government against Germany, demanded satisfaction of all other Jewish claims against Germany (additional heirless property claims of successor organizations and claims for rehabilitation of Jewish victims of Nazi persecution), and also called for immediate steps to extend and improve existing restitution and indemnification legislation and procedure.

**Preparatory Steps Toward Negotiations**

Since it was apparent that neither the United States nor Great Britain nor France would undertake to negotiate on behalf of Germany, and since Chancellor Adenauer had, in general terms, offered to negotiate directly with Israel, a series of unofficial discussions took place during the last months of
Finally, on December 6, 1951, Chancellor Adenauer conveyed to the
Israel Government and the Conference on Jewish Material Claims an invita-
tion of the West German Government to negotiate on Israel's and other Jew-
ish claims.

The Israel Cabinet acted favorably on this invitation and brought the ques-
tion of direct negotiations before the Israel Knesset (Parliament) on January
7, 1952. After a bitter two-day debate, against a background of violent street
demonstrations organized by the extremist Herut Party, the Knesset voted on
January 9, 1952, 61-50, with 5 abstentions, to reject a motion against any
contact with the Germans which had been supported by the Herut Party,
the left-wing Mapam, the Communists, and the General Zionists. Supporting
the government were forty-five members of the Social Democratic Mapai
Party, six of the Orthodox Labor Poale Mizrachi, three of the Progressive
Party, one of the Orthodox Mizrachi, one of the Agudath Israel, and five
Mapai-affiliated Arab members. By the same vote, a motion was passed au-
thorizing the cabinet "to determine the final line of action in accordance
with the circumstances and conditions."

Chancellor Adenauer's unofficial invitation was also discussed at a closed
meeting of the Policy Committee of the Conference on Jewish Claims
Against Germany, held in New York on January 20, 1952. Cognizance was
taken of Israel's intention to deal directly with the Federal Republic of Ger-
many, and the Policy Committee authorized its Executive Committee to
undertake all steps necessary to represent its own and to support Israel's
material claims against Germany.

During this period the United States Department of State had withheld
its reply to Israel's note of November 30, 1951. On January 24, 1952, the
State Department replied, stressing its opinion that a settlement of the Israel
claim against Germany should be effected through direct negotiations. The
note expressed gratification that the Israel Government had obtained parlia-
mentary authorization for such negotiations.

On February 3, the Conference announced that a five-man presidium had
been chosen to direct its day-to-day activities. The presidium would be
responsible for conducting negotiations in behalf of the Conference in co-
operation with the representatives of the Government of Israel. The pre-
sidium consisted of: Jacob Blaustein (American Jewish Committee), Frank
Goldman (B'nai B'rith), Nahum Goldmann (Jewish Agency for Palestine),
Israel Goldstein (American Jewish Congress), and Adolph Held (Jewish
Labor Committee), with Goldmann as presiding officer.

From February 10 to February 13, 1952, the members of the presidium met
in Paris with representatives of the Government of Israel to exchange views
on the nature and scope of the respective material claims against Germany
of Israel and the Conference.

On February 19, 1952, in reply to Chancellor Adenauer's invitation to
negotiate of December 1951, Goldmann announced in London that he had
since been authorized to inform the German Government that Israel and the
Conference had agreed to accept the invitation, that negotiations would
begin "about the middle of March [1952] in a neutral country"; and that
Israel and the Conference would be represented by two separate delegations to discuss their respective claims with the German delegation.

The First Phase of Negotiations

On March 21, 1952, negotiations between the West German Government and both the Jewish and Israel representatives opened in a secluded castle, converted into a hotel, in Wassenaar, a suburb of The Hague in the Netherlands. Much secrecy surrounded the negotiations, presumably as a precaution against any violent action by Israel and Zionist extremists who opposed such direct negotiations. At the request of the Israel delegation, the Dutch Government suspended the unlimited issuance of Dutch visas by consulates in Israel for the duration of the conference.

The Israel delegation consisted of Felix Shinar, adviser on German Restitution Claims in the Ministry of Foreign Affairs; Giora Josephthal, treasurer of the Jewish Agency and head of its Absorption Department; and Gershon Avner, head of the West European Division of the Foreign Ministry, assisted by a number of experts on finance, economics, and law.

The delegation of the Conference on Jewish Material Claims Against Germany was headed by Moses A. Leavitt, executive vice-chairman of the American Joint Distribution Committee (JDC), and consisted of Maurice M. Boukstein, general counsel of the Jewish Agency for Palestine; Alexander L. Easterman, political director of the British Section of the World Jewish Congress; and Seymour J. Rubin, Washington representative of the American Jewish Committee. These were assisted in the capacity of advisers and specialists by Benjamin B. Ferencz, head of the Jewish Restitution Successor Organization; F. Goldschmidt, London, of the Council for the Protection of the Rights and Interests of Jews from Germany; Jerome J. Jacobs, general counsel of the American Joint Distribution Committee in Paris; Richard Lachs, London, of the Jewish Trust Corporation, the successor organization for the British zone of Germany; H. G. Van Dam, Berlin, general secretary of the Zentralrat der Juden in Deutschland; and Nehemiah Robinson, New York, of the World Jewish Congress.

S. Adler Rudel served as Israel liaison officer with the Conference on Jewish Material Claims Against Germany.

The German delegation consisted of Franz Josef Boehm, chairman; Otto Kuester, a Stuttgart attorney, and deputy to Boehm; Abraham Frowein, of the West German Foreign Office, and a number of experts.

On the morning of March 21, 1952, at the first session between the Government of Israel and the German delegation, Israel presented its demand for a collective indemnification of one billion dollars from the West German Government ($500,000,000 was being asked of the East Germans). Josephthal, speaking for Israel, stressed that satisfaction of Israel's claims could not "be regarded as constituting in any way expiation of the fearful holocaust of 6,000,000 Jews murdered in Europe and of the destruction of ancient Jewish communities and their precious spiritual possessions."

At this meeting, Boehm said that the West German Government considered as the objective of the first phase of the negotiations "to determine in
detail the different categories of claims raised." These claims would then be considered in relation to conclusions reached at the London conference on German external debts. The German Government would then determine to what extent Israel and Jewish claims could be met in accordance with Germany's financial capacity and with the needs of the settlement of her external debts.

Meeting separately with the German delegation on the afternoon of March 21, 1952, the delegation of the Conference on Jewish Material Claims Against Germany (CJMCAG) asked for "satisfactory and speedy" action by the German Government on its first major claim, referring to the enactment of a considerably broadened and improved German federal legislation. Such legislation would fill the many gaps and shortcomings of the existing Allied restitution and German indemnification laws, including the satisfaction of restitution and indemnification claims against the Third Reich for direct confiscations, and would commit the Federal Republic to provide the financial means necessary for the payment of all claims to be recognized by this extended legislation.

At the second session of the negotiations, on March 24, 1952, the CJMCAG submitted its second basic demand: the payment to the CJMCAG of $500,000,000 as a collective indemnity corresponding to that share of the benefits of the proposed new legislation which would presumably remain heirless and unclaimed by individual claimants. These two major demands constituted jointly the "claims of Nazi victims outside of Israel."

The negotiations of the CJMCAG during this initial stage ended successfully insofar as the proposed broad legislative program was concerned, by resulting in a written agreement to a series of "joint recommendations" which the German delegation undertook to submit to its government. The substantial additional benefits expected to accrue to individual victims of Nazism from these recommendations were estimated at several billion marks ($700,000,000).

As for the other major demand of the CJMCAG's delegation for the payment of $500,000,000 for heirless and unclaimed property, there were no concrete negotiations on this demand at this stage, because of the difficulties which had arisen in connection with Israel's claim.

These difficulties revolved around the Israel claim of one billion dollars, which was examined and revalued by the German delegation at about $715,000,000. However, the German delegation refused to make any formal offer in these terms, insisting that such an offer could be made only after the decisions of the London conference on the settlement of Germany's external debts were known, and even then only within the framework of Germany's obligations arising out of that settlement, and in the framework of Germany's general capacity to pay.

As a result of the deadlock caused by this German position both separate negotiations were adjourned on April 7 at a German suggestion with the understanding, however, that the discussions with the CJMCAG would resume on May 19, those with Israel on June 19. The Israel delegation stated at the time of adjournment then that there would be no further negotiations until the Government of Israel had reconsidered its position.
Crisis in Negotiations

In order to remove any impression that the Israel delegation and the Conference on Jewish Material Claims were not in complete accord on the equal importance of both claims, the presidium of the CJMCAG declared on April 17, 1952, that a settlement could be reached only by satisfaction of both Israel's claims and those of the CJMCAG.

On April 28, 1952, the Israel Government informed the West German Federal Republic that it would continue negotiations only if the German Government would give assurances of a real desire to reach an honorable settlement. Efforts were also being made to enlist the support of the occupying powers, particularly the United States, for Israel's position.

On May 6, 1952, the Israel Knesset voted, 50-34, to recommend to the Israel Government that it not resume negotiations unless the West German Federal Republic would make a firm offer. On May 7, 1952, Moses Leavit wrote to Boehm informing him that the presidium of the CJMCAG would be unable to resume negotiations, as planned, on May 19 and that such resumption would be dependent on the arrangements made for the continuation of negotiations between the Government of Israel and the German Federal Republic.

On May 19, 1952, both Boehm and Kuester, in a dramatic move, resigned as chairman and deputy chairman, respectively, of the German negotiating committee, charging that the German Federal Republic was unwilling to make good on its promise to make amends to Israel. Fearing possible consequences to West German prestige, the German Government made strong efforts to indicate its good will and sincerity. Herman J. Abs, head of the German delegation at the international conference in London on the settlement of Germany's external debts, was recalled to Bonn for a series of talks with Chancellor Adenauer. The German Social Democratic leaders at this time endorsed the position taken by the resigning officials. On May 21, 1952, Professor Boehm was prevailed upon to withhold his resignation, upon the assurances of Chancellor Adenauer that the Federal Government would transmit a concrete offer to the Israel delegation before June 19, the date originally set for resumption of talks.

On May 28, 1952, Chancellor Adenauer reaffirmed his own as well as the Federal Government's determination and confidence to bring the negotiations to a positive conclusion. On June 17 the German Cabinet approved a formal offer by the West German Government to pay indemnity to Israel in the amount of $715,000,000 in goods. The Federal Republic apparently also agreed to keep the question of German external debts and the Jewish and Israel claims completely separate. Hence, on June 19 the presidium of the CJMCAG instructed its delegation to proceed to The Hague to resume negotiations. On June 23, Israel's Parliamentary Foreign Affairs Committee voted to recommend the resumption of negotiations with Germany on the basis of the German Cabinet's offer.

In the meantime, in order to satisfy the demands of European Jewish or-
ganizations for representation on the presidium, the executive committee of the CJMCAG on April 8, 1952, invited Barnett Janner, vice-chairman of the Board of Deputies of British Jews, and a person to be designated by the Alliance Israélite Universelle and Conseil Réprésentatif des Juifs de France (CRIF) of France to participate with voting powers at all European meetings of the CJMCAG's presidium and such meetings in the United States as they could attend. Subsequently, Jules Braunschvig, vice-president of the Alliance, was appointed as the French representative.

The Second Phase of Negotiations

The second phase of the negotiations began at Wassenaar on June 24, when the Bonn government made a formal offer to Israel of $715,000,000, to be paid in German goods. Discussions between Israel and Germany proceeded fairly smoothly, being primarily delegated to two subcommittees, one dealing with the amount and kind of goods with which payment would be effected, the other with the legal aspects of the proposed settlement. One serious difficulty arose at the beginning of August. Israel had demanded the inclusion of a "stability clause"—an explicit guarantee that in the event of the devaluation of the German currency, the intrinsic value of German goods payable to Israel would nevertheless remain unchanged. By the end of August, the guarantee demanded by Israel was acceded to.

The negotiations between the German delegation and the CJMCAG, which were resumed on June 25, proved more difficult. At first, the Germans made no offer at all in response to the CJMCAG collective claim for $500,000,000, but limited the discussions to the probable cost of the proposed German restitution and indemnification legislation, which had been agreed upon during the first phase of negotiations. (This recommendation for legislation was approved by the policy committee of the CJMCAG, meeting in London, on July 2, 1952.)

Finally, on July 16, 1952, the German delegation offered the CJMCAG the amount of 450,000,000 marks (about $107,000,000), as a collective indemnity to be paid in goods to Israel, over and above the $715,000,000 in goods which they were offering as a settlement to Israel—Israel and the Conference could then agree on the terms under which Israel could transfer the funds earmarked for the Conference to it. Such an indirect method of payment was made necessary by the fact that Germany could, in the main, undertake only payments in kind, while the CJMCAG did not feel in a position to receive and market goods.

Von Truetzschler Incident

There were two untoward incidents during these negotiations. On June 28, 1952, the Frankfurter Rundschau, an independent German daily, published a report alleging that Heinz von Truetzschler, who participated in the German delegation during the second phase of the negotiations, had been a high-ranking Nazi official and had served during the war in Count Joachim von Ribbentrop's German Foreign Office. Boehm defended von Truetzschler, and neither the Israelis nor the members of the CJMCAG delegation took a
GERMAN COLLECTIVE INDEMNITY

Though the subject was discussed in both the Israel and German press and an investigation was promised, the matter was apparently dropped.

GERMAN TEMPLAR INCIDENT

The other incident concerned the arrival at The Hague of two Germans, Aberle and Hoffmann, leaders of the German Templars, a religious sect established in Palestine in 1868. Apparently with the backing of certain influential members of the Bonn Government, Aberle and Hoffmann asked Boehm to deduct £30,000,000 from the German payment to Israel in order to indemnify the German Templars for their property near Lydda, Tel Aviv, and Haifa which had been sequestered by Israel. This demand was later officially raised by the German negotiators. Subsequently, in an exchange of letters accompanying the official agreement between Israel and the Federal Republic of Germany, Israel agreed to negotiate a settlement of the claim of the Templars and also of other Germans whose property had been seized during World War II by the British administration in the area that later became part of Israel.

Conclusion of Agreements

By August 28, 1952, draft agreements were completed for submission to the Governments of Germany and Israel and to the presidium of the CJMCAG. They were initialled on September 8 and 9 by the respective delegations. On September 8, 1952, after receiving news that the West German Cabinet had endorsed the settlement, the Israel Cabinet did the same.

In a stiff ten-minute ceremony on September 10, 1952, in Luxembourg’s City Hall, Chancellor Adenauer, on behalf of the Federal Republic of Germany, Foreign Minister Moshe Sharett, on behalf of the Israel Government, and Nahum Goldmann for the CJMCAG, met and signed the agreements. On the same day in New York City at the Israel Consulate, the technical agreement between the Israel Government and the CJMCAG was signed, with Ambassador Abba S. Eben signing for Israel and Jacob Blaustein, Frank Goldman, Israel Goldstein, and Adolf Held signing on behalf of the CJMCAG.

Summary of the Agreements Between Germany and Israel

The Federal Republic of Germany signed a treaty with Israel, according to which payments agreed to would begin upon the treaty's ratification by the Bonn Parliament. Germany agreed to pay to Israel a total of 3,000,000,000 Deutsche Mark—DM ($715,000,000) in “commodities and services” plus an additional 450,000,000 DM ($107,000,000) which would be earmarked for the CJMCAG. From the time of the German ratification of the treaty until March 31, 1954, Germany was to make two payments of 200,000,000 DM (about $45,000,000) per year. For the next nine years thereafter, Germany was to pay nine annual installments of 810,000,000 DM (over $75,000,000);
the tenth year afterward Germany was to pay 260,000,000 DM ($61,000,000). Should the German Government be of the opinion at the beginning of the third fiscal year (April 1, 1954) that it could not make these payments because of economic conditions, the payments could be reduced, but not below 250,000,000 DM (over $59,000,000). Thus, the debt might be liquidated in twelve to fourteen years. The treaty also specified that the Federal Republic of Germany might seek to obtain a foreign loan in convertible currencies to pay off the two final installments in cash rather than goods. Such a loan would correspondingly accelerate the payment of the debt, since the currencies obtained would be immediately paid over to Israel.

The schedule of commodities to be delivered during the first two years agreed upon was as follows: ferrous and non-ferrous metals, products of the steel manufacturing industry, products of the chemical and other industries, agricultural products, and services. There was a provision for a mixed commission to implement the agreement, as well as for the establishment of an arbitral commission in the event of the mixed commission’s failure to reach agreement.

Agreement Between Germany and the CJMCAG

West Germany and the CJMCAG signed two protocols. Protocol No. 1 committed the Federal Republic to take as soon as possible all the necessary steps to ensure the extension and improvement of existing legislation in favor of individual victims for the redress of Nazi wrongs. This protocol contained provisions that were substantial improvements over the existing laws, the most important being in the field of indemnification. Federal legislation was to be brought up to the level of the best existing statute, the General Claims Law in force in the United States Zone. Claimants who emigrated from Germany before the cut-off dates in existing laws would be compensated for deprivation of liberty. Forced labor and participation in “underground” activities would be accepted as forms of deprivation of liberty. Near heirs might inherit the compensation claims of deceased persecutees. Persecutees were to be guaranteed annuities corresponding to pension scales for comparable categories of officials. Members of free professions, including self-employed persons in business, could choose between a capital payment of a maximum of 25,000 DM (almost $6,000) for loss of opportunities to earn a livelihood and an annuity not exceeding 500 DM (about $120) per month. Employees of Jewish communities and institutions would be compensated for loss of their positions. In addition, persecutees originating from Nazi-annexed areas like the Sudetenland, Memel, Danzig, and the territory east of the Oder-Neisse line would be granted compensation for deprivation of liberty and damage to health and limb at the prevailing scales according to the United States Zone General Claims Law. Persecutees and Displaced Persons from Nazi-occupied, as distinguished from Nazi-annexed countries in both East and West Europe, were also to be indemnified for deprivation of liberty, up to 75 per cent of the rates established in the General Claims Law of the United States Zone. In the area of restitution, the value of household goods confis-
cated in transit was to be repaid, monetary claims up to 5,000 DM ($1,188) and claims of old people securing priority. The partial exemption of persecutees in payment of the Equalization of Burdens Tax was confirmed.

In Protocol No. 2, the Federal Republic of Germany undertook to pay 450,000,000 DM ($107,000,000) to Israel earmarked for the CJMCAG for the relief and rehabilitation of Jewish victims of Nazism outside of Israel, the manner of payment to be as stipulated in the treaty with Israel. It was specified that the CJMCAG would inform the Federal Republic of the amounts it received from Israel, and how they were expended. There was provision for an arbitral commission, similar to the clause in the treaty with Israel, in the event of a dispute arising over the interpretation and application of this protocol.

Subsequent Activity of the CJMCAG

On September 24, 1952, the policy committee of the Conference on Jewish Material Claims Against Germany ratified the agreements signed with the Federal Republic of Germany and with the Government of Israel. It was also decided to incorporate the Conference, to enable it to discharge all functions connected with the implementation of the agreements. Apart from the substantive benefits provided by this agreement, the fact that such a binding bilateral agreement had been reached between a sovereign state and a private organization representing individual constituents constituted an innovation in international relations with possible significance for the attitude of international law to the problem of the status of the individual.

Claims Against East Germany

In the original statement of claims against Germany, the Government of Israel had demanded $500,000,000 in reparations from East Germany. On September 21, 1952, it was reported in Tel Aviv that Ernst Goldenbaum, Minister of Agriculture and chairman of the Peasant Party in East Germany, had stated in reply to press questioning that his government had no basic objections to discussions with the Israel Government on this issue. This statement, however, did not seem to conform to the position of the Soviet Union, which did not reply to a note submitted by Israel concerning reparations from East Germany. On September 16, 1952, Israel submitted a second note to the Soviet Union which was in essence a renewal of her claim, in view of the Soviet Union's failure to reply to the earlier note.

Jewish Public Opinion

On the whole, despite widespread hostility to the memory of Nazi Germany, the majority of Jewish public opinion throughout the world tended to regard direct negotiations with Germany as a necessary evil, since it was
an inescapable preliminary to German payment of a collective indemnity to the Jewish victims of Nazism. However, there were many persons and groups who felt strongly that such negotiations were incompatible with the inexcusable character of German guilt. This sentiment was exploited by certain groups that formed a vocal political opposition to the negotiations. However, in countries outside of Israel, all major Zionist parties, with the exception of the Zionist-Revisionists, supported the claims of Israel and the CJMCAG, as did all other important non-Zionist Jewish bodies.

In France, the Conseil Représentatif des Juifs de France (CRIF), the representative body of French Jewry, seriously split on the issue in January 1952, but a month later approval for direct negotiations was won, with the minority in dissent consisting of General Zionists, the Jewish veterans' organization, and the Communist group. In Australia, the representative Executive Council of Australian Jewry opposed direct negotiations, but favored settlement of Israel's claims through the United Nations or the International Court of Justice. In Argentina, the representative Jewish body, the Delegación de Asociaciones Israelitas Argentinas (DAIA), voted against direct negotiations by Israel with Germany, but did endorse the decisions of the Conference on Jewish Material Claims Against Germany. Endorsement of direct negotiations failed by a margin of 38-32 votes, with two abstentions. In Brazil, the Federation of Jewish Institutions of Rio de Janeiro initially abstained from taking a position and it was known that there was much opposition from some segments of the Jewish community. However, in June 1952, following elections within the Federation and a sweeping victory for the Zionist groups, a resolution was adopted, by a large majority, endorsing the negotiations.

Violent opposition came from both the extreme right, represented by Israel's Herut Party and the Zionist-Revisionists in other countries, and from the left, represented by the Israel Communists, the Mapam, Jewish groups in the Soviet satellite countries, and Jewish Communists elsewhere.

The position of the Herut Party and its Revisionist supporters was explained by their spokesmen as aimed at preventing "Germany's triumphant return to the community of nations." This, it was claimed, should be a "Jewish policy dictated not by blind hatred and longing for revenge, but by the clear realization that Germany's return would represent a deadly threat to the peace of the world and to the future existence of the Jewish people in its entirety."

The opposition of the Communists and their supporters to negotiations with Germany derived primarily from the East-West conflict. One of the basic tenets of the Communist position was that the Federal Republic of Germany was a Nazi instrument fostered and supported by the United States in preparation for a war against the Soviet Union. Hence, any dealings with this alleged puppet of American imperialism were opposed on the grounds that they would strengthen the camp against the Soviet Union.

In Israel, the Herut Party engaged in riots and mass demonstrations opposing the government policy. The Israel Communists also organized street demonstrations against negotiations with the Federal Republic. During the first phase of the negotiations at The Hague, at the end of March 1952, Chancellor Adenauer and Boehm were the intended objects of a crudely
rigged bomb which was discovered before there were any casualties. The contraption was reported to have come from an “Organization of Jewish Partisans.”

In countries outside of Israel, the Zionist-Revisionists appealed to Jewish groups to repudiate the negotiations. Brit Trumpeldor, a Revisionist youth group, demonstrated at the second meeting of the CJMCAG in New York City on January 20, 1952. Joseph B. Schechtman, chairman of the World Party Council of the Herut-Revisionist Union, wrote a letter to The New York Times published on September 22, 1952, violently protesting the agreements signed.

Menahem Beigin, leader of the Israel Herut Party, went on a world tour between May and July 1952, visiting Paris, New York, Mexico City, and other large South American Jewish centers in an unsuccessful effort to rally Jewish opinion against the negotiations.

At the same time, in Poland, Rumania, and Hungary protest meetings were called by Jewish groups against dealings with West Germany which were generally described as a move to rearm the “Hitlerite criminal arm against the Soviet Union, the liberator of our country.” In New York City the Communist press denounced the negotiations. The American Federation of Polish Jews called a public meeting to protest the activities of the CJMCAG.

Arab Protest

Early in April 1952 Syria and Lebanon presented notes, believed to be identical, to the British, French, and United States Governments, asking that any German payments to Israel be diverted to aid Arab refugees. This demand was subsequently taken up by the Arab League and the Palestine Arab Higher Committee. In June 1952 the latter submitted notes to both the Federal Republic of Germany and the Secretary General of the United Nations demanding that payments be made to Arab refugees instead of to Israel. They also complained that such reparations to Israel would strengthen that state for “new aggressions.” In August 1952 the Arab League protested to the Federal Republic, threatening “marked deterioration of the good relations existing between Germany and the Arab nations,” in the event of German payment to Israel. At about the same time, the Palestine Arab Higher Committee also wrote the German Union for Foreign Trade warning that it might institute a general boycott of German goods, should the Federal Republic sign an agreement with Israel. The ex-Mufti of Jerusalem and the Syrian consul-general in Germany intervened to the same purpose. In October twenty-eight Bundestag deputies, headed by Josef Trischler, a Yugoslav-born Nazi, war criminal, and member of the Free Democratic Party, filed a written request with Chancellor Adenauer to discuss this matter prior to the Bundestag debate. The accumulation of vigorous Arab protests had at the time of writing (October 1952) served to intensify opposition among some segments of the Germans to ratification of the reparations agreements.

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