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***Hashavat Avedah: A History of Jewish Cultural Reconstruction,
Inc.***

**Dana Herman
Department of History
McGill University, Montreal**

**October 2008
A thesis submitted to McGill University in partial fulfillment of the
requirements of the degree of Doctor of Philosophy**

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Abstract

This thesis is an institutional history of Jewish Cultural Reconstruction, Inc. (JCR), an organization mandated by the Office of Military Government, United States (OMGUS) to assume trusteeship over heirless Jewish cultural property that had been plundered by the Nazis and later centralized in depots in the American Zone of Germany in the wake of the Second World War. Formally established in 1947, until 1951 JCR functioned as the cultural arm of the Jewish Restitution Successor Organization (JRSO) and distributed hundreds of thousands of books, thousands of ceremonial objects, and Torah scrolls to Jewish communities around the world including the United States, Israel, West Germany, Britain, and Canada. Looking beyond its mandated mission, JCR was also involved in searching for caches of Jewish property in the Allied zones, microfilming manuscripts and archives in German public institutions, and negotiating the enactment of West German legislation to safeguard future discoveries of Jewish property.

Salomon Baron, professor of Jewish history at Columbia University, was JCR's founder and president; many of the foremost Jewish intellectuals of the day, including Hannah Arendt, Gershom Scholem, and Leo Baeck were associated with it. This study of JCR sheds light on numerous topics, not the least of which is the political activities of Jewish academics in the aftermath of the Holocaust. Further, the internecine struggles among Jewish organizations over which group best represented world Jewry as trustee of this property is highlighted along with the development of JCR from a research commission to a

U.S.-recognized supervisory body. JCR's interactions with the State and War departments as well as with the American military government in Germany add to the discussion of Jewish influence during this period. The examination of JCR's activities in the American zone between 1948 and 1951 serves to underscore the diligent work that was carried out, but also the less than ideal conditions in which this work was done. The distribution process undertaken by JCR and its member organizations emphasizes the debate surrounding what it meant to culturally reconstruct the Jewish world after the Holocaust. Finally, a discussion of JCR's very limited activities, from 1952 to 1977 when it was finally dissolved, underscores the difficulties inherent in maintaining a relevant rationale and function in an ever-changing political landscape.

Résumé

Cette thèse présente l'histoire institutionnelle de la Jewish Cultural Reconstruction, Inc. (JCR), une organisation mandatée par le bureau du gouvernement militaire des États Unis (OMGUS) pour assumer la tutelle des biens juifs culturels sans héritier, qui ont été pillés par les nazis et plus tard centralisés dans les dépôts de la zone américaine en Allemagne après la Deuxième Guerre mondiale. De sa création officielle en 1947 à 1951, la JCR a fonctionné comme l'antenne culturelle de la Jewish Restitution Successor Organization (JRSO). Elle a distribué des centaines de milliers de livres, des milliers d'objets rituels et des rouleaux de Torah aux communautés juives dans le monde, notamment aux États-Unis, en Israël, en Allemagne de l'Ouest, en Grande-Bretagne et au Canada. Outre sa mission originelle, la JCR a également participé à la recherche des caches de biens juifs dans les zones alliées, a enregistré sur microfilms des archives et des manuscrits appartenant aux institutions publiques allemandes et est également intervenue pour encourager une législation ouest-allemande afin de sauvegarder les découvertes à venir des biens juifs.

Salo Baron, professeur d'histoire juive à l'Université de Columbia, a été le fondateur et le président de la JCR; plusieurs éminents intellectuels juifs de l'époque, comme Hannah Arendt, Gershom Scholem, et Leo Baeck y ont été associés. Cette étude de la JCR traite de nombreux sujets, dont trois seront particulièrement mis en évidence: celui des activités politiques des universitaires juifs à la suite de l'Holocauste; celui de la concurrence des organisations juives pour servir les intérêts du monde juif; et celui de la transformation de la JCR

d'une commission de recherche en une organisation de contrôle reconnue par les États-Unis en 1949. D'autre part, l'analyse des relations de la JCR avec les ministères des Affaires étrangères et de la Guerre ainsi que le gouvernement militaire américain abordera la question de l'influence juive à cette époque. De plus, l'étude des activités de la JCR dans la zone américaine entre 1948 et 1951 soulignera le travail assidu qui y a été mené, malgré des conditions sommaires, ainsi que le processus de distribution entrepris par la JCR et ses organisations membres. Ce dernier montrera la remise en question des objectifs de la reconstruction culturelle juive après l'Holocauste. Enfin, le déclin des activités de la JCR de 1952 à 1977 reflète les difficultés à justifier sa raison d'être dans un paysage politique en mutation constante.

Acknowledgments

“From those to whom much is given, much is expected.” Indeed, I have been given much over these past five years, and my hope is that this thesis begins a lifelong process of giving back to the community from whom I have so greatly benefited.

Throughout my years of study at McGill, my thesis supervisor, Gershon David Hundert, has believed in my abilities as a scholar even when I have second-guessed them. I continue to be impressed by the breadth of his knowledge, and his dedication to his profession. I am privileged to be his doctoral student. To my other two supervisors, Lorenz Lüthi of McGill University and Ronald Zweig of New York University, I offer my deep appreciation for sharing their knowledge and time—guiding me with their expertise and making this project a more comprehensive one. My thanks also extend to Michael A. Meyer of the Hebrew Union College-Jewish Institute of Religion (HUC-JIR) who took time out of his busy schedule to read drafts of my thesis and offer constructive advice, to Eli Lederhendler of the Hebrew University in Jerusalem, and to Leonard Moore and Peter Hoffmann—both of McGill University—for guiding me so ably during the first two years of my doctoral program.

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Abbreviations

AGWAR	Adjutant-General, War Department
AJA	American Jewish Archives
AJC	American Jewish Committee
AJConf	American Jewish Conference
AJHS	American Jewish Historical Society
AMGOT	Allied Military Government
BTC	British Trust Corporation
CAHJP	Central Archives for the History of the Jewish People
CBF	Central British Fund
CIC	Counter Intelligence Corps
CINCEUR	Commander in Chief European Command
CJC	Canadian Jewish Congress
CJCNA	Canadian Jewish Congress National Archives
COSSAC	Chief of Staff to the Supreme Allied Commander
CZA	Central Zionist Archives
DM	Deutschmark
DP	Displaced Person
ERR	<i>Einsatzstab Reichsleiter Rosenberg</i>
EUCOM	European Command
FBI	Federal Bureau of Investigation
HICOG	High Commissioner for Germany, United States
HUC	Hebrew Union College
HUC-JIR	Hebrew Union College-Jewish Institute of Religion
ICRC	International Committee of the Red Cross
IGCR	Intergovernmental Committee on Refugees
IRO	International Refugee Organization
ISA	Israel State Archives
ITS	International Tracing Service
JA	Jewish Agency
JDC/AJDC	American Jewish Joint Distribution Committee
JCR	Jewish Cultural Reconstruction, Inc.
JHS	Jewish Historical Society of England
JNUL	Jewish National and University Library
JRC	Jewish Restitution Commission
JRSO	Jewish Restitution Successor Organization
JTC	Jewish Trust Corporation
JTS	Jewish Theological Seminary
JTSA	Jewish Theological Seminary Archives
LBI	Leo Baeck Institute
LC	Library of Congress
MFA&A	Monuments, Fine Arts, and Archives (Division of Supreme Headquarters Allied Forces in Europe and OMGUS—British and American monuments officers)

NACP	U.S. National Archives, College Park, MD, administered by the National Archives and Records Administration
NSDAP	National Socialist German Workers Party
OAD	Offenbach Archival Depot
OMGUS	Office of Military Government, United States
ORT	<i>Obshestvo Remeslenofo zemledelcheskofo Truda</i> (Society for Trades and Agricultural Labour)
PCIRO	Preparatory Commission for the International Refugee Organization
SCA	Synagogue Council of America
SHAEF	Supreme Headquarters, Allied Expeditionary Force
SSC	Stanford Special Collections
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNRRA	United Nations Relief and Rehabilitation Administration
URO	United Restitution Organization
USACA	United States Allied Control for Austria
USFA	United States Forces Austria
USFET	United States Forces, European Theater
USHMM	United States Holocaust Memorial Museum, Washington, D.C.
WJC	World Jewish Congress
YIVO	YIVO Institute for Jewish Research (<i>Yidisher Visenshaftlekher Institut</i>)
YMHA	Young Men's Hebrew Association

Introduction

So now, too, in my ruminations and reveries at the conclusion of the Offenbach Operation I thought that I had heard the shades of the Nazi martyrs who filled the air, proclaim with painful joy, ‘We have paid with our lives—but blessed be His Holy Name—our sacred books have been rescued and are being redeemed.’

--Rabbi Bernard Heller, June 1951¹

“Rescue” and “Redemption.” Words not often associated with books, but in the case of European Jewish life in the wake of the Holocaust, books were sometimes all that could be rescued and redeemed. *Hashavat Avedah*, the title of this thesis, is a Jewish legal requirement that obligates an individual to return found property to its original owner whether it be lost or stolen.² This dissertation reconstructs the history of Jewish Cultural Reconstruction, Inc. (JCR), a Jewish organization established primarily by the historian Salo Baron,³ designated to return the Jewish cultural property looted by the Nazis during the Second World War to its rightful owners—sometimes to individual survivors, sometimes to their legal heirs, and most often to the Jewish community as a whole, which laid claim to the Jewish cultural property that was deemed heirless by the military government in the American zone of Germany at the war’s end.

¹ Bernard Heller, “Invisible Spectators,” *Liberal Judaism* (June 1951): 35.

² Biblical references to the concept of Hashavat Avedah include Exodus 23:4, Leviticus 5:20-25, and Deuteronomy 22:1-3. Its primary source in rabbinic literature is the second chapter of *Mishnah Baba Metzia*.

³ Salo Wittmayer Baron (1895-1989): Jewish historian, born in Tarnow (Galicia), then part of the Austro-Hungarian Empire, who earned three doctorates and a rabbinical ordination from the Jewish Theological Seminary in Vienna before making his way to the United States at the invitation of Stephen S. Wise to lecture at the Jewish Institute of Religion in New York. He held the Miller Chair of Jewish History, Literature and Institutions at Columbia University from 1930 until his retirement in 1963. He was the first Jewish Studies professor to teach in an American history department. He was the author of multi-volume works in Jewish history, among them his 19-volume *Social and Religious History of the Jews*. Baron also served on numerous organizations including the Conference on Jewish Social Studies, the American Academy of Jewish Research, and the American Jewish Historical Society.

This study is an institutional history of JCR. It is the product of the first serious attempt to assemble the organization's records and to examine the corporation—from its conceptualization by its organizers, through its founding, primary years of activity, and dissolution twenty-six years later—in its proper historical setting. The history of the activities of JCR cast light on the state of European Jewry after the Holocaust, the shifting centers of world Jewry, global post-war Jewish politics, Jewish institutions' actions in response to the Holocaust and their understanding of cultural reconstruction, the particular role of Jewish academics in post-war reconstruction, as well as issues of international diplomacy and cold-war policies, to name a few. The aim, then, of this dissertation is not only a history of JCR, per se, but also establishing a platform from which broader conclusions on the functioning of post-war Jewry can be made.

This topic has present-day significance since the issue of reparations, collective responsibility, and retroactive justice are still being hotly debated. Indeed, the moral and ethical implications of Holocaust restitution itself are being brought into question. Numerous governments have either created commissions of inquiry or other less formal governmental historical bodies in order to research and publish new studies of their wartime conduct.⁴ Particular attention at the international level is being paid in recent years to Holocaust-era looted cultural assets—works of art, gold, books, religious objects—and their provenance.⁵ The

⁴ For a discussion of the United States' role in brokering agreements over dormant bank accounts, slave labour, confiscated property, looted art, and unpaid insurance policies in the last decade see Stuart Eizenstat's *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II* (New York: Public Affairs, 2003, 2004).

⁵ In chronological order: Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995); *Nazi Gold: The London Conference, 2-4 December 1997* (London: The Stationery Office, 1998); J.D. Bindenagel, ed., *Washington Conference on Holocaust-Era Assets*,

path by which JCR became the trustee for Jewish cultural property and decided issues of distribution may have implications for contemporary discussions of these issues. Although the Holocaust was unique on many levels, certain similarities can be drawn with other genocides of the last century in terms of the displacement of communal cultural property of minority groups who may not, as a collective, necessarily have the legal right to claim it as their own. What happened to the heirless cultural property of the Armenians during their 1915 genocide? Or to the property of the Korean minority in Japan during WWII or to that of the Kurdish population of northern Iraq in the late 1980s? Did the heirless cultural property of these persecuted minorities revert to the State that was persecuting them? By exploring JCR's role in the restitution process, models for future action on the part of former persecutors and former victims may be discussed.

November 30-December 3, 1998: Proceedings (Washington, D.C.: U.S. Government Printing Office, 1999); Parliamentary Assembly of the Council of Europe Resolution 1205 on Looted Jewish Cultural Property (1999), accessed on 28 July 2008 at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/TA99/ERES1205.HTM>; Statement by the German Federal Government, the Länder (Federal States) and the national associations of local authorities on the tracing and return of Nazi-confiscated art, especially with regard to Jewish property (14 December 1999), accessed on 28 July 2008 at <http://www.lostart.de/faq.php3?lang=english>; Vilnius International Forum on Holocaust Era Looted Cultural Assets (Vilnius, 3-5 October 2000); *Plunder and Restitution: The U.S. and Holocaust Victims' Assets; Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report* (Washington, D.C.: U.S. Government Printing Office, 2000); Nancy H. Yeide, Konstantin Akinsha, & Amy L. Walsh, *The AAM Guide to Provenance Research* (Washington, D.C.: American Association of Museums, 2001); *Vitalizing Memory: International Perspectives on Provenance Research* (Washington, D.C.: American Association of Museums, 2005); Shlomit Steinberg, ed., *Orphaned Art: Looted Art from the Holocaust in the Israel Museum* (Jerusalem: The Israel Museum, 2008).

I—Jewish Cultural Reconstruction, Inc. (JCR)

Based in New York City, JCR grew out of the Commission on European Jewish Cultural Reconstruction which was established in 1944 to serve as the central research and coordinating body for all American activities of European Jewish cultural reconstruction and to work in close cooperation with the Hebrew University, the Committee on Restoration of Continental Jewish Museums, Libraries and Archives of the Jewish Historical Society in England, and other international organizations. Its early aims were to serve eventually as an advisory council to the United Nations with regard to cultural aspects of European Jewish life as well as to take charge in administering Jewish cultural institutions in allied occupied Europe whose former leadership had either fled or perished.⁶ Their efforts in furthering these aims inspired the group to found Jewish Cultural Reconstruction, Inc., which took the primary active role in organizing and distributing Jewish cultural property that remained in Germany after 1945.⁷

Before property could be returned to its rightful owners, it first had to be found, protected, consolidated, and identified. In postwar Germany, there was no better place for that to happen than in the American zone since it had the most comprehensive—yet still evolving—restitution program. The majority of movable Jewish cultural property—books, ceremonial objects, objets d’art—that had been plundered by the Nazis were collected in the American zone of Germany at the Offenbach Archival Depot (OAD). It became a collecting point for more than 3 000 000 looted cultural items, approximately one third of them identifiably

⁶ Commission on European Jewish Cultural Reconstruction, “Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries,” *Jewish Social Studies* 8, no. 1 (Jan. 1946): 5.

⁷ *Ibid.*

Jewish, which had been left heirless as a result of Nazi atrocities. American efforts to deal with plundered moveable property generally functioned according to the international law of escheat⁸—heirless property would be returned to the nation from which it was plundered — even Germany. Many millions of books were, in fact, returned to European countries in the years immediately following the war's end. Jewish groups insisted, however, that Germany should not benefit from Jewish property that remained within its borders after the war as a result of its horrendous acts.

There was consensus on this point from ideologically divided international Jewish organizations such as the American Jewish Committee (AJC) and the World Jewish Congress (WJC), and they worked together to make their position known to the American government. At the same time, Baron and his Commission on European Jewish Cultural Reconstruction also appealed to the American authorities to turn over the heirless cultural property in their possession to a competent and authoritative Jewish body that could properly manage and distribute the material. From the beginning, it was not entirely clear which organization was actually best suited for the task. International competition arose from various scholarly groups—mostly Jewish—intent on acquiring the power and prestige that came with the administrative post.⁹ Apart from Baron's Commission, the World Jewish Congress, the Jewish Historical Society of

⁸ On the development of escheat from its place in English common law to the modern State see, "Notes: Origins and Development of Modern Escheat," *Columbia Law Review* 61, no.7 (Nov. 1961): 1319-1340.

⁹ Ronald Zweig has suggested a similar situation some years later in connection with the cultural arm of the Claims Conference that this type of competition resulted from the desire for "academic empire building." See Ronald Zweig, *German Reparations and the Jewish World* (London: Frank Cass, 2001), 180.

England, and the Hebrew University in British Mandate Palestine all became involved. Once it was certain that Baron's group—which established the new entity in 1947 called Jewish Cultural Reconstruction, Inc. (JCR)—would be chosen by the American military government as world Jewry's representative in this matter, a more convivial relationship developed among the institutions, but certainly the prior squabbling had a negative effect on the amount of property that could be saved.

JCR, Inc. was officially recognized on 15 February 1949 by the United States military government as the agency in charge of collecting and redistributing Jewish cultural property found in the American zone of Germany, centered in Offenbach and later in Wiesbaden.¹⁰ Essentially, it served as a trustee for those Jewish cultural items whose owners or heirs could not be located. Its logistical and financial support came from the Jewish Restitution Successor Organization (JRSO) that had been established by the five major international Jewish organizations—the American Jewish Joint Distribution Committee (JDC), the World Jewish Congress, the American Jewish Committee, the Jewish Agency (JA), and the American Jewish Conference (AJConf)—to deal specifically with the restitution of Jewish property—private and public. JCR's leadership comprised some of the foremost Jewish intellectuals of the day: Salo Baron was its executive director; Joshua Starr and later Hannah Arendt¹¹ served as executive

¹⁰ Herman Dicker, *Of Learning and Libraries: The Seminary Library at One Hundred* (New York: Jewish Theological Seminary, 1988), 57, for a preliminary overview. The book also provides a number of lists of the distribution of heirless cultural property by the organization, 107-112.

¹¹Hannah Arendt (1906-1975): Educator, author, and political and social philosopher who served as visiting professor at Columbia University, Princeton University, and the University of Chicago, among others, and taught at the New School for Social Research from 1967 until her

secretaries. Gershom Scholem,¹² Shlomo Shunami, Bernard Heller, Mordecai Narkiss, and E.G. Lowenthal were among those working in conjunction with JCR in Europe. By the end of its formal operations in the American Zone in 1951, JCR had distributed hundreds of thousands of books and thousands of Torah scrolls and other ritual objects to synagogues and Jewish communal institutions around the world. Major libraries and museums including the Library of Congress in Washington D.C. and Bezalel, the art academy in Jerusalem, as well as institutions of higher learning including the Jewish Theological Seminary in New York were also among the beneficiaries. Eighty-one percent of the cultural property was sent to Israel and the United States; nine percent was allocated to West European countries (with half going to Britain), and the remaining ten percent was distributed to more than fifteen other countries including South Africa, Argentina, Brazil, Australia, and Canada. Although it had no international standing, the JRSO and JCR encouraged the establishment of similar bodies in the British and French Zones of occupation—the Jewish Trust Corporation (JTC) was established in the British Zone in 1950 and the French branch of the JTC established in 1952.¹³ Since JCR did not have a long-term presence in these zones as well as in Austria, its activities in these areas will only be briefly discussed.

death. Born in Hannover, Arendt received her Ph.D. from Heidelberg University in 1928, left Germany in 1933, and moved to Paris where she served as secretary general of Youth Aliyah on behalf of the Jewish Agency. After time in an internment camp in Gurs, France, Arendt and her second husband, Heinrich Blücher, came to the United States as refugee scholars in 1941. She visited Salo Baron not long after her arrival in the country.

¹² Gershom Gerhard Scholem (1897-1982): Berlin-born German Jewish scholar who was world-renowned in the field of Jewish mysticism and kabbalistic literature, Scholem moved to Palestine in 1923 and served as librarian at the Hebrew University and National Library (1923-1927) in Jerusalem, then as lecturer (from 1925) at the Hebrew University and finally as professor of Jewish mysticism and Kabbalah (1933-1965).

¹³ Michael Kurtz, "Resolving a Dilemma: The Inheritance of Jewish Property," *Cardozo Law Review* 20, no. 2 (1998-1999): 640.

Although it did not dissolve until 1977, from the mid-1950s onward the organization existed more or less in name alone.

II—The Nazi Plunder of Jewish Books

In the recent volume, *The Holocaust and the Book*, Jonathan Rose suggests: “The story of the six million is also the story of the One Hundred Million. That is the toll of books destroyed by the Nazis throughout Europe in just twelve years...the mass slaughter of Jews was accompanied by the most devastating literary holocaust of all time.”¹⁴ Although not all of the books destroyed belonged to Jews, all books owned by Europe’s Jews—the record of their cultural heritage and the tools to perpetuate it—were at risk of confiscation and destruction. These books were looted from private collections as well as from libraries of medieval and contemporary synagogues, Talmud Torahs, and yeshivot; communal archives and libraries such as the Gemeindebibliothek in Berlin; libraries of modern rabbinical seminaries, philanthropic institutions, and research institutes including Berlin’s Hochschule für die Wissenschaft das Judentums (the Hochschule)¹⁵ and the Rabbinerseminar; and finally, Jewish books owned by non-Jewish libraries including the Vatican Library and the Bibliotheca Rosenthaliana of Amsterdam.¹⁶

¹⁴ Jonathan Rose, ed., *The Holocaust and the Book* (Amherst: University of Massachusetts Press, 2001), 1.

¹⁵ For an interesting story of the fate of the Hochschule library see Herbert C. Zafren, “From Hochschule to Judaica Conservancy Foundation: the Guttman Affair,” *Jewish Book Annual* 47 (1989-1990): 6-26. My thanks to Michael A. Meyer for bringing this incident to my attention.

¹⁶ Stephen Mallinger, *Historical Study of the Fate of Jewish Libraries During the Holocaust* (Cincinnati: Special Collections, Klau Library, 1975), 1-6.

Ironically, many books previously owned by Jews were preserved during World War II by certain high-ranking Nazi officials who made use of this looted property for “research” into the Jewish question. In 1940, one man in particular, Alfred Rosenberg, was assigned by the NSDAP the task of establishing a Hohe Schule in Frankfurt to study the ideological enemies of Nazism, with special emphasis being placed on world Jewry, and training teachers for other Nazi schools.¹⁷ Consequently, he established the Einsatzstab Reichsleiter Rosenberg (ERR), an organization whose primary purpose was acquiring (looting) vast amounts of Jewish books, archival, museum, and art collections to stock the reference library of his advanced training institute.¹⁸ Hitler granted him permission to confiscate and appropriate libraries, archives, and art treasures from Jews, Free Masons, and other enemies of the party.¹⁹ Offices and affiliates were quickly set up across Europe²⁰ and Rosenberg employed a number of well-trained German librarians and scholars to assist him in this task. While famous libraries and institutions were plundered in western and central Europe, it was the Nazi invasion of Eastern Europe that provided the ERR with its largest finds. Colonel

¹⁷ Philip Friedman, “The Fate of the Jewish Book During the Nazi Era,” *Jewish Book Annual* 15 (1957-1958): 116.

¹⁸ It should be noted that Rosenberg and his ERR were not the only ones vying for Jewish cultural property. A number of other Nazi agencies competed for these treasures, among them the Reich Chief Security Office in Berlin as well as the Reichssippenamt that took possession of the central archives of German Jewry, the Reichskulturkammer which acquired a collection of some 300 paintings and another group assembled under the motif “Art and the Bible.” See Joshua Starr, “Jewish Cultural Property under Nazi Control,” *Jewish Social Studies* 12, no. 1 (Jan. 1950): 27-64; Max Weinreich, *Hitler’s Professors: The Part of Scholarship in Germany’s Crimes Against the Jewish People* (New York: YIVO, 1946).

¹⁹ Herbert P. Rothfeder, “A Study of Alfred Rosenberg’s Organization for National Socialist Ideology,” doctoral dissertation (University of Michigan, 1963), 360.

²⁰ As of March 1942, the ERR had offices in Paris, Amsterdam, Brussels, Belgrade, Riga, Minsk, Vilna, Kaunas, Dorpat, Liepawa, Bialystok, Kiev, Dniepropetrovsk, Kherson, Simferopol, Kharkov, Rostov, Lodz, Vitebsk, Smolensk, Mohilev, Orel, Stalino, and Krasnodar. See Philip Friedman, 117.

Seymour J. Pomrenze, an experienced archivist and linguist who was the first director of the Offenbach Archival Depot from March to May 1946, noted that the Germans screened and looted 375 archives, 957 libraries, 531 research and educational institutes, and 402 museums in Eastern Europe alone.²¹

It should be stressed that although Rosenberg and his subordinates did retain important works for the Frankfurt Institute, a large portion of the Jewish cultural property was simply destroyed. Joshua Starr has raised the question of the criteria that guided those who selected the items to be preserved for Rosenberg, the number kept could hardly be more than miniscule compared to the 100 000 000 volumes Rose suggested were destroyed.²² By 1941, 350 000 volumes were collected for use in Frankfurt.²³ By 1942 the number had risen to 555 000.²⁴ The Lithuanian capital, Vilna, which was home to a large number of famous Jewish libraries, publishing houses, and yeshivot, was particularly hard hit by the ERR's campaign. Beginning in August 1941, the famed Strashun Library (some 40 000 volumes) was looted, followed in 1942 by the Romm publishing house and hundreds of other collections found in and around Vilna.²⁵ For a time the Yiddish Scientific Institute (YIVO) became the centre for storing material looted from these numerous institutions.²⁶ In 1942, Rosenberg appointed Dr. Johannes Pohl, a German Hebraist who had formerly worked in the Jewish

²¹ S.J. Pomrenze, "'Operation Offenbach'—the Salvaging of Jewish Cultural Treasures in Germany," (Yiddish) *YIVO Bleter* 29 (1947): 283.

²² Starr, 40.

²³ Sem C. Sutter, "The Lost Jewish Libraries of Vilna and the Frankfurt Institut zur Erforschung der Judenfrage," in *Lost Libraries: The Destruction of Great Book Collections Since Antiquity*, ed. James Raven (New York: Palgrave Macmillan, 2004), 222.

²⁴ Rothfeder, 386.

²⁵ David Fishman, *Embers Plucked From the Fire: The Rescue of Jewish Cultural Treasures in Vilna* (New York: YIVO Institute for Jewish Research, 1996), 5-6.

²⁶ Starr, 38.

division of the Frankfurt Municipal Library, along with four assistants, to collect, categorize, and select volumes to be shipped to Germany. Out of a total of more than 100 000 items, Pohl selected 20 000 (according to one source) and dispatched them in seventy-four cases.²⁷ Concerning the remainder, Pohl sold a large quantity of books to a paper mill, sold off the plates of the Romm publishing house, and left his co-workers to dispose of the rest unscrupulously. One account has an associate of Pohl's dumping five cases of manuscripts and rare books off of a train in order to make room for an illegal shipment of hogs.²⁸ Whatever books and archives made it back to Germany was a mere shadow of the collections to which they once belonged. No collection was sent whole to Germany and after the Nazi defeat it was left to the allies to put the remaining pieces back together.

III—Jewish Views of Their Cultural Property

Fortunately, not all Jewish books were destroyed or looted by the Nazis. For example, due to the determination, cleverness, and strong idealism of a small group of Jews in Vilna whose goal was to save as much of their cultural heritage as possible, post-Holocaust generations are still able to enjoy the cultural riches that these people risked their lives to rescue. On 1 March 1942, the ERR assigned two Jews, Herman Kruk, former head of the central Yiddish library in Warsaw and librarian of the Vilna ghetto library, and the writer Zelig Kalmanovitch, the task of coordinating a team to sort, pack, and ship the Jewish books from Vilna.²⁹

²⁷ Ibid.

²⁸ Ibid., 39.

²⁹ Fishman, 5.

In his diary entry dated 12 March, Kruk conveyed his feelings on his first visit to YIVO:

...yesterday I saw a picture that truly crushed me...it is really impossible to go into the cellar. The cellar is stuffed from top to bottom. I step on the excellent card catalogue of the Bibliographical Center. The cards are lying on the floor in a heap half a meter high. Along with them, all mixed up, lies the card catalogue of the YIVO library, the cards of the press. Underneath are pictures, works of art, Yankl Adler's "two soldiers," etc. The books from the library shelves, which are in the same cellar, are strewn and confused, piled more than a meter high. Between the cabinets are letters, documents, photographs, pictures, etc., etc.³⁰

Throughout his diary, Kruk painfully records the plunder and destruction of valuable works, wondering of the fate of these valuable collections: "How this will end, as we have said more than once, is the question of who will get whom first."³¹ The preservation of cultural property was foremost on the mind of Rachel Pupko-Krinsky, too, who worked alongside Kruk: "The books were in great danger: we were their last readers."³² In order to save as many books as possible two primary strategies were employed. First, they found ways to slow their work and to delay shipping books to Germany. Secondly, when possible, they tucked books into their clothes and carried them back to the Vilna ghetto, their lives at great risk.³³ Kruk documented the courage that he and others had in saving whatever they could from the "mass graves": "The risk to their life by taking

³⁰ Herman Kruk, *The Last Days of the Jerusalem of Lithuania: Chronicles from the Vilna Ghetto and the Camps, 1939-1944*, ed. Benjamin Harshav, trans. Barbara Harshav (New Haven & London: Yale University Press), 231. Unfortunately, Kruk did not live to see the product of his efforts. With the liquidation of the Vilna Ghetto in September 1943, Kruk and his colleague, Zelig Kalmanovitch, were both deported to the concentration camp, Klooga, in Estonia where they died.

³¹ *Ibid.*, 232.

³² Rachel Pupko-Krinsky, "Laurel Trees of Wiwulskiego," in *The Root and the Bough: The Epic of an Enduring People*, ed. Leo W. Schwarz (New York & Toronto: Rinehard, 1949), 158.

³³ On the *Papir-Brigade*, those who carried out the books, see Fishman, 7-8.

away any piece of paper is awesome; every scrap of paper endangers your head. Nevertheless, there are idealists who do it easily.”³⁴

Indeed, these were idealists who had taken to heart the appeal of the Russian Jewish historian, Simon Dubnow (1860-1941), to collect and preserve materials of their own Jewish history.³⁵ In 1891, Dubnow published an essay, first in Russian then revised in Hebrew, calling on Jewish laypeople and historians to take up the cause of a reconstructed Jewish identity based on historical consciousness.³⁶ This required preserving the record of Jewish history and the Jewish ethnographer S. An-Sky followed suit in the aftermath of WWI by establishing the Historic-Ethnographic Society. He and his colleagues set about collecting and documenting the war and its consequences: “‘now, in the time of destruction [*khurbn*],’ there was ‘a holy duty...to make every effort to rescue at least the remnants [*sheyres hapleyte*], the remains of the spoil’ of Jewish culture.”³⁷ During WWII, communal activists such as Kruk, Kalmanovitch, and Emmanuel Ringelblum who established the Oyneg Shabes Archive in Warsaw,

³⁴ Kruk, 232. It is known that when the smuggling of books into the ghetto became too dangerous, the YIVO group began to find hiding places in the attic and basement of the building itself to store some 5 000 more books. See Lucy Dawidowicz, *From that Place and Time, A Memoir: 1938-1947* (New York: W.W. Norton & Company, 1989), 263.

³⁵ Simon Dubnow, “Nahpesah ve-nahkorah,” (Hebrew) *Pardes* 1 (1891): 226-227. This is the revised Hebrew version of his Russian essay from *Voskhod* 4, no. 9 (April-September 1891): 1-91.

³⁶ Steven J. Zipperstein, *Imagining Russian Jewry: Memory, History, Identity* (Seattle & London: University of Washington Press, 1999), 90. See also Cecile E. Kuznitz, “The Origins of Yiddish Scholarship and the YIVO Institute for Jewish Research,” doctoral dissertation (Stanford University, 2000); Fishman, 1-3.

³⁷ As cited in Cecile E. Kuznitz, “An-Sky’s Legacy: The Vilna Historic-Ethnographic Society and the Shaping of Modern Jewish Culture,” in *The Worlds of S. An-sky: A Russian Jewish Intellectual at the Turn of the Century*, ed. Gabriella Safran and Steven J. Zipperstein (Stanford: Stanford University Press, 2006), 326.

heeded the same call.³⁸ Following the war's end, scholars such as those who made up JCR would follow the tradition and ensure that cultural treasures were not lost to history.

IV—Review of the Literature

That JCR's organizational records are not centrally stored is a likely reason that no scholars have made it the focus of their inquiry. Major biographies written about those personalities intimately involved in JCR's work such as Hannah Arendt and Salo Baron make only passing reference to their activity on behalf of the organization.³⁹ A few short articles have been published that outline the basic accomplishments of the organization.⁴⁰ Oftentimes it is discussed in a peripheral manner, for example, in connection with the Hebrew University scholars who spent years securing plundered Jewish books for the institution's collection.⁴¹ More recently, Christhard Hoffmann and Ruth Nattermann have

³⁸ For more on Emanuel Ringelblum, see Samuel D. Kassow, *Who Will Write Our History? Emanuel Ringelblum, the Warsaw Ghetto, and the Oyneg Shabes Archive* (Bloomington: Indiana University Press, 2007).

³⁹ Elisabeth Young-Bruehl devotes two pages to Arendt's work for Baron's Commission and later JCR. See *Hannah Arendt: For Love of the World* (New Haven & London: Yale University Press, 1982), 187-188. See also Robert Liberles, *Salomon Wittmayer Baron: Architect of Jewish History* (New York: New York University Press, 1995), 238-240. Grace Cohen Grossman published an entire article on Baron's JCR work, "Scholar as Political Activist: Salo W. Baron and the Founding of the Jewish Cultural Reconstruction," in *For Every Thing a Season: Proceedings of the Symposium on Jewish Ritual Art*, ed. Joseph Gutmann (Cleveland, OH: Cleveland State University, 2002), 146-157.

⁴⁰ Georg Heuberger, "Zur Rolle der 'Jewish Cultural Reconstruction' nach 1945," *Was übrig blieb* (1988): 97-103; Edith Raim, "Wem gehört das Erbe der Toten? 'Jewish Cultural Reconstruction,'" *Tribüne* 135 (1995): 168-173.

⁴¹ Noam Zadoff, "Reise in die Vergangenheit, Entwurf einer neuen Zukunft," *Münchener Beiträge zur Jüdischen Geschichte und Kultur* 2 (2007): 67-80; Dov Schidorsky, *Burning Scrolls and Flying Letters: A History of Book Collection and Libraries in Mandatory Palestine and of Book Salvaging Efforts in Europe after the Holocaust* (Hebrew) (Jerusalem: The Hebrew University Magnes Press, 2008); Dov Schidorsky, "The Salvaging of Jewish Books in Europe after the Holocaust," in *Jüdischer Buchbesitz als Raubgut: Zweites Hannoversches Symposium*, ed. Regine Dehnel, 197-212 (Frankfurt a/M: Vittorio Klostermann, 2005); and Elisabeth M.

examined JCR in relation to its dealings with the Leo Baeck Institute and the German Jewish community that reconstituted itself after the war.⁴² Similarly, scholars are using JCR's activities to inform larger discussions on memory and the Holocaust. As the historian Marcus Kirchhoff has argued, "...the crucial aspect here is the specific external and highly *material* feature of these volumes as vessels of memory...we are dealing in both a literal and metaphorical sense with inscriptions of the persecution, if not indeed the annihilation of the former owners and readers."⁴³ Another article has examined JCR's activities in order to answer the question of whether Jewish religious objects distributed around the world after WWII should be returned to Europe.⁴⁴

It is those published works that have made extensive use of American military records that have provided, to date, the closest—yet still incomplete—examination of JCR's efforts in the American zone. The works of both Robert G. Waite—a senior historian in the office of Special Investigations for the U.S. Department of Justice—and Michael Kurtz—archivist at the National Archives and Records Administration (NARA)—have focused on JCR's activity in

Yavnai, "Jewish Cultural Property and Its Postwar Recovery," in *Confiscation of Jewish Property in Europe, 1933-1945: New Sources and Perspectives*, 127-142 (Washington, D.C.: Center for Advanced Holocaust Studies, USHMM, 2003); Itamar Levin, "Scholem Saves Books," (Hebrew) *Et-Mol* 24, no. 4 (April, 1996): 6-8;

⁴² Christhard Hoffmann, ed., *Preserving the Legacy of German Jewry: A History of the Leo Baeck Institute, 1995-2005* (Tübingen: Mohr, 2005); Ruth Nattermann, *Deutsch-Jüdische Geschichtsschreibung nach der Shoah* (Essen: Klartext Verlag, 2004).

⁴³ Marcus Kirchhoff, "Looted Texts: Restituting Jewish Libraries," in *Restitution and Memory: Material Restoration in Europe*, ed. Dan Diner & Gotthart Wunberg (New York & Oxford: Berghahn Books, 2007), 163. Elisabeth Gallas, "Gedächtnisspuren: Vom Offenbacher Depot zum jüdischen Geschichtsverständnis nach 1945," doctoral dissertation (Leipzig University, forthcoming).

⁴⁴ Rena Lipman, "Jewish Cultural Reconstruction Reconsidered," *Kunst und Recht* 4 (2006): 89-93.

Germany within their larger discussions of American cultural restitution policy.⁴⁵ Waite's two articles focus on the Library of Congress Mission; his discussion of JCR is secondary and does not make use of primary, archival sources. He presents a straightforward narrative without proper explanation of delays and gaps in time. The reader is left with the impression that the return of Jewish cultural property was, given the circumstances, a fairly efficient and quick operation.

Kurtz's discussion of JCR was pioneering when it first appeared in 1985: the activities of JCR highlight American military sensitivity to the restitution of Jewish cultural property that resulted from its sympathy for the victimized Jewish community.⁴⁶ He elaborated on it further in an article for the *Cardozo Law Review* in 1998.⁴⁷ In his latest publication, he synthesizes the valuable efforts of JCR with the work being done in the last decade by Jewish groups such as the World Jewish Congress in relation to Holocaust reparations.⁴⁸

Still, Kurtz studies JCR in a secondary role to that of the American military government. He uses the records of JCR and its activities to underscore American government policies and actions, not to better understand the organization or the Jewish community on whose behalf it labored. The reader is left with an understanding of the American military's views towards heirless

⁴⁵ Robert Waite, *The Handling of Looted Books in the American Zone of Occupation, 1944-1951: A Draft Report Prepared by the Office of Special Investigations, U.S. Department of Justice* (Washington, D.C.: Unpublished manuscript, 1999); "Returning Jewish Cultural Property: The Handling of Books Looted by the Nazis in the American Zone of Occupation, 1945 to 1952," *Libraries and Culture* (July 2002): 213-228.

⁴⁶ Michael Kurtz, *Nazi Contraband: American Policy on the Return of the European Cultural Treasures, 1945-1955* (New York: Garland, 1985).

⁴⁷ Kurtz, "Resolving a Dilemma."

⁴⁸ Kurtz, *America and the Return of Nazi Contraband: The Recovery of Europe's Cultural Treasures* (Cambridge: Cambridge University Press, 2006). See the author's review of Kurtz's book in *The American Jewish Archives Journal* 59, nos. 1 & 2 (2007): 125-127.

Jewish cultural property and a reasonable, though superficial, account of how JCR came to be and what it accomplished in the American zone of Germany. What the reader does not gain is a clear picture of how JCR understood its own role in this specific setting, working under the mandate of the American military government in Germany in less than ideal conditions. Jews working in Germany on behalf of various Jewish organizations had constant contact with American military officials—at all levels—yet there has been no critical examination of this relationship, with the exception of partial discussions of Jewish chaplains and Jewish advisers to the American zonal commanders working in Germany.⁴⁹ A closer look at this association can shed light on larger questions of Allied guilt in the wake of the Holocaust, attitudes of the American military towards Jews in the American zone—both DPs and relief workers—and Jewish influence in Washington during the immediate post-war period. Moreover, Kurtz examines JCR in somewhat of a vacuum without providing the proper context of the Jewish world in which it functioned—as a representative to world Jewry on this specific issue serving largely as a cultural branch of the JRSO with funding from the JDC and the Jewish Agency. A new German publication by Kerstin Röhling goes far in filling those gaps, but she still relies heavily on Kurtz’s earlier publications and

⁴⁹ Yehuda Bauer discusses them throughout his book, *Out of the Ashes: The Impact of American Jews on Post-Holocaust European Jewry* (Oxford: Pergamon Press, 1989). See pertinent pages. See also Haim Genizi, “Philip S. Bernstein: Adviser on Jewish Affairs, May 1946-August 1947,” *Simon Wiesenthal Center Annual* 3 (1986): 11pgs.; Leonard Dinnerstein, “The U.S. Army and the Jews: Policies Toward the Displaced Persons After World War II,” *American Jewish History* 68 (March 1979): 353-366; Alex Grobman, *Rekindling the Flame: American Chaplains and the Survivors of European Jewry, 1944-1948* (Detroit: Wayne State University Press, 1993).

she focuses largely on JCR's efforts in Germany.⁵⁰ This study contributes to the historiography by offering an assessment of this period from a Jewish perspective, relying on the organization's own records to elucidate the history.

The strengths and weaknesses of previous histories of major American Jewish organizations have informed this study of JCR. This history of JCR is similar to these studies in that it focuses on the functional aspects of the organization such as leadership and budget as well as concentrating on the larger questions of how it adapted to the changing needs of its constituency in order to retain relevance, and its cooperation or competition with other Jewish groups with different ideological commitments, needs, and aims.⁵¹ In other instances, JCR's inherent differences lend themselves to a distinct narrative. For example, a history of JCR covers a relatively short time frame compared to the much longer ones of, say, Naomi Cohen's sixty-year history of the American Jewish Committee or Deborah Dash Moore's history of B'nai B'rith that spans more than one hundred years.⁵² Further, whereas post-war activities account for little more than an individual chapter in any of these longer histories, this thesis is specifically and almost entirely devoted to a Jewish organization's post-war activities. Histories covering shorter time spans are less prone to focusing solely on the achievements

⁵⁰ Kerstin Röbling, *Restitution jüdischer Kulturgüter nach dem Zweiten Weltkrieg* (Baden-Baden: Nomos Verlagsgesellschaft, 2004). Röbling's book does not appear in Kurtz's 2006 bibliography.

⁵¹ The most recent example of this is Cornelia Wilhelm's detailed study of B'nai B'rith, *Deutsche Juden in Amerika: Bürgerliches Selbstbewusstsein und jüdische Identität in den Orden B'nai B'rith und Treue Schwestern, 1843-1914* (Stuttgart: Franz Steiner Verlag, 2007).

⁵² Naomi Cohen, *Not Free to Desist: The American Jewish Committee* (Philadelphia: Jewish Publication Society, 1972); Deborah Dash Moore, *B'nai B'rith and the Challenge of Ethnic Leadership* (Albany: State University of New York Press, 1981). Another example is Marianne Sanua, *Let Us Prove Strong: The American Jewish Committee, 1945-2006* (Waltham, MA: University Press of New England, 2007).

and highlights of the organization. While the emphasis on detail may obscure the general themes and implications, it can also provide critical nuance and complexity to a given topic. In this way, this thesis is much closer to Ronald Zweig's history of the early post-war negotiations and the establishment of the Claims Conference (1945-1952), to the two studies of the Vaad Ha-Hatzala,⁵³ and to Yehuda Bauer's study of the JDC in the immediate post-war period, a time that he labels, "a great period of American Jewish intervention in the Jewish world."⁵⁴

Bauer examines the JDC's activities during the crucial years of 1946 to 1953 "in an attempt to describe and evaluate the contribution of American Jewry to the continued survival in Europe and, later, elsewhere, of the remnant of European Jewry, the *She'erit Hapletah* (Surviving Remnant)."⁵⁵ He equates the JDC with American Jewry, arguing that the agency was more than American Jewry's spokesman or representative—it was one and the same. While this thesis does not purport to do the same—equate JCR with American Jewry—it does raise an issue that runs through almost all Jewish institutional histories—the question of who speaks for the Jews, both in America and around the world.⁵⁶ Even when a given organization spoke on behalf of a specific segment of the Jewish population and had a limited and particularistic objective, as was the case with the Vaad Ha-Hatzala, it still raised the ire of larger relief organizations such as the JDC, which had different priorities with regard to rescue activities, relations with the

⁵³ Alex Grobman, *Battling for Souls: The Vaad Hatzala Rescue Committee in Post-War Europe* (New York: Ktav, 2004); Efraim Zuroff, *The Response of Orthodox Jewry in the United States to the Holocaust: The Activities of the Vaad Ha-Hatzala Rescue Committee, 1939-1945* (New York: Ktav, 1999).

⁵⁴ Bauer, *Out of the Ashes*, xxii.

⁵⁵ *Ibid.*, v.

⁵⁶ Deborah Dash Moore articulates this in her concluding remarks regarding B'nai B'rith (255), but I argue that it is a theme that runs throughout these types of studies.

American government both at home and in Germany, and because they understood themselves as responsible for coordinating *all* Jewish rescue efforts.⁵⁷ Similarly, Zweig's study of the Claims Conference suggests that the perceived domination of an American, New York-based organization in determining what needed to be done for the sake of world Jewry raises the question of who represents the collective Jewish community.

As an American, New York-based group itself, JCR was not immune to these concerns. What set JCR—and by extension, its history—apart, though, was its size and the limited scope of its task, despite the fact that it did, for a short time, represent world Jewry. JCR was not a large-scale, mass membership organization working with a huge operating budget. Although it worked hard at proving its representative character, it had no rank-and-file members, limited financial resources, and a small full-time staff. For this reason, in writing JCR's history, care must be taken not to overstate its importance. What is interesting, though, is that JCR's leadership was not the usual cadre of the politically sophisticated, elite members of Jewish society that constituted the leadership of the AJC, the JDC, the United Jewish Appeal,⁵⁸ and B'nai B'rith and who traditionally claimed to represent the Jewish people. JCR was headed by Jewish academics—university professors and refugee scholars. Granted, some, like Salo Baron, Gershom Scholem, and Leo Baeck, were world renowned, but the majority of JCR's staff was not well known outside of their field. On one level, these scholars wanted to participate, as did the majority of Jews living in the United

⁵⁷ Zuroff, xxiii.

⁵⁸ See Marc Lee Raphael's *A History of the United Jewish Appeal, 1939-1982* (Chico, CA: Scholars Press, 1982).

States, in the salvage and reconstruction efforts towards post-Holocaust European Jewry. On another level, they wanted to make use of the resources that they possessed as academics. The question of whom they represented and by what right they did so, is taken up at length in this study along with a number of key themes.

JCR's activities have been overlooked by scholars dealing with property restitution who have focused on art and immovable property, that is, items of great value, while books and ritual items, with great symbolic but lesser monetary value, have been more often disregarded or treated peripherally. Numerous edited volumes have been published in recent years dealing with plundered Jewish property and its restitution, hardly mentioning Jews' heirless cultural belongings and never discussing JCR or its activities.⁵⁹ A recent conference was conducted on the looting of Jewish libraries during the war with no serious discussion of how some of their collections were saved through JCR's efforts.⁶⁰ Such an omission erroneously suggests that there was no sizeable Jewish effort to recover and distribute this material. But this cultural property in the form of books and ceremonial objects did have real and symbolic value, especially to those who rescued it and to those who received it.

⁵⁹ Michael Bazylar & Roger P. Alford, eds., *Holocaust Restitution: Perspectives on the Litigation and Its Legacy* (New York & London: New York University Press, 2006); Avi Beker, ed., *The Plunder of Jewish Property during the Holocaust* (New York: New York University Press, 2001); Martin Dean, Constantin Goschler & Philipp Ther, eds., *Robbery and Restitution: The Conflict over Jewish Property in Europe* (New York: Berghahn Books, 2007); Patricia Kennedy Grimsted, F.J. Hoogewoud & Eric Ketelaar, eds., *Returned from Russia: Nazi Archival Plunder in Western Europe and Recent Restitution Issues* (Crickadarn: Institute of Art and Law, 2007). A recently published volume edited by Dan Diner and Gotthart Wunberg does devote one chapter to the work of JCR. See Kirchhoff, "Looted Texts."

⁶⁰ See the conference proceedings edited by Regine Dehnel, *Jüdische Buchbesitz als Raubgut: Zweites Hannoversches Symposium* (Frankfurt a/M: Vittorio Klostermann, 2005).

A number of full-scale studies have been written about the Claims Conference and Jewish negotiations with West Germany.⁶¹ These delve into the history of immediate post-war Jewish discussions and the establishment of organizational precursors to the Claims Conference with only brief mentions of JCR. JCR's history cannot and should not be separated from the larger history of direct negotiations with the American military government, the German Länder, and later, the West German administration. As Zweig writes in his history of the Claims Conference, the organization cannot be understood in isolation; it was one channel through which reparations were directed to world Jewry.⁶² Any history that does not take these issues into consideration is incomplete. This work, then, adds substantially to the existing literature on postwar Jewish politics, post-Holocaust restitution, as well as international diplomatic and cultural history during the early years of the Cold War and the emergence of a divided Germany.

Looking back in 1974, Salo Baron placed the work of his two organizations—the Commission on European Jewish Cultural Reconstruction and JCR, Inc.—squarely at the vanguard of the history of Jewish restitution in the post-war period:

The dramatic story of this recapture of much of the irreplaceable heritage of many centuries has never yet been told in detail. However, it is one of the noteworthy chapters of the work initiated

⁶¹ Nikolas Balabkins, *West German Reparations to Israel* (New Brunswick: Rutgers University Press, 1971); Constantin Goschler, *Wiedergutmachung: Westdeutschland und die Verfolgten des Nationalsozialismus (1945-1954)* (München: R. Oldenbourg Verlag, 1992); Marilyn Henry, *Confronting the Perpetrators: A History of the Claims Conference* (London: Vallentine Mitchell, 2007); Röhling, *Restitution jüdischer Kulturgüter*; Nana Sagi, *German Reparations: A History of the Negotiations* (Jerusalem: Magnes Press, 1980); Zweig, *German Reparations*. Jewish reparations negotiations with East Germany have also been studied. See Angelika Timm, *Jewish Claims Against East Germany: Moral Obligations and Pragmatic Policy* (Budapest: Central European University Press, 1997).

⁶² Zweig, *German Reparations*, 187.

by the Conference on Jewish Social Studies, the ongoing results of which are still being felt today. As a matter of fact, it might not be too venturesome to suggest the following organizational genealogy: (1) Commission on Jewish Cultural Reconstruction; (2) Jewish Cultural Reconstruction, Inc.; (3) Jewish Restitution Successor Organization; (4) Conference on Jewish Material Claims Against Germany; (5) Memorial Foundation for Jewish Culture.⁶³

One of the main arguments of this thesis is that the activities and the organizational composition of JCR and the umbrella organization, under which it operated, the Jewish Restitution Successor Organization (JRSO), set a precedent for the workings of the Claims Conference and subsequent reparations agreements. These were Jewish organizations of legal standing with the American Government that were among the first to argue that Germany in no way could benefit from Jewish property that remained within its borders after the war. In addition, JCR and the JRSO were able to gain the support of a variety of Jewish organizations that typically conflicted ideologically such as the American Jewish Committee and the World Jewish Congress. Without a doubt, this set the groundwork for future collaborative efforts among many Jewish organizations. To write a complete history of both the JRSO and JCR is beyond the purview of this dissertation, but focusing on JCR provides a new window on these issues.⁶⁴

V—Writing a History of JCR, Inc.

When JCR closes its headquarters, the question will arise what to do with these lists and other important archival material which we

⁶³ Salo Baron, "The Journal and the Conference of Jewish Social Studies," in *Emancipation and Counter-Emancipation*, ed. Abraham G. Duker and Meir Ben-Horin (New York: Ktav, 1974), 9.

⁶⁴ A doctoral dissertation on the history of the JRSO has already been written. Ayaka Takei, "The Jewish People as the Heir: The Jewish Successor Organizations (JRSO, JTC, JTC French Branch) and the Postwar Jewish Communities in Germany," (Waseda University, 2004). She only briefly discusses the work of JCR.

have accumulated in the course of our activities. In view of the historical significance and the unique circumstances surrounding our work, it would not only be a technical lapse, but a serious mistake to leave this material uncared for.⁶⁵

On several occasions JCR attempted to coordinate the effort at writing its own institutional history. A number of historians including Evelyn Adunka and Lloyd Gartner have bemoaned the failure of these efforts.⁶⁶ Initially, Salo Baron and Hannah Arendt planned to write a history, but according to Baron, there were issues with scheduling. As early as 1953 Baron commissioned the young scholar Zvi Ankori to write the official history of the organization, but his return to Israel ended the project before it began.⁶⁷

Finally in 1985 Baron wrote a jubilant letter declaring that JCR had finally found someone “able and willing” to write its history, Meir Ben-Horin.⁶⁸ Ben-Horin had worked for JCR in the American zone of Germany and due to his lifelong experience working with Jewish organizations and his intimate knowledge of JCR’s history, he was considered a perfect candidate for the task.⁶⁹ Unfortunately, with such a lapse of time, Baron admitted that many of the organization’s papers had been lost and appealed to JCR’s constituent members,

⁶⁵ Hannah Arendt, 1952, as cited in Evelyn Adunka, *Der Raub der Bücher: Über Verschwinden und Vernichten von Bibliotheken in der NS-Zeit und ihre Restitution nach 1945* (Vienna: Czernin Verlag, 2002), 278.

⁶⁶ Adunka, 192; Lloyd Gartner, *History of the Jews in Modern Times* (Oxford: Oxford University Press, 2001), 382.

⁶⁷ Baron to Bernard Heller, 21 August 1953, Salo Baron Papers M580/59/1, Stanford Special Collections (SSC), Palo Alto, CA. A 10 June 2008 email correspondence with Ankori’s son-in-law, Nahum Karlinsky, confirms that he was involved with the project for only two weeks and any documents Ankori had regarding JCR were returned to Baron and Arendt. Zvi Ankori (1920-): historian and author; former director of the Center for Israel and Jewish Studies at Columbia University; and professor emeritus from Ohio State University and Tel Aviv University.

⁶⁸ Baron to Gruenewald, 18 April 1985, *Jewish Social Studies Papers M670/16/Max Gruenewald*, SSC, Palo Alto, CA. Meir Ben-Horin (1918-1988): Graduate of the Hebrew University, Ben-Horin was a U.S. Jewish educator who taught for many years at Boston Hebrew Teachers College and Dropsie College in Philadelphia.

⁶⁹ His activities are documented in chapter 3.

including Max Gruenewald's American Federation of Jews from Central Europe, to help fill the lacunae.⁷⁰ This request was later encouraged by Ben-Horin himself who admitted to not knowing the whereabouts of JCR's original records.⁷¹ In May 1987, the President of the Conference on Jewish Social Studies, Leon Feldman, appointed Ben-Horin Director for the Study of the History of Jewish Cultural Reconstruction. With a proposed budget of \$15 000 Ben-Horin was asked to complete the history in two years.⁷² Within a year of signing the contract, Ben-Horin died in Cleveland, Ohio (7 January 1988). Five months later, the Conference on Jewish Social Studies contacted his widow asking that she return his files relating to JCR.⁷³

In order to write an institutional study of JCR, the institutional records had to be found and assembled. The international and collaborative character of JCR is evident by the diverse locations of the archival material. Since JCR was an operating agent of the JRSO, its archival holdings at the Central Archives for the History of the Jewish People in Jerusalem have proven especially helpful. Also, since all of the major Jewish organizations were members of the JRSO and JCR, each has related correspondence and documentation preserved in its archival records. Thus, the papers of the World Jewish Congress and the American Jewish Joint Distribution Committee have been key sources of information. Similarly, the papers of those individuals who were directly involved with the organization have

⁷⁰ Baron to Gruenewald, 18 April 1985, M670/16/Max Gruenewald, SSC, Palo Alto, CA.

⁷¹ Meir Ben-Horin to Grace Cohen Grossman, 12 October 1987, Meir Ben-Horin Small Collection SC-5766/JCR, American Jewish Archives (AJA), Cincinnati, OH.

⁷² Leon Feldman to Meir Ben-Horin, 14 May 1987, M670/16/JCR, SSC, Palo Alto, CA. \$4 000 would come from the Memorial Foundation; \$6 884 from the Conference and the remaining \$4 116 from the Baron-Meisel Fund.

⁷³ Toby Gittele (Baron's daughter) to Mrs. Meir Ben-Horin, 1 June 1988, M670/16/JCR, SSC, Palo Alto, CA.

been examined (e.g., Salo Baron's papers at Stanford University, Hannah Arendt's collection at the Library of Congress in Washington, and Gershom Scholem's files at the Jewish National and University Library in Jerusalem). Additionally, the files of those institutions that received Jewish cultural property were studied. Thus, the Jewish Theological Seminary in New York, the Jewish Museum, the Skirball Museum of Hebrew Union College, and the Library of Congress were just some of the institutions that had their own correspondence with JCR and whose records consequently shed light on the distribution process.

VI—Outline of Thesis Chapters

In a 1988 interview, a year before his death at the age of 94, Salo Baron outlined how a history of JCR should be written. He did not necessarily think it should be presented chronologically because it would cover too short a period. The best approach, he considered, was thematic and chronological concurrently—beginning with the establishment of the Commission on European Jewish Cultural Reconstruction, moving to the legal recognition of JCR, Inc, and its work with the American military government; how it organized both the operation in Germany as well as the details regarding distribution of the material; how JCR related to the JRSO, and finally ending with the decision to close the office.⁷⁴

Baron's wise counsel has, for the most part, been followed. This thesis is divided into five chapters. The first four deal with the initial eight years of Baron's Commission and JCR's existence—from 1944 to 1951—its most active

⁷⁴ Grace Cohen Grossman interview with Salo Baron, 4 July 1988, Tape 7. Los Angeles: Skirball Museum, 1988.

and intense period. The last chapter focuses on the remaining twenty-six years, 1952 until 1977, when the corporation was formally dissolved. For a large part of that period, JCR existed in name only, with a few thousand dollars in its inactive bank account. To have used a more chronologically even approach would have given the reader a skewed sense of its importance at a given time and place in history. Oftentimes organizations linger for much longer than their work requires. JCR was no exception.

Chapter 1 concentrates on the novel approach that Baron and his academic contemporaries adopted towards the plight of European Jewry in the 1930s and early 1940s. Also, it exposes the internecine struggles among Jewish groups over which would be chosen as *the* representative of world Jewry vis-à-vis the issue of heirless Jewish cultural property located in the American zone of Germany. The American military government ultimately favoured Baron's Commission for a number of reasons, not least of which was its advantageous position as an American group. Moreover, the detailed lists that it had produced of the various cultural activities, institutions, and properties of the pre-war European Jewish community greatly impressed American officials and it had the support of key players who had connections with high-ranking government bureaucrats. Once recognition was guaranteed, Baron's group began the more difficult task of securing proper financing for its administrative center in New York as well as for the workers it would need to employ in the American zone of Germany, specifically in the depots of Offenbach and Wiesbaden, to organize and distribute the property that had been entrusted to them.

Baron's Commission established Jewish Cultural Reconstruction, Inc. (JCR) in April 1947. The history of its emergence and its relationship with the American military government is central to the second chapter. Its main argument—introduced with a historiographical essay on Jewish influence in Washington from the late 19th century through the years of the Holocaust—considers the effect that the Holocaust had on the receptivity of various levels of the American government towards Jewish lobbying efforts. JCR's objectives were best met when they were compatible with U.S. post-war aims, among them the issue of the Displaced Persons (DP). The American government sought to end its administration of the DP issue as quickly as possible. Supporting thousands of Jewish refugees in DP camps after the war was especially costly and burdensome. Working with Jewish organizations to restitute and subsequently liquidate Jewish assets in Germany would relieve the U.S. Government of much of the financial and administrative burden of the DPs by providing Jewish institutions with the funds necessary to care for them. A general Jewish trusteeship, the Jewish Restitution Successor Organization (JRSO), was thus formed in May 1947 and recognized by the American military government in Germany as the agency authorized to assume control of ownerless private and communal Jewish property. This was the first time that a successor organization—making a non-territorial claim to represent all of world Jewry in this matter—was recognized by a nation's government. After protracted negotiations, JCR ultimately became the cultural arm of the JRSO and was also accepted by the U.S. military government to deal specifically with heirless Jewish cultural property found in its zone. Key support

for this arrangement among government officials—both Jewish and non-Jewish—including General Lucius D. Clay, supreme commander of the Office of Military Government, United States (OMGUS), was without a doubt of extreme importance.

Chapter 3 explores the exact nature of JCR's work in the American zone of Germany, both inside and beyond the zonal depots of Offenbach and Wiesbaden. It is a detailed study of the practical and political nature of the work of the organization's employees who were sent there to survey, collect, and distribute the nearly 500 000 books, almost 8 000 ceremonial objects, and more than 1 000 Torah scrolls that the American military government deemed heirless. Perhaps the most interesting characteristic of JCR's employees was that the majority of them were well-known Jewish scholars—Joshua Starr, Hannah Arendt, Gershom Scholem, Mordecai Narkiss, Shlomo Shunami, and a number of others—who had a particular interest, as academics, in saving this material. That did not preclude them from disagreement and self-interest. Nevertheless, their reports and correspondence provide us with the necessary evidence to understand the conditions under which they worked as well as the expanding nature of their mission—which included lobbying for German Länder decrees to uncover lost Jewish property in German public institutions, and microfilming Hebrew manuscripts and archives found legitimately in German public institutions.

The penultimate chapter not only analyzes the procedure that JCR's members developed to distribute the property, but also their overall understanding of what Jewish cultural reconstruction meant in the immediate post-war period.

As the representative of world Jewry in this matter, JCR did not consider the Jewish communities that remained in Germany after the war to be the legitimate beneficiary of all of German Jewry's pre-war property. Instead, it recognized that a major shift had occurred as a result of the Holocaust and that the new centers of world Jewry—the United States and Israel—should be the main recipients, but still insisted that all of Jewry should benefit. These decisions were not made lightly or without controversy from both inside and outside the organization. Nevertheless, JCR did, in fact, stay true to its mission; consequently, Jewish communities around the world, including those in Great Britain, Latin America, South Africa, and Canada were given links from a severed past.

The fifth and final chapter examines the last twenty-six years of JCR's existence, 1952-1977, a period of relative quiet after four years of intense activity operating under its American military mandate in Germany. By 1952, its budget had been pulled and its *raison d'être* in the American zone had ended. By and large, the continued work of searching out cultural property that remained in Europe had been turned over to Israeli institutions. That being said, Baron still felt it necessary to keep JCR's doors minimally open, as it were, in case future discoveries of heirless Jewish cultural property were made. He and Hannah Arendt, primarily, continued their work to secure German legislation regarding undiscovered heirless Jewish cultural property that was thought to exist in public institutions. Furthermore, Baron considered a new role that he had been invited to assume with the Claims Conference to be the perfect opportunity to revive the large microfilming project that JCR had begun some years before. None of these

projects were particularly successful for the organization and it finally closed its doors in the late 1970s.

The conclusion offers a summary of the findings and suggestions for future research. It also discusses the current debates, discussions, and activities that have been reported in the media about the property distributed by JCR. Furthermore, the implications of the findings are explored for the light they might shed on cases of restitution of cultural property to other ethnic and religious groups harmed by persecution and war.

Chapter 1: Competing Forces in the Rescue of Jewish Cultural Property, 1944-1947

I—Introduction

Until Jewish Cultural Reconstruction, Inc. (JCR) was formally established in April 1947, there were competing Jewish organizations working to salvage heirless Jewish cultural property in Europe. Independent actions were taken by various Jewish groups including the Jewish Historical Society of England, the World Jewish Congress, the Hebrew University of Jerusalem, and Baron's Commission on European Jewish Cultural Reconstruction, among others, between the crucial years of 1944 and 1947 with each hoping that Allied forces would adopt their respective plans. The inability of these groups to agree on which, in fact, best represented Jewish claims and which should ultimately receive this cultural property hampered Jewish efforts at rescuing more material. Most discussions of the rescue of Jewish cultural property do not detail the overlapping and often counter-productive efforts of these groups in the immediate post-war period.¹

It might be argued that primarily outside forces brought these organizations together. The American military government, after all, would only deal with a unified organization, one that necessarily included the former Jews of Germany and Austria as well as those around the world. The World Jewish Congress and Baron's Commission were the first two groups to submit detailed memoranda to the U.S. government. Several other factors determined the

¹ Michael Kurtz's discussion comes readily to mind. Kurtz, *America and the Return of Nazi Contraband*, 151-173.

leadership position of Baron's Commission including the wide support that it claimed to have from early on, the influence of key supporters within the American governmental system as well as the superb research conducted under its auspices—an approach that was already well under way among numerous American Jewish organizations including the American Jewish Committee and the American Jewish Congress. A uniquely European proposal was discussed for a short time, but nothing came of it except perhaps a clearer understanding for everyone involved of the enviable position of Baron's Commission. It must be stressed, however, that the actions of the Jewish groups did not alone determine the fate of heirless Jewish cultural treasures in Europe. But one must wonder how much was lost, both in time and in cultural property, during the crucial years immediately after the war when Jewish organizations could not work together in formulating a clear and unified position with regard to the ultimate disposition of Jewish cultural property.

II—Two Jewish Centers: Israel and the United States

A major demographic shift occurred in the years immediately following the Holocaust: Between 1945 and 1952, some 80 000 Jewish Displaced Persons (DPs) immigrated to the United States² bringing the country's total Jewish population to approximately five million. By 1951, 360 000 Holocaust survivors had arrived in Israel from Europe so that its population reached nearly 1 500 000

² Michael Brenner, *After the Holocaust: Rebuilding Jewish Life in Postwar Germany* (Princeton, NJ: Princeton University Press, 1997), 40.

by 1952.³ Together, Israel and the United States were two of the top three Jewish population centers and comprised over 55 percent of world Jewry.⁴ Western and Central Europe, meanwhile, had a total Jewish population of slightly more than one million in 1952—just 11.5% percent of a world Jewish population of 11 558 000.⁵ Postwar Jewish politics was necessarily influenced by this dramatic demographic shift and the changing power centers that inevitably moved as well.

The postwar years constituted a period of growing strength for the American Jewish community—demographically, socially, religiously, and politically. Some historians have labeled the years 1945-1967 as a “Golden Age” of American Jewry and a period of “Recovery and Renewal.”⁶ The suburbanization of Jewish communities, the rise of the role of the synagogue, of American Jewish philanthropy, and of a strong identification and pride as Americans are just a few of the successes of American Jewry at that time. American Jewish organizations continued to assume a primary role in the international affairs of world Jewry—settling the *she' erit hahpletah* (surviving remnant) of European Jewry, supporting the newly founded State of Israel—while still working to combat negative treatment of Jews on the home front, largely

³ Dina Porat, *Israeli Society, the Holocaust and its Survivors* (London: Vallentine Mitchell, 2008), 3.

⁴ “World Jewish Population,” *American Jewish Year Book* 54 (1953): 194-198. In 1952, the Soviet Union had the second largest Jewish population behind the United States with 2 470 000 Jews. England had the fourth largest Jewish population with 450 000.

⁵ *Ibid.*

⁶ Arthur A. Goren, “A ‘Golden Decade’ for American Jews: 1945-1955,” in *A New Jewry? America Since the Second World War. Studies in Contemporary Jewry* 8, ed. Peter Y. Medding (New York: Oxford University Press, 1992), 3. “Recovery and Renewal” was a phrase coined by Lucy S. Dawidowicz.

brought about by the Cold War, McCarthyism, and the “fear of Communist subversion.”⁷

The Yishuv, the Jewish community of Palestine prior to the creation of the State in 1948, was undergoing its own renaissance of sorts in the pre-war period through to the creation of the State. By the end of the 1920s—the period of British Mandatory rule (1920-1948)—many of the central institutions of nation-building had been successfully put in place: the Histadrut, the Israeli Federation of Labor, was established in 1920 as was the Vaad Leumi, the executive branch of the Knesset Israel; the Hebrew University was formally opened in 1925; the headquarters of Keren Hayesod were moved to Jerusalem in 1926 and an expanded Jewish Agency—the institutional forerunner of the State, which was, for all intents and purposes, controlled by the World Zionist Organization, but that included both Zionist and non-Zionist members—was created in 1929. It was an international non-governmental body that represented the Yishuv both to world powers as well as to the rest of world Jewry. National independence was being achieved, at least at the institutional, cultural, and demographic levels. Thus, by the time of the creation of the State, many of the Zionist aims had largely been realized:

Hebrew was a spoken language, widely enough disseminated to become the national tongue of the new state, and social and economic institutions had been developed, an occupational distribution achieved, and cultural values established in conformity with the ideal of a self-sustaining, balanced community capable of controlling its own destiny in the same way as other free peoples do.⁸

⁷ Ibid., 14.

⁸ Ben Halpern and Jehuda Reinharz, *Zionism and the Creation of a New Society* (Hanover, NH, & London: University Press of New England, 2000), 308.

With the growth of the population at the end of the war many of these institutions were reinvigorated. The community was engaged in a full out effort to help refugees enter the future Jewish state, despite mandatory British efforts to prevent it. Further, attempts were being made to strengthen those institutions, like the university, which would be central to building a modern state. The establishment of a “Jewish State” in 1948 further changed the dynamics. While various organizations had previously spoken for the Jewish people, they now had a recognized political entity that claimed to speak for them.

This context is important to emphasize early on since it comes into play from the beginning of the Commission’s work and remains quite evident throughout JCR’s history, particularly in the relationship between its American and European members, on the one hand, and its “Israeli” members on the other. The debates between the English historian Cecil Roth, the American historian Salo Baron, and the “Israeli” scholar Gershom Scholem, over who should distribute the material—as recounted in this chapter—and then over who should receive what proportions of it—as will be seen in chapter 4—are central to the thesis and its examination of the power shift in the Jewish community following the Second World War.

III—Jewish Research Institutes on Post-War Reconstruction

If the leaders, in particular of American Jewry, equipped with the knowledge furnished them by the methods of modern social and historical sciences and imbued with the accumulated wisdom of the ages of rabbis and thinkers, will undertake to look courageously into the realities as they

are and to adopt measures which they will consider best, regardless of whether or not they meet with the instant approval of the less informed, then they may yet be destined to render an historic service lesser to none performed by their predecessors in other ages of great transformation.⁹

-- Salo Baron

In the early years of World War II, American Jewry could not have predicted the deaths of approximately six million Jews in Europe or that the State of Israel, a homeland for the Jewish people, would be established by 1948. From early on, though, Jewish organizations were confident in an Allied victory and recognized that a period of post-war Jewish reconstruction would be required. The exact nature of reconstruction, however, remained unknown. Furthermore, general opinion among Jewish organizations was that the Minorities Treaties concluding the First World War were not altogether a success and they, especially the American Jewish Committee and the American Jewish Congress, were adamant that history would not repeat itself.

In order to avoid such repetition, major American Jewish organizations heeded Baron's 1940 call; they established research institutes in the early years of the war to study, in detail, the condition of European Jewry, to combat antisemitic diatribes emanating from Nazi Germany and to provide the necessary information to policy-makers, government agencies, and public opinion-molders on the Jews in Europe. As the historian, Ronald Zweig, writes:

When American intelligence wanted to know what was happening, they asked the Joint Distribution Committee or the World Jewish Congress or its Institute of Jewish Affairs. They also subscribed to and quoted regularly from the Jewish Telegraphic Agency. The contacts which developed between the OSS (Office of Strategic

⁹ Salo Baron, "Reflections on the Future of the Jews of Europe," *Contemporary Jewish Record* 3, no. 4 (July-August 1940): 369.

Services) and the various Jewish organizations were useful, and...in some cases very close.¹⁰

It is interesting to note, though, that even before these institutes were established, it was with the creation of the Conference on Jewish Relations in 1933,¹¹ of which Salo Baron and Morris Raphael Cohen were founding members, that the non-partisan academic and scientific study of the contemporary Jewish condition firmly took root in the United States. Thus, when Baron's own research institute—Commission on European Jewish Cultural Reconstruction, an organizational offshoot of the Conference on Jewish Relations—emerged in the later war years, it had its own long history, and more significantly, found itself in an established field that served to validate and support its own investigative efforts.

By 1943, thirty-two different American Jewish institutions researching post-war problems could be counted.¹² However, no major studies have been done of any of these research commissions, or of the scholars who led them, for that matter. Previous institutional histories have focused on the policy makers—the leaders who implemented the organizations' guiding principles—not on the policy advisors—those intellectuals behind the scenes who essentially laid out what these guiding principles should be. This study of Baron's group—whose

¹⁰ Ronald Zweig, "The War Refugee Board and American Intelligence," in *The Shoah and the War*, ed. Asher Cohen, Yehoyakim Cochavi, and Yoav Gelber (New York: Peter Lang, 1992), 395.

¹¹ Informal meetings were being held as early as 1933, but it was in 1936, with a meeting attended by Albert Einstein, that the Conference on Jewish Relations was formally established.

¹² See the list provided in the Research Institute of Peace and Post-War Problems, *Jewish Post-War Problems: A Study Course, Unit I—Why Study Post-War Problems* (New York: American Jewish Committee, 1943), 21-22.

members ultimately served as both policy advisors and policy makers—serves to bring these two histories together.

It is beyond the scope of this chapter to outline the various activities of each organization's research institute. In looking at their wartime publications, though, the similarity of their mandates and their inherent duplication is striking. According to the preliminary announcement of the American Jewish Committee's Research Institute, dated May 1941, it was "charged with the function of ascertaining, integrating and publishing of the requisite facts that will promote a better understanding of the Jewish situation and by the scholarly and scientific integrity of its findings, provide a reliable basis for subsequent efforts in the field of reconstruction and rehabilitation."¹³ AJC's research was divided into three main divisions—(1) Political, Economic and Social Status; (2) Migration and Colonization; (3) Relief and Reconstruction—with smaller sub-divisions for dealing with specific issues. The AJC's institute did its utmost to avoid duplication using previous research material and cooperating with existing organizations.

The American Jewish Congress established the Institute of Jewish Affairs in 1941 with the noted jurist, diplomat, and historian Jacob Robinson at its helm.¹⁴ Its driving principles were quite similar to those of the of the American Jewish Committee's, namely, to prepare the Jewish people to deal with: "The present-day

¹³ American Jewish Committee, *Research Institute on Peace and Post-War Problems: Preliminary Announcement, May 1941* (New York: American Jewish Committee, 1941), 2.

¹⁴ Born in Lithuania, Jacob Robinson (1889-1977) was elected to the Lithuanian Parliament in 1922 and was very strongly committed to Jewish autonomy in the Diaspora. Before immigrating to the United States, he organized a secret committee for the protection of Jewish rights in Europe among his many other political activities.

condition arising out of the war, insofar as they affect Jews; to present proposals of Jews for the guarantee of rights and the assurance of equality at a forthcoming Peace Conference; and to plan the reconstruction of Jewish life at the end of the war.”¹⁵ Its research surveyed four main areas: (1) Current Jewish history with emphasis on Jewish life in the past twenty-five years; (2) legal and political aspects of the Jewish problem; (3) statistics, demography, economics, relief and constructive help; and (4) refugee problems, migration and colonization possibilities.¹⁶

From the beginning, however, the American Jewish Congress attempted to highlight the differences between the two institutes. In a 28 March 1941 editorial in *Congress Weekly* it was argued that dissimilarity between the two institutes’ approaches could be found in their respective mandates, with the American Jewish Committee focusing on the rights of Jews as human beings and the American Jewish Congress stressing their rights as Jews.¹⁷ The editor argued that the conception that coloured the entire approach of the American Jewish Committee with regard to this issue was that the Jews were not a people, an ideological anathema to the American Jewish Congress and World Jewish Congress. Despite the dissimilarity, the evidence suggests that both research institutes used their publications to explore a number of approaches to issues of post-war reconstruction, taking a more middle-of-the-road position. Both

¹⁵ “Research Institute Established,” *Congress Weekly* 8, no. 6 (7 February 1941): 16.

¹⁶ Jacob Robinson, “Preparing for Peace,” *Congress Weekly* 8, no. 8 (21 February 1941): 6.

¹⁷ See “Formulating Jewish Aims,” *Congress Weekly* 8, no. 6 (7 February 1941): 4. The third paragraph of the article begins by admitting that Jewish interests are weakened by the appearance of two institutions serving the same purpose.

understood, arguably more than their sponsors, that the Jewish question had more than one political solution.¹⁸

Baron's Commission, meanwhile, was very much guided by the mandate established by the Conference. In the words of its founder, Morris Raphael Cohen, "we were, in fact, a continuing conference, not tied to any cause or creed less universal than the old, simple faith that the search for truth is an essential part of any progress towards a more humane and tolerant world."¹⁹ It prided itself on being a non-partisan group that adhered to the highest standards of scholarship and in 1939, with the establishment of its journal, *Jewish Social Studies*, the Conference was able to support and encourage scholarly activities in the field.²⁰ In fact, when treating the issue of post-war Jewish reconstruction, those who had been involved with the Conference on Jewish Relations were among the first to speak of its inevitability. Baron, in a 1940 essay, speculated on a number of potential outcomes of the war including the control of Palestine by Italy and the

¹⁸ This argument is made after studying the wartime and post-war publications of their respective research institutes, the central agencies in the peace planning of both the American Jewish Committee and the American Jewish Congress/World Jewish Congress. A chronological survey of their regular publications—the American Jewish Congress' *Congress Weekly* and the American Jewish Committee's *American Jewish Year Book*—along with their special publications on reconstruction and rehabilitation, shows that while the larger issue of Palestine was certainly a contentious one that separated the two organizations, their policies regarding post-war Jewish reconstruction were much more alike when taken out of the 1948 context. See, for example: Abraham Duker, ed., *Governments-In-Exile on Jewish Rights*, Pamphlet Series: Jews and the Post-War World, no. 3 (New York: American Jewish Committee, 1942); Jacob Lestchinsky, *Crisis, Catastrophe and Survival: A Jewish Balance Sheet, 1914-1948* (New York: Institute of Jewish Affairs, 1948); Research Institute of Peace and Post-War Problems, *Jewish Post-War Problems: A Study Course, Units I-VIII* (New York: American Jewish Committee, 1943); Jacob Robinson, *Were the Minority Treaties a Failure?* (New York: Institute of Jewish Affairs, 1943); Nehemiah Robinson, *Indemnification and Reparations: Jewish Aspects* (New York: World Jewish Congress, 1944); and Zorah Warhaftig, *Relief and Rehabilitation: Implications of the UNRAA Program for Jewish Needs* (New York: Institute of Jewish Affairs, 1944).

¹⁹ Morris Raphael Cohen, *A Dreamer's Journey* (Boston, MA: Beacon Press, 1949), 242.

²⁰ The Conference on Jewish Relations was able to produce a number of publications before the establishment of *Jewish Social Studies* such as Oscar Janowsky and Melvin M. Fagen's *International Aspects of German Racial Policies* (1937) and *A People at Bay* (1938), Janowsky's report on the situation of the Jews in Eastern Europe.

German domination of Europe.²¹ Perhaps his most prescient supposition was the very real tragedy that would befall the millions of Jews in Europe: "...no matter who wins the war, these millions are doomed to gradual economic strangulation, to a disproportionate share in the general starvation, and to a physical and mental maltreatment by the governing powers that can hardly be imagined..."²² In 1941, Cohen, by this time director of the American Jewish Committee's Research Institute,²³ echoed Baron's concern for the physical and spiritual predicament of European Jewry: "The Jews will be in a worse plight... they lost a major part of their means of subsistence but also because they have become the object of intense nationalist suspicion and hatred that will take more than a generation to dissolve."²⁴ Not claiming that it would be a panacea, Cohen pressed the need for Jewish Studies as a means of combating a host of problems, actual and theoretical. Cohen uses the term "Jewish Studies" more narrowly than it being an academic discipline to denote the study by Jews of the condition of European

²¹ Baron also speculated that the Axis powers could possibly grant independence to Palestine or, if there were an Allied victory, a possible federation of European nations would be created. See "Reflections," 360-362. In a later article, Baron proposed the idea that Poland, Czechoslovakia, Hungary, and Romania would harbour the majority of European Jewry outside of the Soviet Union after the war's end. One other possibility was that Jews would gain recognition as a national minority and enjoy national minority rights. See "The Spiritual Reconstruction of European Jewry," *Commentary* 1, no. 1 (November 1945): 9.

²² Baron, "Reflections," 360. See also, "The Future of European Jewry," *Jewish Forum* 23, no. 9 (October 1940): 164-165, 171; *Effect of War on Jewish Community Life* (New York: Harry L. Glucksman Memorial Lecture, 1942): 15p; "The Spiritual Reconstruction," 4-12. As well, Baron delivered many lectures on this subject although written versions are not preserved or were not produced. Grace Cohen Grossman interview with Salo Baron, 3 July 1988, 7 tapes. See also Grace Cohen Grossman, "Scholar as Political Activist."

²³ In his autobiography, Cohen states that as president and 'travelling salesman' of the Conference on Jewish Relations, he found it difficult to decline invitations to head or help direct other enterprises with which the Conference was cooperating. One of them was the American Jewish Committee's Research Institute on Peace and Post-War Problems. The Committee's financial assistance to the Conference meant it could no longer function as an autonomous non-partisan agency. See *A Dreamer's Journey*, 251-252.

²⁴ Morris R. Cohen, "Jewish Studies of Peace and Post-War Problems," *Contemporary Jewish Record* 4, no. 2 (April 1941): 113. This same article appeared in the *American Jewish Year Book* 43 (1941-1942): 736-751.

Jewry.²⁵ He highlighted relief and rehabilitation, migration and colonization, as well as the political, economic, and cultural status of the Jew as areas of research.

IV—Jewish Academics Discuss Jewish Cultural Property

Without a doubt, the American war effort involved all levels of society, including librarians, archivists, curators, and academics. For the first time, the U.S. government entered the field of cultural relations and the protection of cultural property—historic buildings, art, books, and even microfilming archival material—became an official war aim.²⁶ During the war, curators and museum officials grew concerned over the destruction of Europe's cultural heritage and worked with the government in the formation of the Roberts Commission and later, the Monuments, Fine Arts, & Archives (MFA&A) division of the American military government.²⁷ A 1985 book by Gart E. Kraske shows how during the war the American Library Association (ALA) was used as a propaganda tool by the American government to promote its ideological goals overseas including the establishment of several libraries in Latin America, the operation of English language institutes, and the export of American books and journals around the world.²⁸ The activities of the Office of Strategic Services (OSS), which have been

²⁵ I take into consideration that Cohen's audience consisted, essentially, of those who subscribed to the *Contemporary Jewish Record*. Since the American Jewish Committee produced it, its readership consisted of both the scholar-intellectual type and educated American Jews outside of this small group.

²⁶ Kathy Peiss, "Cultural Policy in a Time of War: The American Response to Endangered Books in World War II," *Library Trends* 55, no. 3 (Winter 1997): 370-386.

²⁷ Kurtz, *America and the Return of Nazi Contraband*; Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Alfred A. Knopf, 1994).

²⁸ Gart E. Kraske, *Missionaries of the Book: The American Library Profession and the Origins of United States Cultural Diplomacy* (Westport, CT: Greenwood, 1985).

studied in two published works, provide the best example of this marriage of librarians with the intelligence-gathering arm of the state.²⁹ In a recent article, Kathy Peiss examines the intimate relationship that was forged between intellectual and cultural elites and the American government during WWII and how it served in the protection of books and other cultural resources in Europe. She provides a convincing argument that by the early 1940s, “a convergence of events, memories, ideology, and individuals led cultural leaders to transform their mounting alarm into action.”³⁰ No stretch of the imagination is required to think that Jewish intellectuals were equally alarmed over news of their own cultural treasures being destroyed.³¹

Indeed, Jewish academics were the first to discuss the fate that would befall Jewish cultural treasures after the war’s end and to offer solutions to this pressing concern. As devastating as the war was to European national cultural treasures, the Nazi onslaught had an even more disastrous effect on Jews and Jewish cultural property. This reality needed to be given proper attention. The restoration of Jewish cultural property was given principal focus in June 1944 with the publication of Cecil Roth’s address delivered at an April 1943 conference of the Jewish Historical Society of England in London.³² In his opening paragraph

²⁹ G.C. Chalou, ed., *The Secrets War: The Office of Strategic Services in World War II* (Washington, D.C.: NARA, 1992); Barry M. Katz, *Foreign Intelligence: Research and Analysis in the Office of Strategic Services, 1942-1945* (Cambridge, MA: Harvard University Press, 1989).

³⁰ Kathy Peiss, 373.

³¹ There is documentary evidence that Jewish scholars began talking about this in 1943. News of the cultural destruction of Europe was recorded in the major newspapers of the day. See Anne O’Hare McCormick, “On Saving the Fruits of Our Civilization,” *New York Times* (9 October 1943): 12. The article ends by stating: “There can be no doubt that the American people’s conception of victory is to save everything in Europe that we can.”

³² Cecil Roth (1899-1970) was a historian and head of the Jewish Historical Society of England who was perhaps best known for being editor-in-chief of the *Encyclopaedia Judaica*. He

he declared that the Nazi assault had not only been against the Jews, but also against all Jewish spiritual and intellectual values, to “pervert” every object of Jewish culture.³³ Accordingly, Roth argued that the German government and the German people should lose all rights to objects used for antisemitic purposes: “It is unthinkable that the German Government can be allowed to derive any profit from its campaign of murder and rapine, and it is obvious that it should be made to disgorge confiscated and stolen objects—to which must be added, too, those which have been disposed of by forced sale.”³⁴

First, Roth proposed that all stolen objects be returned to their owners and that losses be indemnified with the legitimately acquired property of the German government. He suggested that objects whose ownership could not be traced or that belonged to institutions that would not be revived be placed in the custody of the Hebrew University of Jerusalem.³⁵ However, he recommended that a competent authority be established to deal with these issues before such a transfer could occur. A sub-committee of the Jewish Historical Society of England, was, in fact, formed which comprised, among others, Roth and Norman Bentwich—

was a life-long collector of Judaica and Hebraica who firmly believed that non-textual sources were just as important in illuminating the multi-faceted components of Jewish history. Israel Finestein & Joseph Roth, eds., *Opportunities that Pass: An Historical Miscellany—Cecil Roth* (London: Vallentine Mitchell, 2005), xv-7; Frederic Krome, “Between the Diaspora and Zion: Cecil Roth and his American Friends,” *Jewish History* 20 (2006): 283-297.

³³ Cecil Roth, “The Restoration of Jewish Libraries, Archives and Museums,” *Contemporary Jewish Record* 7, no. 3 (June 1944): 253. Representatives from both British and American Jewish organizations attended the conference although their specific names are not recorded in the Jewish Historical Society of England’s *Transactions: Sessions 1939-1945* Vol. 15 (London: Edward Goldston, 1946). In a later letter to Baron, Roth mentions the name of Rev. S. Levy being there on behalf of the American Jewish Historical Society. Cecil Roth to Salo Baron, 7 December 1949, Salo Baron Papers M580/43/5, Stanford Special Collections (SSC), Palo Alto, CA. The reason for Roth’s address only appearing in print in an American publication is undocumented.

³⁴ *Ibid.*, 256.

³⁵ *Ibid.*, 257. It should be noted that at this time Roth’s brother, Sir Leon Roth, was the rector of the Hebrew University.

Zionist, scholar, and former attorney general of the Mandate government in Palestine. Its program included keeping in close contact with allied governments dealing with the question of private and public property restitution as well as exploring questions relating to the restoration of Jewish cultural life on the European continent and proposing solutions.³⁶ A questionnaire was to be formulated and distributed to individuals and institutions in order to compile a catalogue of their pre-war holdings to be used in claims made by world Jewry at the future Peace Conference.³⁷ In August 1945, Roth's Committee drew up a memorandum on Jewish Art and Cultural Objects in Germany, but it is uncertain as to whether it was formally submitted to any governmental body.³⁸ Already, we see that Roth's understanding of post-war Jewish cultural reconstruction included "...responsibility for the decimated European-Jewish communities...and his passionate sympathy for the developing Jewish cultural life in Israel."³⁹ In later correspondence, Roth would refer to his committee as the first to confront this important issue and would, for this reason, argue for its continued leadership role.

³⁶ Other members included Oskar Kurt Rabinowicz (1902-1969), author, Zionist, and communal worker who was secretary of the Jewish Historical Society of England at the time; Franz Kobler, Austrian lawyer and scholar who fled in 1938 first to Switzerland, then to England, and finally to the United States; Ernst Gottfried (E.G.) Lowenthal (1904-1994), liberal German Jewish scholar who fled to London in 1946 and would later work first as Acting Field Director in Germany for the Jewish Relief Unit and then with Baron's JCR in Europe as well as with the Jewish Trust Corporation in the British Zone and A.G. Brotman who was then secretary of the Board of Deputies of British Jews. For more on the close friendship between Cecil Roth and Oskar Rabinowicz see Cecil Roth, "In Memoriam: My friendship with Oskar K. Rabinowicz," in *The Jews of Czechoslovakia: Historical Studies and Surveys Vol. 2*, ed. Avigdor Dagan, 1-4 (Philadelphia: Jewish Publication Society, 1971).

³⁷ Report on the Work of the Committee for the Restoration of Continental Jewish Libraries, Museums, and Archives, 24 October 1943, Oskar Rabinowicz Collection, A87/64, Central Zionist Archives (CZA), Jerusalem.

³⁸ Memorandum on Jewish Art and Cultural Objects in Germany submitted on behalf of the Conference on the Restoration of Continental Jewish Museums, Libraries, and Archives, 30 August 1945, Judah Magnes Papers, P3/2059, Central Archives for the History of the Jewish People (CAHJP), Jerusalem.

³⁹ Elisa Lawson, "Cecil Roth and the Imagination of the Jewish Past, Present and Future in Britain, 1925-1964," doctoral dissertation (University of Southampton, 2005), 133.

During this same period, Baron laid down some of his earliest thoughts on the subject in his article, "The Spiritual Reconstruction of European Jewry," which appeared in *Commentary* in November 1945.⁴⁰ Like Roth, Baron argued that the priceless manuscripts, incunabula, and rare editions should not remain in the hands of the Germans where, according to him, they could become sources of re-infection. He took his argument one step further by stating that these collections should not be returned to their original Jewish communities since they "...would often appear to them as luxuries incongruous to their impoverished state."⁴¹ At the same time, though, he fundamentally argued that the Jewish communities in Europe could be reconstructed, both spiritually and physically. American Jewish leadership would play a particularly special role in the reconstruction of European Jewry:

It must endeavor to stimulate the 'creative élan' of the masses and of their as yet unknown intellectual vanguard, to furnish them the necessary cultural tools and to help remove from their path certain political and economic obstacles. But it must absolutely refrain from laying down for them any definitive course of thought and action; least of all by forcing them to conform to old, accustomed and partly petrified modes of Jewish historic experience.⁴²

Baron argued that American Jewry had an increasingly powerful responsibility for the future of world Jewry, one which received his increased focus during the war years and which he placed in proper historical context: "If during the last war American Jewry came to maturity, the present war has placed in its hands undisputed leadership of world Jewry, with all the challenges and responsibilities

⁴⁰ For full bibliographic reference see above, fn. 15.

⁴¹ Baron, "The Spiritual Reconstruction," 6.

⁴² *Ibid.*, 12.

which it entails.”⁴³ Such strong views of American Jewry’s privileged position should not be understood as a general non-Zionist outlook. It should be noted that it was during the 1940s that Baron headed the American Academic Committee of the Hebrew University and that he held a life-long appreciation for both Israel and the United States and the potentials that each provided to world Jewry.⁴⁴

As per immediate action, he implored American Jews and Jews from other Allied countries to render a great service by helping Allied officials in Europe locate objects looted by the Nazis, restore them to their rightful owners, or else “...make the wisest disposition possible for the benefit of the general cultural reconstruction of European Jewry.”⁴⁵ Although he made no specific allusion to cultural property being sent to the Hebrew University in Jerusalem, he did suggest that more attention should be paid to its redistribution, “...in the light of the new realities, the possible replenishment of lacunae from the accumulated resources of the more prosperous Jewish communities and the assignment of certain cultural resources to Palestine, the Western Hemisphere and other Jewish communities, in return for services rendered directly.”⁴⁶ Furthermore, Baron revealed that his Conference on Jewish Relations, in alliance with the American Jewish Joint Distribution Committee and the Association for Jewish Education, had begun dealing with various legal problems involved and briefly made mention of similar bodies that were working in Palestine and in England with the hope that they

⁴³ Baron, *The Effect of the War on Jewish Community Life*, 7.

⁴⁴ Liberles, *Salo Wittmayer Baron*, 214-216. Liberles states that Baron’s attitudes towards Zionism and Israel were enigmas that his friends and family found difficult to penetrate. Furthermore, there were explicit contradictions in Baron’s feelings towards Zionism and Diaspora Jewish life.

⁴⁵ Baron, “The Spiritual Reconstruction,” 12.

⁴⁶ *Ibid.*

could better correlate their activities.⁴⁷ Cooperation on a considerable and effective level would prove to be an expectation that for a significant time went unfulfilled.

V- Conflicts Develop Over Heirless Jewish Cultural Property

Before the Commission on European Jewish Cultural Reconstruction was established in early 1944,⁴⁸ Baron proposed complete cooperation of the various groups responding to the plunder of Jewish cultural property in Europe. By the summer of 1944, Baron's plan expanded to include discussion of Jewish education in post-war Europe and had a much wider scope than that proposed by the Jewish Historical Society of England.⁴⁹ The non-partisan nature of Baron's Commission was persistently upheld. In correspondence, Baron solicited

⁴⁷ Ibid., 7.

⁴⁸ In a 5 October 1943 letter to Cecil Roth, Baron mentions that the Conference on Jewish Relations "...has had a similar project under consideration." The language would suggest that it had not yet come to fruition. Salo Baron to Cecil Roth, 5 October 1943, A87/352, CZA, Jerusalem. In April 1944, Theodor Gaster states in a letter to Roth that his plan was presented to the Conference on Jewish Relations a few months before and was adopted. Theodor Gaster to Cecil Roth, 10 April 1944, A87/64, CZA, Jerusalem. As such, it is clear that only a short period passed between the establishment of Roth's Committee and that of Baron's Commission.

⁴⁹ Some of the listed functions of the Commission on European Jewish Cultural Reconstruction consisted of assisting in the reconstruction of the Jewish school system and in the reestablishment of centers of Jewish higher education; serving as an advisory body to see that Jewish needs would be properly represented in any more comprehensive educational programs that the United Nations might introduce into Axis or Axis-occupied countries; supervising the presentation of material relating to Jews in any educational programs which the United Nations might introduce into Axis or Axis-occupied countries; undertaking or assisting in the training of personnel for Jewish cultural reconstruction in Europe; and taking such other measures as might be deemed desirable for the advancement of European Jewish cultural life in the post-war period. Commission on European Jewish Cultural Reconstruction, Terms of Reference, Summer 1944, JCR, Inc. Papers, 45/54/1746, American Jewish Joint Distribution Committee Archives (JDC Archives), New York. In a later interview conducted with Baron, he states that it was this early mandate of reconstruction that prompted them to call their group the Commission on European Jewish Cultural Reconstruction. Salo Baron interviewed by Grace Cohen Grossman in Canaan, CT., 3 July 1988, Tape 1.

individual members—formulating a list of names himself⁵⁰—representing often politically or religiously divergent groups: “...acting in their individual capacity, regardless of their Weltanschauung and party affiliation.”⁵¹ He attempted to create the broadest base of support for the Commission’s work.⁵²

During the next few years, the Commission published a number of studies that sought to document Jewish cultural treasures that had been held in the collections of libraries, museums, and archives; Jewish educational institutions; the Jewish press; and the Jewish publishing firms that had existed before the war.⁵³ This was done, according to Baron, for the expressed purpose of “...demonstrat[ing] the vast and irretrievable losses suffered by the world Jewish community, but [to] also place in the hands of the various military administrations in Germany reliable reference works for whatever was still salvageable of that millennial heritage.”⁵⁴ A number of Jewish Studies scholars were employed in the compilation of these lists including Alexander Marx, Raphael Mahler, and Hannah Arendt.⁵⁵ They were assisted, according to Baron, through direct contact

⁵⁰ Baron interview, tape 3.

⁵¹ Salo Baron to Hannah Arendt, 17 June 1945, M580/39/2, SSC, Palo Alto, CA.

⁵² Letters were written to the presidents of seminaries including Louis Finkelstein of the Jewish Theological Seminary and Julian Morgenstern of the Hebrew Union College-Jewish Institute of Religion. Furthermore, it was suggested from early on that the Federation of Jews from Central Europe as well as some Orthodox groups also be asked to join. Minutes of Commission Meeting, 9 October 1945, M580/39/3, SSC, Palo Alto, CA.

⁵³ Much of the financing for this research came from various Jewish organizations such as the Joint Distribution Committee which initially granted the Commission \$2 000.

⁵⁴ Salo Baron, “The Journal and the Conference of Jewish Social Studies,” 8.

⁵⁵ Alexander Marx (1878-1953) was a noted scholar and librarian at the Jewish Theological Seminary. Other research fellows included the Reform Rabbi and historian of German Jewry Adolf Kober (1879-1958)(Central Europe); Jacob Shatzky (1893-1956) (Eastern Europe), one of the founders of the U.S. branch of YIVO; Aaron Freimann (1871-1948) German historian and bibliographer formerly of the Frankfurt Municipal Library and Rachel Wischnitzer (née Bernstein)(1885-1989), former curator of the Jewish Museum in Berlin and wife of the historian and sociologist, Mark Wischnitzer (1882-1955). For a time, the noted Polish Jewish historian, Raphael Mahler (1899-1977), was employed as a researcher of East European Jewry, but he had to withdraw soon after due to declining health.

with several hundred former rabbis, educators, social workers, and communal leaders from the formerly Axis-occupied countries who lived in the United States and by securing whatever information could be obtained from Jewish army chaplains, press correspondents, personnel of the Joint Distribution Committee, and others active in European countries.⁵⁶ These lists provided so much more detail than any other publication of its kind that fear was actually expressed that they would harm Jewish interests in that "...[the] list[s] in the hands of a conscientious officer spurred by a Polish or Russian Liaison officer may help send back much of the material to Kaunas and Vilna, Warsaw and Lemberg."⁵⁷ In a later reminiscence of Arendt's work in the realm of Jewish social studies and communal action, Baron highlights her personal contribution in bringing these lists to fruition.⁵⁸ She had been hired, in fact, "because of her great interest in the

⁵⁶ See Baron's introductory statement in "Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries," *Jewish Social Studies* 8, no.1 (1946): 7. It is interesting to note that no mention is made of the Jewish historical commissions working in Europe at that time. A number of Baron's letters make reference to the Polish-Jewish historian Philip Friedman, director of the Central Jewish Historical Commission in Warsaw, later the Jewish Historical Commission and a former student of Baron's. On a number of occasions, Baron mentioned employing Friedman as a research expert for the Commission, but it never materialized. There was also a proposal that he work alongside Koppel Pinson in Germany on behalf of the JDC. Ephraim Fischhoff to Salo Baron, 24 June 1946, M580/74/2, SSC, Palo Alto, CA. It was only in 1948 that Friedman immigrated to the United States and gained employment with the Jewish Teacher's Institute in New York as well as at Columbia University. At no time, though, was specific mention made to elicit help from Jewish historical commissions. For more on the history of Jewish historical commissions after World War II, see Natalia Aleksion, "The Central Jewish Historical Commission in Poland, 1944-1947," *Polin* 20 (2008): 74-97; Laura Jockusch, "'Collect and Record! Help to Write the History of the Latest Destruction!' Jewish Historical Commissions in Europe, 1943-1953," doctoral dissertation (New York University, 2007); Jockusch, "*Khurbn Forschung*—Jewish Historical Commissions in Europe, 1943-1949," *Jahrbuch des Simon-Dubnow Instituts* 6 (2007): 441-473; Orna Kenan, "Between History and Memory: Israeli Historiography of the Holocaust, The Period of 'Gestation' from the Mid-1940s to the Eichmann Trial in 1961," doctoral dissertation (UCLA, 2000). Jewish organizations, such as the World Jewish Congress, were aware of the commissions' work from early on. Dr. Blattberg to Members of the Office Committee, 8 March 1946, World Jewish Congress Papers 361/E9/13, AJA, Cincinnati, OH.

⁵⁷ Koppel Pinson to Hannah Arendt, 12 April 1946, M580/39/2, SSC, Palo Alto, CA.

⁵⁸ Salo Baron, "Personal Notes: Hannah Arendt, 1906-1975," *Jewish Social Studies* 38, no. 2 (Spring 1976): 187-189. There were four major lists published by the Commission: "Tentative List of Jewish Cultural Treasures...", 5-103; Tentative List of Jewish Educational

Commission's activities, her previous experience as an administrator, and her connections within Germany."⁵⁹ Not only that, but Baron also insisted on the direct importance of her research ventures in laying the groundwork for more successful rescue efforts: "I still clearly remember how greatly these 'Tentative Lists' impressed the officials at the State Department and how they prepared the way for the organization [JCR, Inc.]."⁶⁰ In reality, it was expressly stated that these lists would be circulated to government officials.⁶¹ Jewish organizations as well benefited from the research work of the Commission. It was noted that contacts established with European educational agencies were used to provide material for the school adoption plan of the American Association for Jewish Education.⁶² At the same time, though, it did not imply that the Commission had set a firm policy for future distribution of the cultural material. In fact, the opposite would be closer to the truth. When Baron announced at a Commission

Institutions in Axis-Occupied Countries, *Jewish Social Studies* 8, no. 3 (1946): 5-95; "Tentative List of Jewish Periodicals in Axis-Occupied Countries," *Jewish Social Studies* 9, no. 3 (1947): 6-44; "Tentative List of Jewish Publishers of Judaica and Hebraica in Axis-Occupied Countries," *Jewish Social Studies* 10, no. 2 (1948): 4-50; "Addenda and Corrigenda to Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries," *Jewish Social Studies* 10, no. 1 (Supplement 1948): 3-16.

⁵⁹ Jeannette M. Baron, "Hannah Arendt: Personal Reflections," *Response: A Contemporary Jewish Review* 39 (Summer 1980): 60.

⁶⁰ Baron, "Personal Notes," 189. In July of 1946, Arendt was offered a job with Schocken Press and left as researcher of the Commission only to return as executive secretary in 1949 after the resignation and suicide of Joshua Starr, noted scholar of Byzantine Jewry. For more on Starr see Abraham G. Duker, ed., *The Joshua Starr Memorial Volume: Studies in History and Philology* (New York: Conference on Jewish Relations, 1953), 1-7. Hannah Arendt writes of her reaction to Starr's death in a letter to her husband, Heinrich Blücher, dated 8 December 1949. Lotte Kohler, ed., *Within Four Walls: The Correspondence between Hannah Arendt and Heinrich Blücher, 1936-1968* (New York: Harcourt, 2000), 101-103.

⁶¹ The Office of the Military Government for Germany, United States, wrote to the Commission asking that five copies of their 1946 "Tentative List of Jewish Cultural Treasures" be furnished for their use. Major L.B. LaFarge to the Commission, 6 August 1946, Records of the U.S. Occupation Headquarters, World War II (RG260)/Microfilm Publication M1949/Roll #3, National Archives, College Park (NACP), MD.

⁶² Annual Meeting of the European Jewish Cultural Reconstruction, 4 June 1947, M580/39/2, SSC, Palo Alto, CA.

meeting in early 1946 that an independent memorandum had been signed by the Board of Deputies of British Jews, the World Jewish Congress, the American Jewish Conference, and the Jewish Agency for Palestine asking that all unidentified Jewish cultural material be turned over to the Hebrew University, no objection or counter-proposal was recorded in the minutes.⁶³ It was neither assumed by the group that all of the material would go to the Hebrew University or to the United States. Clearly, its own policy had not been firmly decided upon and it did not consider such matters to be entirely in its control.

The first tentative list published in 1946 includes a point by point synopsis of the Commission's policies: "*It is planned to have the Commission serve as the central research and co-ordinating body for all American activities in the field of European Jewish cultural reconstruction and work in close co-operation with the Hebrew University in Jerusalem, the Committee on Restoration of Continental Jewish Museums, Libraries and Archives of the Jewish Historical Society in England and other national and international organizations.*"⁶⁴ The wording of the policy suggests that such a partnership had yet to take shape. A 21 June 1946 letter from Jerome Michael, vice-president of Baron's Commission, to Roth confirms this: "It was our understanding that our organizations were to work together toward a common goal. Yet, we are never informed about your activities. Moreover, our communications to you are not favored with a reply."⁶⁵ Apart from

⁶³ Minutes of Commission Meeting, 21 February 1946, Julian Morgenstern Papers 30/3/3, AJA, Cincinnati, OH.

⁶⁴ "Tentative List of Jewish Cultural Treasures...", 5.

⁶⁵ Jerome Michael to Cecil Roth, 21 June 1946, A87/64, CZA, Jerusalem. Jerome Michael (1890-1953) was a professor of Law at Columbia University from 1927 until his death. He would often take charge of the Commission's work while Baron was out of town. He also headed its Legal Committee. A portion of the March 1953 issue of the *Columbia Law Review*

the research branch, the Commission also had a committee on cooperation, to establish and maintain contacts with other agencies engaged in the same work, as well as a legal committee that studied the legal aspects of Jewish reparations claims for cultural reconstruction.⁶⁶ All of this evidence intimates that Baron's Commission acted proactively to gain the support of other Jewish organizations.

This was particularly true when it came time to forging a relationship with the World Jewish Congress' Committee on the Recovery of Jewish Cultural Property headed by Simon Federbusch, an executive of the WJC. Again, correspondence confirms that Baron wanted the broadest and most inclusive membership roster possible and asked Federbusch to join his Commission as an individual and not as a member of the Congress in order to maintain its non-partisan nature. However, for a period of time, Federbusch and his committee did not reciprocate. When first establishing his group in July 1945, Federbusch did not even include Baron's Commission in the list of institutions that were to receive an invitation to join.⁶⁷ Furthermore, Federbusch expressed to Hannah Arendt that he would only cooperate if it were understood that all practical steps would be left to the initiative of the World Jewish Congress.⁶⁸ He later took offense when Baron's group did not think to place the World Jewish Congress on equal footing when submitting its memorandum for the rescue of cultural property

includes speeches given by Michael's friends at his funeral. *Columbia Law Review* 53, no. 3 (March 1953): 301-315.

⁶⁶ Minutes of Commission Meeting, 13 June 1945, M580/39/3, SSC, Palo Alto, CA.

⁶⁷ Simon Federbusch to I.L. Kenen, 25 July 1945, Commission on European Jewish Cultural Reconstruction Papers, C7/1284/2, CZA, Jerusalem. Those invited included the Rabbinical Assembly of America, the Rabbinical Council of America, the Central Conference of American Rabbis, YIVO, the Histadruth Ivrit of America, Ykuf, Yeshiva College, the Hebrew College, the Theological College, the Jewish Institute of Religion, and Dropsie College.

⁶⁸ Hannah Arendt to Salo Baron, 31 July 1945, M580/39/2, SSC, Palo Alto, CA.

to Washington officials.⁶⁹ Such a response is not the least bit surprising considering that the World Jewish Congress regarded itself as the representative body of the Jewish communities of the world for Diaspora affairs.⁷⁰ When later asked by Baron's group to financially subsidize their activities in June 1946, the Secretary General of the World Jewish Congress, A. Leon Kubowitzki, responded negatively:

During the last few months your Commission has greatly extended the scope of its activity. Originally intended to put the expert knowledge of a group of scholars at the disposal of the Jewish people, the Commission has recently begun to frame and pursue general policies, thereby entering a field previously covered by the World Jewish Congress and its Department of Culture and Education. Today the World Jewish Congress is called upon by your Commission to subsidize activities which the Congress has itself been carrying on for a long time now. Our executive, having carefully considered your request, regretfully states that there is no possibility of making World Jewish Congress funds available to the Commission...⁷¹

In reply, Jerome Michael reasserted the leadership role taken by the Commission arguing that due to the inertia of other organizations, it felt compelled to pursue a more general policy.⁷² Denying the organization aid on these grounds, Michael

⁶⁹ Simon Federbusch to Jerome Michael, 12 June 1946, M580/74/2, SSC, Palo Alto, CA.

⁷⁰ Leaders of the World Zionist Organization (or the Jewish Agency) have declared that no Jewish association can compare in representative character and range of affiliation than with the World Jewish Congress. During those years, it had given its full support to the building of a Jewish National Home in Palestine as the ultimate solution of the homelessness of the Jewish people who suffered from refugeeism, anti-Semitism, inequality, discrimination, and violence. As per its post-WWII policies, the WJC argued that the Jews had severed their former connections with Germany and that any movement toward resettlement in that country would be discouraged. *Unity in Dispersion: A History of the World Jewish Congress* (New York: World Jewish Congress, 1948), 336-337, 365.

⁷¹ Leon Kubowitzki to Jerome Michael, 14 June 1946, 361/E9/9, AJA, Cincinnati, OH. The Commission was looking to enlarge its activities to include sending scholars over to Europe and requested \$5 000 from the WJC, the same amount that had already been secured from the JDC, the American Jewish Committee, and the Conference on Jewish Relations. Salo Baron to A. Leon Kubowitzki, 29 April 1946, 361/E9/9, AJA, Cincinnati, OH.

⁷² Jerome Michael to Leon Kubowitzki, 18 June 1946, 361/E9/9, AJA, Cincinnati, OH.

continued, was a punitive measure that hardly fit the crime.⁷³ In the end, Michael turned to the executive chairman of the World Jewish Congress, Nahum Goldmann, to secure financial support. In numerous meetings between himself and Michael, Goldmann expressed favour towards the Commission's efforts, offered to help secure a grant for the group at the next executive meeting, and promised to instruct Federbusch to take no important action without consulting with Baron's group.⁷⁴ Michael was even able to advise Goldmann on having the Congress focus on important tasks that it was more qualified to do such as undertake negotiations with the Czech government with respect to the cultural objects in Prague and with the Polish government for material being returned to its country.⁷⁵ Evidently, some other affiliates of the World Jewish Congress did not entirely lend support to the efforts of Federbusch's committee. In a June 1945 memo to Leon Kubowitzki, the noted scholar Jacob Robinson opposed expansion of the Congress' activities "...beyond its undisputed competence, and my apprehension of duplications which must inescapably emerge from conflicting policy."⁷⁶

It is important to reiterate that already by the war's end in May 1945 these three organizations—Baron's Commission, Roth's Committee, and the Committee for the Recovery of Jewish Cultural Property of the World Jewish Congress—in addition to the Hebrew University, were independently planning the rescue of heirless Jewish cultural property with the explicit fear, amongst all of

⁷³ Jerome Michael to Leon Kubowitzki, 29 July 1946, 361/E9/9, AJA, Cincinnati, OH.

⁷⁴ Ephraim Fischhoff to Salo Baron, 24 June 1946, M580/74/2, SSC, Palo Alto, CA.

⁷⁵ Ibid.

⁷⁶ Memorandum from Jacob Robinson to Leon Kubowitzki, 26 June 1945, 361/E9/13, AJA, Cincinnati, OH.

them, that more organizations would follow suit. While Roth's Committee in England and Baron's Commission in the United States were compiling lists of Jewish cultural treasures in Europe, so too, was the Hebrew University.⁷⁷ While the lists were circulated amongst the three institutions,⁷⁸ this limited communication did not stop them from requesting independent support from other Jewish organizations and pursuing appeals to various governmental bodies and key political players. This, despite the fact that three of the groups—Roth's Committee, the World Jewish Congress, and the Hebrew University—all agreed, essentially, that the Hebrew University should be the primary trustee and depository of heirless Jewish cultural material.⁷⁹ It seems as if Magnes and the University were concerned that groups claiming to work on their behalf would somehow undermine the University's own efforts. In early 1946, Baron's Commissions proposed sending a delegation including members of the other groups to Europe to help locate the cultural property and assist in its redistribution as well as to advise the communities on cultural and religious programs. It would involve all of the organizations and consist of an equal number of American, British, and Hebrew University members, but it never came to fruition.⁸⁰ Instead, each organization sent its own emissaries to the American zone of Germany—

⁷⁷ Ha-Rechush ha-Tarbuti ha-Yehudi Tachat Shilton ha-Nazim (The Jewish Cultural Property Under the Nazi Regime), Otzrot ha-Gola Papers, Arc. 4° 793/212I, Jewish National and University Library (JNUL), Jerusalem.

⁷⁸ Baron's Commission did make use of the Hebrew University's list as the basis for some of its tentative lists. However, it was noted on numerous occasions, both by Baron's group and Roth's, that the list was inadequate. Oskar Rabinowicz to Cecil Roth, 1 July 1945, A87/64, CZA, Jerusalem; Minutes of Commission Meeting, 16 July 1945, M580/39/3, SSC, Palo Alto, CA. Baron, meanwhile, also made sure to send the Commission's lists to the Jewish Historical Society of England. Salo Baron to Oskar Rabinowicz, 26 October 1945, A87/64, CZA, Jerusalem.

⁷⁹ Simon Federbusch to Robert Gordis, 27 July 1945, C7/1284/2, CZA, Jerusalem.

⁸⁰ Salo Baron to Leo Jung, 9 March 1946, M580/39/2, SSC, Palo Alto, CA.

Gershon Scholem and Avraham Yaari on behalf of the Hebrew University, Zorah Warhaftig, deputy director of the Institute for Jewish Affairs of the World Jewish Congress, and even Salo Baron himself in mid-1946.⁸¹

The Hebrew University,⁸² for instance, was very active in making independent appeals and was in close contact with Jewish chaplains in the United States Army throughout Europe.⁸³ It had the full support of the Board of Deputies of British Jews as well as the Jewish Agency for Palestine, which, in September 1945, had asked the foreign ministers of the five Great Powers that it be accepted

⁸¹ It would appear that Baron made a visit to Europe after being invited to lecture in South Africa in the summer of 1946. Salo Baron interviewed by Grace Cohen Grossman in Canaan, CT., 3 July 1988, Tape 3. There is a discrepancy with the dates as reported by Baron and in Irene Roth's memoir of her husband, Cecil. She states that she and Cecil, in mid-1947, stayed at the same hotel in Johannesburg as Judah Nadich and Baron who were also there on lecture assignments. See Irene Roth, *Cecil Roth, Historian Without Tears* (New York: Sepher-Hermon Press, 1982), 160. Due to abundant archival evidence, Baron's date is the correct one. Koppel Pinson worked in the American zone of Germany first as educational director of the Joint Distribution Committee and soon after was appointed by Judge Simon Rifkind, American Advisor of Jewish Affairs for the U.S. military, to head a three-man committee assigned to the huge depots of Judaica and Hebraica in the American zone, especially in Offenbach. He did not work in Germany explicitly as a member of the Commission on European Jewish Cultural Reconstruction. There is also evidence that Joachim Prinz went to Germany on behalf of the World Jewish Congress in 1946 as well as Hans Lamm for the American Jewish Conference. Nehemiah Robinson went to Europe on behalf of the World Jewish Congress in early 1947. Josef Horowitz of the Jewish Agency (Sept. and Oct. 1946), Rafael Edelmann of the Royal Library in Copenhagen, and Léon Poliakov of the Centre de Documentation Juive Contemporaine also made visits at that time.

⁸² The Hebrew University was established in 1925 and Judah L. Magnes served as its first Chancellor and subsequently its first President in 1935 until his death on 27 October 1948. Magnes was a tireless advocate of making the University and its library serve as the spiritual and intellectual center of not only Jews in Palestine, but of all world Jewry. It would be a University of Judaism, a university of the Jewish people. It was inextricably tied to the Zionist cause and was conceived as an expression of the unity of Erez Israel and the Diaspora. Norman Bentwich, *Judah L. Magnes* (London: East & West Library, 1955); Arthur A. Goren, *Dissenter in Zion: From the Writings of Judah L. Magnes* (Cambridge: Harvard University Press, 1982); Lotta Levensohn, *Vision and Fulfillment* (New York: Greystone Press, 1950); Manka Spiegel, *The Hebrew University of Jerusalem, 1925-1950* (Jerusalem: Goldberg's Press, 1950); Chaim Weizmann, *Trial and Error* (New York: Harper & Brothers, 1949).

⁸³ For more information on Jewish chaplains in the U.S. Army during WWII see Chaplain Louis Barish, ed., *Rabbis in Uniform* (New York: Jonathan David, 1962); Rabbi Philip S. Bernstein, *Rabbis at War: The CANRA Story* (Waltham, MA: American Jewish Historical Society, 1971); Grobman, *Rekindling the Flame*; Deborah Dash Moore, *GI Jews: How World War II Changed a Generation* (Cambridge, MA: Harvard University Press, 2004); Albert Isaac Slomovitz, *The Fighting Rabbis: Jewish Military Chaplains and American History* (New York: New York University Press, 1999).

as the sole heir to all Jewish property left in Germany.⁸⁴ Both groups recognized the Hebrew University, specifically, as laying rightful claim to the heirless literary and historical treasures salvaged in Germany.⁸⁵ Furthermore, unlike Baron's group, they wanted control over German libraries' Judaica and Hebraica, and, in particular, the anti-Jewish literature preserved in Nazi Germany. They argued that the German state and the German people, in view of the savage treatment that Jews suffered, were no longer fit to possess these Jewish cultural products and owed compensation for the damage done. In addition, since many German cultural institutions had been largely funded by Jewish donors it would only seem fair that the Jewish people were entitled to lay claim to some of their property.⁸⁶ The Hebrew University considered itself to be, in many ways, the undisputed intellectual and spiritual representative and heir of the Jewish people.

The University did not simply expect to receive materials, but actively participated in salvaging them. In the summer of 1946 when Gershom Scholem and Avraham Yaari⁸⁷ traveled to Europe, Scholem took the initiative to secure cultural treasures found in Czechoslovakia for the University.⁸⁸ Only later did the University notify both Baron's Commission and Roth's organization in England of its activities as a matter of courtesy and to avoid friction.⁸⁹ Important with regard to the Hebrew University is a letter written by Judah Magnes to the High

⁸⁴ Report of the Legal Subcommittee of the Commission for the Jewish Libraries Recovered in Europe, February 1946, P3/2059, CAHJP, Jerusalem.

⁸⁵ Bernard Joseph of the Jewish Agency to the Hebrew University, 7 March 1946, Arc. 4° 791/2121/1946, JNUL, Jerusalem.

⁸⁶ Report of the Legal Subcommittee, February 1946, P3/2059, CAHJP, Jerusalem.

⁸⁷ Avraham Yaari (1878-1953): bibliographer, historian, and librarian of the Jewish National and University Library.

⁸⁸ Scholem's trip to Europe will be discussed in more detail in chapter 3.

⁸⁹ Memorandum from Dr. Fekete to David Werner Senator, 14 April 1946, Arc. 4° 793/2891, JNUL, Jerusalem.

Commissioner for Palestine in which he argued that it would be “a requirement of historic justice” that the Jewish National and University Library be made the repository for the material since it was there that “a greater number of Jewish scholars than anywhere else competent and anxious to use these books and documents” were situated.⁹⁰ Even some distinguished Jewish Studies scholars in the United States, such as Louis Ginzberg, professor of Talmud at the Jewish Theological Seminary, were writing directly to President Roosevelt recommending that much of the cultural property be transferred to the Hebrew University.⁹¹ In a letter to the American Consul-General in Jerusalem, L.G. Pinkerton, Magnes based his argument on religio-historical precedence: “Jerusalem is the city where the Bible was written, and Palestine is the land where Jewish religion and Jewish culture had their origins and their finest development.”⁹²

In a letter to Koppel Pinson, educational director of the JDC and member of Baron’s Commission, Magnes offered a much more explicit, ideologically charged argument to convince him to not only support the cause of the Hebrew University, but to have other Jewish organizations, presumably Baron’s, back down from pursuing their own plans. Dated 3 May 1946, the letter reads, in part:

We are to be the chief country for the absorption of the living human beings who have escaped from Nazi persecution, and we are of course proud of this. That is one of the reasons why the Jewish National Home exists in Palestine. By the same token we

⁹⁰ Judah Magnes to High Commissioner for Palestine, 15 May 1945, Arc. 4° 791/212I/1946, JNUL, Jerusalem.

⁹¹ Louis Ginzberg to President Franklin Roosevelt, 12 April 1945, General Records of the Department of State (RG 59)/Records Maintained by the Fine Arts & Monuments Adviser 1945-1961 (“Ardelia Hall Collection”)/Lot File 62-D4/Entry 3104A/Box 28/File “European Salvage Commission/loc. 250/52/9/04, NACP, MD.

⁹² Judah Magnes to L.G. Pinkerton, 28 January 1946, Arc. 4° 793/289I, JNUL, Jerusalem.

should be the trustee of these spiritual goods which destroyed German Jewry has left behind. It will be nothing less than disgraceful if there were any competition between Jewish organizations for the receipt of books, manuscripts and other collections. As anxious as we are to build up our library, which is the greatest library among the Jews of all the world, we are much more anxious that the Jews of the world should recognize that it is our duty to establish our spiritual and moral claim to be in the direct line of succession to the Jewish culture and scholarship of European Jewry. I can well understand that putting forward different claims would confuse the military authorities. But we are not putting forward a claim to books or property, so much as we are putting forward a claim which no one else can put forward, i.e. the claim to be the chief spiritual heir of those Jewish institutions for whose books we want to be appointed trustees.⁹³

Other evidence suggests that the omission of any mention of the Hebrew University in a number of memoranda issued by Baron's Commission greatly worried Magnes and others.⁹⁴ In sum, self-interest often assumed primacy over working together for the sake of rescuing more material.

Still, it is not surprising that quite early individual members of the various representative groups recognized that the independent actions taken by them was having a deleterious effect on their shared objective of rescuing Jewish cultural property. In a letter written to Magnes of the Hebrew University, Roth stated the following:

I cannot refrain from adding that we in London who have been working on this problem for so long with fullest consultation [his emphasis], and have spent a good deal of money on it without any idea of personal advantage, are profoundly hurt at the way in which independent action is now taken without our being kept informed—and in a sense not in accordance with the programme which we drew up after careful consultation and circulated as

⁹³ Judah Magnes to Koppel Pinson, 3 May 1946, Arc. 4° 791/2121/1946, JNUL, Jerusalem.

⁹⁴ Notes on Meeting between David Werner Senator and Salo Baron, 16 May 1946, P3/2058, CAHJP, Jerusalem.

widely as we could. It is a trivial matter, but typical of the indiscipline which is undermining Jewish life.⁹⁵

Roth was not alone in bemoaning this lack of unity and in stressing more joint action. Upon being invited to join the World Jewish Congress' recovery committee, Max Weinreich of YIVO responded to Federbusch that due to the existence of Baron's group "...it seems to us of no purpose to duplicate the work which is being done already."⁹⁶ Such a sentiment, however, did not stop Weinreich from working separately to secure the transfer of YIVO's material in Germany to New York.⁹⁷ In September of 1944, Weinreich wrote to Roth asking that YIVO's property not be included in his proposal that Hebrew University receive most of the cultural objects.⁹⁸ He argued that the material should be brought to the United States, the largest Jewish community in the world, where it would be accessible to everyone as "...tools of research and sources of inspiration."⁹⁹ Furthermore, Weinreich's correspondence with American governmental organizations suggests that he advocated policies that would later be taken up by Barons' Commission such as restitution in kind from German libraries.¹⁰⁰ In appealing to the Joint Distribution Committee for funds to send YIVO emissaries to Europe to look for cultural material, Weinreich felt that these

⁹⁵ Cecil Roth to Judah Magnes, 13 August 1945, P3/2056, CAHJP, Jerusalem.

⁹⁶ Max Weinreich to Simon Federbusch, undated (post-27 July 1945?), C7/1284/2, CZA, Jerusalem.

⁹⁷ The disposition of YIVO material will be discussed further in chapters 3 & 4.

⁹⁸ Max Weinreich to Cecil Roth, 8 September 1944, A87/352, CZA, Jerusalem.

⁹⁹ Max Weinreich to Archibald MacLeish, Assistant Secretary of State, 4 April 1945, Lucy Dawidowicz Papers, P-675/51/6, American Jewish Historical Society (AJHS), New York.

¹⁰⁰ Max Weinreich to John Walker, Special Advisor of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, 29 September 1944, P-675/51/7, AJHS, New York.

efforts were not being addressed by Baron's Commission and thus were not in conflict with its mandate.¹⁰¹

Certain influential orthodox representatives voiced their opinion of the redundancy of the various organizations addressing post-war European Jewish reconstruction, while at the same time calling for additional action. In a 1944 meeting attended by delegates of numerous Jewish groups, Samuel Belkin, then president of Yeshiva College, cautioned against overlapping activity of various agencies and argued that the Joint Distribution Committee, by virtue of its long history, its neutral stance, and its many achievements, could make the greatest contribution. All other groups, he suggested, should be made aware of this and should cooperate.¹⁰² Belkin's call was consistent with the traditional and historic political policy of the Orthodox party, Agudath Israel, founded in 1912. The guiding principle of *shtadlanut* (intercession), complying with government policies while at the same time quietly intervening on Jews' behalf, similar to the way that Belkin understood the activities of the Joint Distribution Committee, has been the mainstay of the party.¹⁰³ This certainly does not imply that Orthodox groups did not concern themselves with the rescue of cultural property. In early 1947, as more news was revealed regarding the fate of Jews' property in Germany, H.A. Goodman of the Agudath Israel World Organization, wrote to

¹⁰¹ Max Weinreich to Dr. Leo Jung, 25 June 1945, YIVO papers '45-'46, 45/54/2083, JDC Archives, New York. Weinreich requested \$17 000 in funding from the JDC to send five American collectors to Europe to comb France, Belgium, and Holland for Jewish religious and art objects, documents, and books and to conduct rescue work in Germany. The funding would be used to pay the collectors for their travel expenses, copying, shipping, and securing of purchases. YIVO would add another \$3 000 of its own money to the budget.

¹⁰² Minutes of Meeting to Discuss Post-War Cultural and Religious Rehabilitation, 20 November 1944, 45/54/1746, JDC Archives, New York.

¹⁰³ Gershon Bacon, *The Politics of Tradition: Agudat Yisrael in Poland, 1916-1939* (Jerusalem: Magnes Press, 1996), 279.

Roth à propos cooperation and coordination of plans of the various Jewish groups since he acknowledged that many of Agudath Israel's members were former leaders of Jewish institutions and orthodox communities in Germany and had specific claims over property which they administered.¹⁰⁴

It was generally hoped that unity would prompt effective action. In a handwritten letter to Louis Finkelstein of the Jewish Theological Seminary, Colonel Seymour J. Pomrenze, who had first hand knowledge of the situation in Germany as director of the Offenbach Archival Depot, insisted that "each individual Jewish institution must cease working as a separate *bal yakhsn* [independent status] and join into one, strong united group representing all Jewish institutions the world over..."¹⁰⁵ Similarly, Gershom Scholem, in a letter dated 23 August 1946, asked Stephen Wise, President of the World Jewish Congress, to intercede so as to ensure a united Jewish front since, as he argued, "...if great Jewish organizations quarrel between themselves, we stand no chance to get any decision, and certainly not one on the line we would like most."¹⁰⁶ Clearly, while they recognized that this competition was hampering efforts at rescue, no one was willing to relinquish any control—whether illusory or real—that they felt they rightfully had.

The situation in Germany, meanwhile, was becoming graver as time elapsed. Numerous reports were circulated stressing that looting was occurring on

¹⁰⁴ H.A. Goodman to Cecil Roth, 5 May 1947, A87/352, CZA, Jerusalem.

¹⁰⁵ Seymour J. Pomrenze to Louis Finkelstein, 14 July 1946, Louis Finkelstein Collection, RG1/C/Box52/Pomrenze File, Jewish Theological Seminary Archives (JTSA), New York.

¹⁰⁶ Gershom Scholem to Stephen S. Wise, 23 August 1946, Arc. 4° 791/212I/1946, JNUL, Jerusalem.

a daily basis.¹⁰⁷ The lack of specialists trained in Jewish languages present in the American zone of Germany made establishing the true nature of the collections difficult.¹⁰⁸ Further, there was a palpable fear that the Russians¹⁰⁹ would start making claims on Jewish property taken from Poland and the Baltic states.¹¹⁰ As Hannah Arendt voiced in a 1945 letter: “The danger which would arise through this is that these collections would go back to countries without Jews and would not be used by Jews.”¹¹¹ By mid-1946, Baron received news from Scholem that the Russians were going to appoint a Jewish colonel to visit the Offenbach Archival Depot to collect books for an Oriental Library in Samarkand or possibly Tashkent.¹¹² Moreover, there was a serious concern that Jewish communities and individuals who had remained in Europe would begin selling Jewish cultural treasures on the free market.¹¹³ All of these fears coupled with the reality that the American government seemed poised to begin returning property to countries from which it originated, greatly concerned all Jewish groups.¹¹⁴

¹⁰⁷ Minutes of Commission Meeting with Colonel Seymour J. Pomrenze, 26 June 1946, M580/209/12, SSC, Palo Alto, CA.

¹⁰⁸ Memorandum submitted to Dr. Simon Federbusch by A. Aaroni (assigned by the U.S. Army to the Rothschild Library in Frankfurt, Germany), 4 March 1946, 361/E9/13, AJA, Cincinnati, OH.

¹⁰⁹ “Russians” and “Russia” rather than “Soviets” and the “Soviet Union” are terms found in the original archival holdings and are thus preserved here.

¹¹⁰ This was a fear that was voiced early on. Cecil Roth to Oskar Rabinowicz, 17 May 1945, A87/64, CZA, Jerusalem; Memorandum from Hannah Arendt to Salo Baron, 1 October 1945, M580/39/2, SSC, Palo Alto, CA.; Meeting Minutes of Commission on European Jewish Cultural Reconstruction, 9 October 1945, M580/39/3, SSC, Palo Alto, CA. Koppel Pinson to Judah L. Magnes, 11 March 1946, P3/2060, CAHJP, Jerusalem.

¹¹¹ Memorandum from Hannah Arendt to Salo Baron, 1 October 1945, M580/39/2, SSC, Palo Alto, CA.

¹¹² Salo Baron to Jerome Michael, 4 June 1946, M580/39/2, SSC, Palo Alto, CA.

¹¹³ Hannah Arendt to Jerome Michael, 9 August 1946, M580/39/2, SSC, Palo Alto, CA.

¹¹⁴ Minutes of Commission Meeting with Pomrenze, 26 June 1946, M580/209/12, SSC, Palo Alto, CA.

VI—European Proposal for the Rescue of Heirless Jewish Books

Not only were competing Jewish forces at work during this period, there was also a proposal being developed by the Royal Library in Copenhagen, Denmark, in conjunction with UNESCO¹¹⁵ that would provide unwanted competition.¹¹⁶ Although it was relatively short-lived, this episode provides yet another window through which to view the intrinsic sense of ownership that Jewish groups felt they had over the heirless Jewish cultural property in Europe. At the end of 1945 a proposal was submitted by the Danish government to the Preparatory Commission of UNESCO asking for its support in the creation of a Central Library of Jewish Books in Copenhagen.¹¹⁷ Upon hearing that the majority of heirless books might be transferred to Palestine, K. Schmidt-Phiseldeck, librarian at the Royal Library in Copenhagen, wrote to UNESCO requesting that cooperation be secured since, in his words, “it would be a loss to European learning if the creation of a fait accompli should be allowed.”¹¹⁸ In turn, UNESCO wrote to the Library of Congress asking that it use its influence in the American zone to halt any actions taken until further discussion of this issue.¹¹⁹ In its response, the Library of Congress did make mention of Baron’s group¹²⁰ and

¹¹⁵ United Nations Educational, Scientific & Cultural Organization.

¹¹⁶ Brief mention was also made of a Dutch proposal to UNESCO that would have some of the heirless material going to Amsterdam for the creation of a national Jewish memorial.

¹¹⁷ Pr. Jean Thomas, Deputy Executive Secretary of UNESCO, to Dr. H.M. Lydenberg, 17 May 1946, Library of Congress- European Mission, Box 34/Jewish Books, Library of Congress (LC), Washington, D.C. Brief mention is made of this scheme in Waite’s “Returning Jewish Cultural Property,” 216-217.

¹¹⁸ K. Schmidt-Phiseldeck to Sir Alfred Zimmern, Executive Secretary of UNESCO, 7 May 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹¹⁹ Pr. Jean Thomas to Dr. Lydenberg, 17 May 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹²⁰ By this point, Theodor Gaster had left Baron’s Commission to assume his position as chief of Hebraica at the Library of Congress and likely informed others at the Library of the Commission’s work.

its claim to the material from the point of view of its cultural value to the Jewish people. At the same time, though, it pointed out that the American government had yet to make a concrete decision as to the fate of this property.¹²¹

The claims made by the Danish government persisted. Rafael Edelmann, librarian of the Oriental and Jewish departments of the Royal Library, wrote a letter in January of 1947 to Jerome Michael specifically outlining the Copenhagen proposal and highlighting the numerous benefits that such a scheme would have for everyone involved. First and foremost, it would make the books available to everyone everywhere. This would relieve the Hebrew University and the National Library from the heavy cost of transporting and sending the books abroad. More importantly, he claimed that having the library in Scandinavia, specifically, would help Jews the world over since the lack of antisemitism, the friendly attitude of the government, and the small, close-knit Jewish community would, in effect, serve as a positive model of European Jewish reconstruction.¹²² Of course, he also emphasized that there would be permanent collaboration with the National Library in Jerusalem as well as with other institutions and that Danish authorities would accept a Trustee Board that would consist of Jewish representatives from various organizations.¹²³ It is unknown whether Edelmann's letter elicited a response from Baron's Commission. However, later evidence hints that Baron and his group were not overly concerned. In a letter to Baron, Jerome Michael offered proof, confirmed by a former student of his who was, at the time, the assistant

¹²¹ Luther H. Evans to Jean Thomas, 17 June 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹²² Rafael Edelmann to Jerome Michael, 9 January 1947, M580/43/5, SSC, Palo Alto, CA.

¹²³ Ibid.

general counsel to the United Nations, that UNESCO had neither the authority nor the finances to support the Danish Government's offer.¹²⁴

The effect of the Royal Library's plan on Judah Magnes and representatives of the Hebrew University was significant. The correspondence between Magnes and UNESCO, the Royal Library, and Baron's group demonstrates that he maintained an unwavering conviction as to the right of Palestine and the University to this property while, at the same time, took a more vocal stance in support of a Jewish trusteeship corporation of which the University would be a member. Magnes laid out his views quite frankly in a letter to Edelman: "Unfortunately the lives of six million Jewish victims cannot be restored. But these books *belong* [emphasis mine] to the Jewish people, and to its scholars and students."¹²⁵ Furthermore, he argued, support for the Jewish people could be demonstrated in a more practical and substantive manner: "It would...be a real demonstration of your Government's sense of generosity and its genuine understanding of the plight of the Jewish people if they were to support a plan, which has been agreed upon by recognized agencies of the Jewish people, rather than to oppose it through a plan of their own."¹²⁶ While Magnes later admitted in a letter to Baron that UNESCO's involvement could perhaps prove useful with regard to books found in other allied zones and in specific areas such as Poznan, he seemed certain that it should not be responsible for directing all efforts.¹²⁷ Not once, though, did he show support for the Danish proposal. Gershom Scholem

¹²⁴ Jerome Michael to Salo Baron, 18 February 1947, M580/39/2, SSC, Palo Alto, CA.

¹²⁵ Judah Magnes to Rafael Edelman, 22 January 1947, M580/43/5, SSC, Palo Alto, CA.

¹²⁶ Ibid.

¹²⁷ Judah Magnes to Salo Baron, 29 January 1947, M580/43/5, SSC, Palo Alto, CA.

took a matter of fact approach to summing up Edelman's character, his possible appointment to a Jewish cultural mission to Europe, and the Danish proposal when he wrote, "We have no confidence in him. His appointment would be against the interests of Palestine. His proposal to transfer the books to Copenhagen was one of the most phantastic [*sic*] features in these whole negotiations."¹²⁸

It is interesting to note the difference in the responses of Magnes and Baron, representative of the Hebrew University and the Commission, respectively. From the scant evidence it appears as if Baron and his Commission were not deeply concerned that the Danish proposal could severely hamper their own efforts with the American government. Magnes maintained his commitment to the importance of Palestine as a growing cultural and physical center of world Jewry, but was becoming increasingly aware of his distance, both geographically and politically, from the negotiations taking place. Nowhere is this more evident than in his correspondence with Baron in response to the UNESCO discussions. Magnes clearly demonstrates not only his ignorance of the legal authority of the American military government, but also an increasing awareness that Baron's group had more knowledge of and control over the situation.¹²⁹ In addition, Magnes never completely accepted the thought that at least some of the heirless property could, or should, stay in Europe. When the idea was raised in the Copenhagen proposal for a center for Jewish Studies in Europe given that so many notable institutions had been destroyed, Magnes asserted that books would

¹²⁸ Gershom Scholem to Leo Schwarz, 11 November 1947, Arc. 4° 793/212 III/1947, JNUL, Jerusalem.

¹²⁹ Judah Magnes to Salo Baron, 29 January 1947, M580/43/5, SSC, Palo Alto, CA.

be set aside for the remaining Jewish communities in Austria and Germany, but that there was a higher, cultural and intellectual need that lay outside Europe:

What we are most concerned with is that the representatives of the Jewish people and of Jewish learned institutions shall be clothed with the right and the privilege of determining how these books and documents are to be disposed of. We are concerned with the question as to how these materials can best be used by Jewish scholarship throughout the world. We are interested not just from the point of view of a museum of historical objects, but much more from that of Jewish creative scholarship.¹³⁰

For Magnes, a center of Jewish scholarship had to lie first and foremost in Palestine. Indeed, even while requesting support for a Jewish trusteeship corporation he continued to champion the Hebrew University's pride of place. In the same token, as previously noted, Max Weinreich and YIVO gave their written support to Baron's group while working independently to secure its material in Germany. While the World Jewish Congress was rather reluctantly financing, in small part, Baron's Commission, it still gave its complete support to the majority of material being sent to the Hebrew University and worked independently of Baron's organization to secure that plan. In sum, even when trying to work as a united front and presenting themselves as a collectivity, at least superficially, many of these same Jewish organizations' work undermined and impeded more quick-acting and efficacious efforts by pursuing individual goals. Even external pressures, such as the one provided by the Danish delegation, did not serve to unite Jewish groups.

¹³⁰ Judah Magnes to Dr. J. Zuckerman, Counsellor of UNESCO's Library and Museums section, 29 January 1947, M580/42/11, SSC, Palo Alto, CA.

VII—From Research Institute to Political Advocate

It did not take long for Jewish organizations to recognize that Baron's group had the decidedly upper hand in its negotiations with the American government. Roth himself admitted in a letter to Oskar Rabinowicz that his committee had neither the funds nor the full support of the official bodies of Anglo-Jewry to carry out such work. The Hebrew University's key associates realized that they had no real sway with American authorities and understood that cooperation with American efforts would be necessary if they were to receive any cultural treasures found in the American zone. In a May 1946 memorandum produced by Baron's group, an unfortunate truth is explicitly stated that, in the end, not even the Hebrew University could deny: "Official claims at this time from Palestine, a country from which no part of this collection and which, unfortunately, is not recognized as possessing any legal claims in restitution proceedings would not only be not recognized, but may serve to stimulate Russian claims."¹³¹ Of course, American Jewry's claim to the objects was likewise questionable, but the fact that this material was under the jurisdiction of the American government gave Baron's group an added advantage. That, coupled with its published research lists of cultural treasures and educational institutions that had previously impressed American officials, as well as its concerted effort at reaching out to other Jewish groups to secure their support, placed the Commission in a more desirable position than other Jewish agencies. Perhaps it

¹³¹ Memorandum submitted by the Commission on European Jewish Cultural Reconstruction to Rabbi Philip S. Bernstein, 17 May 1946, Arc. 4° 791/212I/1946, JNUL, Jerusalem. Likely copied from Koppel Pinson's letter to Judah Magnes, 11 March 1946, P3/2060, CAHJP, Jerusalem.

was more a position that Baron's group felt obliged to assume due to the lack of serious efforts made by similar groups. As Baron writes in a letter to Cecil Roth:

...we immediately took the initiative in trying to arrange for concerted action. However, we continued to have the entire burden of research, diplomatic negotiation, personnel and, last but not least, financing. The only concrete help which we received from abroad was the late Dr. Magnes' personal intervention in the State Department in support of our memorandum of June 1946 and a few corrections of one of the four comprehensive lists of Jewish institutions in Nazi-occupied Europe received from your Committee which we published. The four lists proved very useful both in our early negotiations and subsequent operations.¹³²

Another beneficial reality for Baron's group, perhaps even more so than its published lists and its cooperation with other Jewish organizations, was the support that it received from key players, Theodor Gaster and Colonel Seymour J. Pomrenze, in particular.¹³³ As chief of the Hebraica section at the Library of Congress in Washington D.C. and as former director of the Offenbach Archival Depot (OAD) in 1946, Gaster and Pomrenze, respectively, used their positions to promote the Commission's efforts sometimes at the explicit expense of other groups. Upon his return to the United States in May 1946, Colonel Pomrenze wrote a letter to Baron pleading that his Commission become the "instrument of *geulah* (redemption)" for the cultural property in Offenbach.¹³⁴ Among the first things to be done, Pomrenze noted, the Commission would have to apply to the U.N. for a charter and broaden its base to become the sole agency on an

¹³² Salo Baron to Cecil Roth, 22 November 1949, A87/64, CZA, Jerusalem.

¹³³ Gaster's full name was Theodor Herzl Gaster. His father, Moses, was Sephardi Chief Rabbi of England and a major supporter of Chaim Weizmann. For more on the life and work of Theodor Gaster see Joseph R. Armenti's "Theodor Herzl Gaster (1906-1992)," *Proceedings of the American Academy for Jewish Research* 58 (1992): 19-22. Upon his return to the United States, Pomrenze became a librarian at the National Archives in Washington, D.C.

¹³⁴ Colonel Seymour J. Pomrenze to Salo Baron, 15 May 1946, M580/31/6, SSC, Palo Alto, CA.

international scale to deal with heirless Jewish cultural material. Furthermore, it should align itself with the Library of Congress Mission¹³⁵ and refrain from sending any emissaries to Europe for, as he argued,

...every Jewish agency sending over people who are merely *ts'dakah ta'zeel mi-mawes*¹³⁶ representatives like [Hans] Lamm from the American Jewish Conference or the American Jewish Congress people or AJC or about half of the AJDC, does the Jewish cause definite harm. These people come, expect to be entertained, waste good gas, oil and food and do nothing—report and make speeches.¹³⁷

In a special meeting of the Commission called to hear the report, Pomrenze laid out a step-by-step plan that included obtaining a charter from the State of New York as a non-profit organization, establishing a \$50 000 fund so as to have cash in hand, and providing a depot where the books could be stored.¹³⁸ Following that meeting, Pomrenze wrote to Verner Clapp, director of the acquisitions division of the Library of Congress. He reiterated his support of the Commission and championed the creation of a Corporate Trustee. Further, he requested that the Library of Congress assume responsibility for any transportation related to the various collections.¹³⁹ Other correspondence reveals that the Library of Congress, and the Monuments, Fine Arts, & Archives (MFA&A) Division of the American

¹³⁵ By the end of the war, the Library of Congress had re-established a presence in Europe and was acquiring new materials for its collection. It worked with the military government at Offenbach in safeguarding books and archival material and in some instances served as trustee of heirless property. Evidence indicates that it became interested in heirless Jewish cultural property in 1946. For more on the Library of Congress Mission see Reuben Peiss, "European Wartime Acquisitions and the Library of Congress Mission," *Library Journal* (15 June 1946): 863-876; Pomrenze, "Operation Offenbach;" Pomrenze, "Policies and Procedures for the Protection, Use, and Return of Captured German Records" in *Captured German and Related Records: A National Archives Conference*, ed. Robert Wolfe, 5-30 (Athens: Ohio University Press, 1974); Waite, "Returning Jewish Cultural Property."

¹³⁶ Prov. 11:4: "righteousness [acts of charity] saves from death."

¹³⁷ S.J. Pomrenze to Salo Baron, 15 May 1946, M580/31/6, SSC, Palo Alto, CA.

¹³⁸ Minutes of Commission Meeting, 26 June 1946, M580/209/12, SSC, Palo Alto, CA.

¹³⁹ S.J. Pomrenze to Verner W. Clapp, 29 August 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

Military government, took Pomrenze's proposals seriously.¹⁴⁰ A number of meetings were arranged between Luther Evans and Verner Clapp of the Library of Congress, and with Noel Hemmendinger of the State Department.¹⁴¹ Although, in the end, the Library of Congress did not feel that it was prepared at that time to take on the issue of heirless Jewish cultural property as trustee, it opened the way for further discussions between the Commission and the State Department which ultimately led to the establishment of Jewish Cultural Reconstruction, Inc. (JCR).

As one of the original members of the Commission on European Jewish Cultural Reconstruction and as the chief librarian of the Hebraica section at the Library of Congress, Gaster's recommendations also received serious consideration. He lent his full weight in support of the Commission's efforts and proposed that it work in a consultative position with the Library of Congress, which would serve as custodian for the material.¹⁴² Like Pomrenze, he bemoaned the multiplicity of Jewish organizations vying for control, using the old expression "too many cooks will spoil the broth."¹⁴³ In particular, he did not spare harsh words for the Hebrew University and the World Jewish Congress. According to him, the Hebrew University should be told, in no uncertain terms, "...that to designate [it] as sole trustee or legatee would conflict with the wishes of many Jews, impose on that institution a burden which may be beyond its resources, and also jeopardize the safety of the books in view of the uncertainties

¹⁴⁰ Paul Vanderbilt to Luther Evans, 25 March 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.; Verner Clapp to Seymour Pomrenze, 10 September 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹⁴¹ Luther Evans to Paul Vanderbilt, 3 June 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹⁴² Theodor Gaster to Dr. Luther Evans, 15 May 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹⁴³ Ibid.

of the political situation in Palestine.”¹⁴⁴ Moreover, he went so far as to question the university’s status:

The Hebrew University Library, however it may choose to describe itself, is not, in fact, the national library of the Jews, since there is no such thing as a Jewish state in Palestine. It is merely a Palestinian Jewish institution, no whit different from any corresponding institution here. To give it preferential treatment would therefore amount to discrimination against sister institutions in this country or elsewhere, and would be the more likely to be resented here seeing that the material was, in fact, liberated by American troops and that the non-Jewish portions of it will be going, apparently, to American institutions.¹⁴⁵

Although neither Pomrenze nor Gaster’s proposals were fully accepted by the Library of Congress, the fact that they were championing the work of Baron’s Commission from early on had a substantial impact on its future success in negotiations with the State and War departments. Both men were insiders in their own right—Gaster had familiarity with the workings and capability of the Commission and Pomrenze had firsthand knowledge of the Offenbach Archival Depot and its holdings.¹⁴⁶ For that matter, mention of Koppel Pinson cannot be omitted for it was he who brought the Commission’s tentative lists to the attention of Pomrenze while both were in Germany.¹⁴⁷ To reiterate, then, the reality was that Baron’s Commission had the backing of key military and governmental personnel while other Jewish institutions such as the Hebrew University and

¹⁴⁴ Ibid.

¹⁴⁵ Theodor Gaster to Dr. Luther Evans, 30 December 1945, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹⁴⁶ Pomrenze was responsible for having OMGUS recognize Offenbach as the zonal depot for all of the U.S. areas including Bavaria and Hesse and the American sections of Bremen, Berlin, and Württemberg-Baden. Grace Cohen Grossman Interview with Colonel S.J. Pomrenze, 14 August 1989, 30pp.

¹⁴⁷ “When Prof. Pinson [*sic*] gave me a copy of the list of treasures put out by your commission I said to him here is the Agency which can be the instrument of *geulah* (redemption) for these treasures.” Seymour Pomrenze to Salo Baron, 15 May 1946, M580/31/6, SSC, Palo Alto, CA.

Roth's organization did not. This would, in effect, be enough to establish their primacy in negotiations with the American leadership. Having these principal patrons behind it effectively opened the door for Baron's group to begin high-level talks with state officials.

All of these factors were external to the political transformations within Baron's Commission. It soon realized that it would have to enlarge the scope of its activities and take on a character that was not necessarily considered when it was first established. As Jerome Michael reported at one of the group's meetings, "...legal processes will not be too helpful in the final disposal of questions pertaining to restoration of Jewish cultural materials. The action that will have to be taken will be mainly political in character."¹⁴⁸ In a press release dated March 1946, one sees a definite change in the Commission's function as laid out in 1944. Now, rather than just advise the United Nations on the restoration of Jewish cultural life in Europe, it would also establish a trusteeship for the eventual redistribution of religious and cultural properties.¹⁴⁹ In a letter asking the Joint Distribution Committee for its fullest support, Michael summarized the historic nature of such a proposal:

...this is the first time since the establishment of the Jewish Agency for Palestine that a Jewish group has been recognized nationally or internationally as trustee for the Jewish people. It is therefore an extremely important precedent and both for that reason and because of the value of the cultural objects themselves it is of the utmost importance that the trustee corporation should perform its functions wisely and well.¹⁵⁰

¹⁴⁸ Minutes of Commission Meeting, 9 October 1945, M580/39/3, SSC, Palo Alto, CA.

¹⁴⁹ Press Release of Commission, March 1946, 45/54/1569, JDC Archives, New York.

¹⁵⁰ Jerome Michael to Dr. Joseph C. Hyman, 3 September 1946, M580/39/2, SSC, Palo Alto, CA.

Regardless of its historic significance, there was also a blatant fear that having non-Jewish organizations take over custodianship of Jewish books and other cultural property would ultimately set a precedent for similar loss of Jewish control in other areas. Baron understood the gravity of the situation and the importance of establishing a Jewish trustee: “This is one area in which Jews speak as Jews—not as displaced persons or refugees. The Jewish element is clearly defined—Jewish cultural treasures, Jewish religious objects, Jewish interests.”¹⁵¹ However, in the early period of negotiations it was suggested by some senior officials in the U.S. government that no international Jewish trusteeship would be recognized.¹⁵² As a consequence, Baron’s Commission accepted the recommendation of the Library of Congress that it serve as an advisory committee on the distribution of the heirless Jewish property of which the Library would be the trustee.

It was within this context that the Commission on European Jewish Cultural Reconstruction prepared to submit its first proposal to the State Department on 5 June 1946. At the last minute, however, in meetings between Baron, Michael, Hemmendinger of the State Department, and Evans and Clapp of the Library of Congress, the feasibility of having the Library of Congress function as trustee was brought into doubt.¹⁵³ Therefore, the final draft of the Commission’s scheme made reference to the Library of Congress only insofar as

¹⁵¹ Minutes of Commission Meeting, 12 May 1946, Arc. 4° 793/289II, JNUL, Jerusalem.

¹⁵² Memorandum submitted by the Commission on European Jewish Cultural Reconstruction to Rabbi Philip S. Bernstein, 17 May 1946, Arc. 4° 791/212I/ 1946, JNUL, Jerusalem.

¹⁵³ Jerome Michael to Dr. Meyer Grossman of the American Jewish Conference, 31 May 1946, C7/1284/2, CZA, Jerusalem.

it would be responsible for classifying and cataloguing the material brought to the United States. As an alternative, the eight-page document called for a Jewish trusteeship to be recognized by the Office of Military Government of the United States (OMGUS) and at the very least, for a Jewish advisory board to be appointed that would assist any trustee in the distribution process. This board would consist of members from the Commission, the Synagogue Council of America,¹⁵⁴ and the Hebrew University.¹⁵⁵ Special mention was made of perhaps establishing a library at the Hebrew University that would serve as a memorial to the Jewish martyrs.¹⁵⁶ Interestingly, among the final suggestions were a call for reparations in kind—objects of comparable value found in German and Austrian libraries, archives, and museums to replace those Jewish objects that were destroyed or irreparably damaged—and the refusal to turn Jewish cultural or religious objects over to the German Länder which were to take over restitution responsibilities from the American military government.¹⁵⁷ While the demand for reparations in kind was found to be an issue too delicate to be pressed at that time,¹⁵⁸ the demands as set out in the memorandum by Baron's Commission show a group that felt secure enough in its standing—with other Jewish organizations

¹⁵⁴ Established in 1926, the Synagogue Council of America was a unifying group that sought to further common religious interests of the three major American Jewish denominations—Reform, Conservative, and Orthodox. Among its founding organizations were the Central Conference of American Rabbis (Reform), the Rabbinical Assembly (Conservative), the Rabbinical Council of America (Orthodox), the Union of American Hebrew Congregations (Reform), the United Synagogue of America (Conservative), and the Union of Orthodox Jewish Congregations (Orthodox).

¹⁵⁵ Proposal submitted to General John H. Hilldring from the Commission on European Jewish Cultural Reconstruction, 5 June 1946, RG 260/M1949/Roll 3, NACP, MD.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Notes on Dr. Pekelis's Letter of August 7, 1946, M580/39/3, SSC, Palo Alto, CA.

and with the American government—to make serious and historic demands based on thorough research and an ostensible Jewish alliance.

Unfortunately, the coalition with other Jewish organizations was still not particularly secure. A day before the Commission submitted its memorandum, Judah Magnes sent General John H. Hilldring, chief of the Civil Affairs division of the War Department, a letter promoting the Hebrew University as the sole university of the Jewish people and as the spiritual guardian of the refugee books and manuscripts.¹⁵⁹ Only brief mention was made of Baron's Commission toward the end of the two-page letter. What is more, the World Jewish Congress' Committee for the Recovery of Jewish Cultural Property had independent meetings with Hemmendinger at the State Department as well as with Evans at the Library of Congress during the month of May that ultimately led to it presenting its own memorandum to the State Department on 18 June 1946. In it, the organization also called for a trustee to be created and an advisory board to assist that this time would be made up of the Library of Congress, the World Jewish Congress, and the Hebrew University.¹⁶⁰ Baron's Commission is never mentioned—a clear rebuff, no doubt, for the exclusion of the World Jewish Congress from the Commission's advisory committee. In fact, the World Jewish Congress was not happy with the situation until sufficient assurance was given by the State Department that the entire matter would not be turned over to Baron's Commission and that Hemmendinger would not approve any group of trustees in

¹⁵⁹ Judah Magnes to General John H. Hilldring, 4 June 1946, P3/2060, CAHJP, Jerusalem.

¹⁶⁰ Memorandum on the Restitution of Looted Jewish Cultural Property in Europe submitted by the World Jewish Congress and the Committee for the Recovery of Jewish Cultural Property, 18 June 1946, 361/E9/9, AJA, Cincinnati, OH.

which the World Jewish Congress was not adequately represented.¹⁶¹ Meanwhile, the Jewish Agency lobbied the Monuments, Fine Arts & Archives Division of the United States government to appoint a Jewish expert to the Collection points in the American zone so unidentified art objects could be turned over to them in order that Palestine, the cultural center of world Jewry, would benefit.¹⁶²

The day following the submission of the World Jewish Congress' proposal, Henry Monsky, chairman of the American Jewish Conference,¹⁶³ wrote to James F. Byrnes, the U.S. Secretary of State, stating the organization's general support of the Commission's memorandum while simultaneously presenting a somewhat alternative plan. Like the other Jewish organizations, the American Jewish Conference endorsed the idea of a Jewish trusteeship, but preferred that the Commission not be the sole authority in this matter.¹⁶⁴ Additionally, it demanded that it be given an equal voice alongside the other Jewish groups. While Baron initially encouraged Jewish organizations to submit memoranda in support of the Commission's work, the result was not always favourable. Jerome Michael summed up the situation quite well when he wrote: "...the Commission has been forced by circumstances to act in the preliminary stages on behalf of all

¹⁶¹ Memorandum from Dr. Simon Federbusch to the Office Committee, 17 July 1946, 361/E9/13, AJA, Cincinnati, OH.

¹⁶² Jewish Agency for Palestine Head Office, U.S. Zone to Military Government U.S.—Monuments and Fine Arts Division, 26 August 1946, RG 260/Records Concerning the Central Collecting Points ("Ardelia Hall Collection")/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property, 1947-1950"/loc. 390/45/18/04, NACP, MD.

¹⁶³ The American Jewish Conference began as a meeting of all of the major American Jewish organizations that endorsed the Zionist program of a Jewish commonwealth held in Pittsburgh, PA. in 1943. Henry Monsky was a principal organizer. Until its dissolution in 1949 it worked on both a national and international scale to deal with issues of Palestine and the Holocaust. For the proceedings of the Conference see Alexander Kohanski, ed., *The American Jewish Conference: Its Organization and Proceedings of the First Session (August 29 to September 2, 1943)* (New York: American Jewish Conference, 1944).

¹⁶⁴ Henry Monsky to James F. Byrnes, 19 June 1946, C7/1284/2, CZA, Jerusalem.

who desire to recover Jewish cultural treasures for the Jewish people, not the best of these circumstances being ritual Jewish politics.”¹⁶⁵

In the revised proposals submitted to Hilldring by both the Commission and the World Jewish Congress at the end of August 1946, a much stronger alliance is apparent. The only major difference between them is the placement of the Hebrew University on the list of initial members of the as yet unnamed Jewish corporation—the Commission placed it last on the list while the World Jewish Congress placed the Hebrew University first and the Commission last.¹⁶⁶ With support largely secured, though, Baron’s Commission could now move forward in its negotiations with the American military government and ultimately with its work in Germany.

VIII—Conclusion

In sum, it can be argued that Baron’s Commission on European Jewish Cultural Reconstruction, in its early history, singled itself out in many ways as the premiere institution researching Jewish cultural treasures in Europe and formulating legal and political plans for their eventual rescue. Evidence points to the organization’s confidence in its own *raison d’être*. As will be shown in the next chapter, it never questioned its primary role in negotiations with the U.S. Government and in its cooperative efforts with other Jewish groups—American, British, or that of mandate Palestine. This, despite Baron’s growing feelings of the centrality of America for world Jewry. Any competition that may have arisen

¹⁶⁵ Jerome Michael to Meyer Grossman, 22 August 1946, C7/1284/2, CZA, Jerusalem.

¹⁶⁶ Jerome Michael to John H. Hilldring, 26 August 1946, M580/58/9, SSC, Palo Alto, CA.; Simon Federbusch to John H. Hilldring, 30 August 1946, 361/E9/9, AJA, Cincinnati, OH.

from other sources—Jewish or non-Jewish—essentially signified to Baron’s Commission, and then JCR, Inc., that its focus on fostering cooperation was needed if heirless Jewish cultural treasures were to be rescued.

Among the difficulties that Baron’s group faced was that it would have to function in the shadow of its parent organizations—the Jewish Restitution Successor Organization (JRSO)—the American military government, as well as the German Länder which were to assume political and administrative control from the U.S. military. It had to function in accordance with U.S. policies on cultural treasures, in general, and on Jewish cultural treasures, in particular. Unavoidably, conflicts of interest would arise and the jurisdiction of all groups involved would constantly be questioned. Furthermore, the influence of American groups upon actions taken in other zones would also be debated. For now, though, the Commission’s continued relevance would be determined by its negotiations with the American government and it is to this topic that we now turn.

Chapter 2: JCR and the U.S. Government, a Working Relationship

In February 1949, JCR, Inc. was officially recognized by the American military government as trustee of heirless Jewish cultural property found in its zone in Germany. Reaching that point required the significant exertion of pressure by Jewish individuals and groups on the one hand and receptive officials and departments within the American government on the other. This was not the first time or the last that American Jewry attempted to influence government policy and action, but in this case it was particularly successful for two main reasons, one internal and one external to the Jewish community. First, after difficult negotiations, the major American Jewish groups were able to present a united front to the American government on the issue of restitution. Second, the American government, for various reasons, was more receptive to the Jewish community's demands than it had been in the past. This raises the question as to why the government was prepared to comply with Jewish interests and necessarily draws attention to the degree to which American Jewry, and perhaps Jews more generally, wielded influence in Washington.

Discussing the concept of Jewish "power" after the Holocaust may appear to some as ironic or an error in judgment. However, understanding the issue for its mythological dimensions as well as for the way it has singularly influenced how others have historically responded to Jews is important to this discussion. Many scholars have explored the question of Jewish power in the century leading up to and including the Second World War and before examining this same question with regard to the establishment and recognition of JCR, it is necessary to survey

previous scholarly attempts to characterize Jewish power. Collectively, their studies demarcate a series of characteristics and indicators for examining and evaluating the extent and the nature of Jewish influence in Washington.

I—The Historiography of Jewish Power in the Modern Era

For the sake of this discussion, it is necessary to employ two different definitions of power provided by the historians Yehuda Bauer and David Biale. In defining the term, Bauer focuses on its external aspects: "...the capability to influence decisions of others, either through the implied or explicit threat of sanctions or through the promise of political advantages deriving from military, economic, or other assets."¹ David Biale, meanwhile, directs his discussion to the internal nature of power: "the ability of a people to control its relations to other peoples as well as its own internal political, cultural, religious, economic, and social life."²

To understand Jewish political strategies vis-à-vis the United States government in the post-WWII period, it is necessary to look to the mid-nineteenth century, and even earlier, when the "political reconstruction"³ of world Jewry occurred. The internal changes that took place then had long-term repercussions on how Jews came to see themselves in the international political arena as well as how others came to see them. According to historian Jonathan Frankel, the

¹ Yehuda Bauer, *The Jewish Emergence from Powerlessness* (Toronto: University of Toronto Press, 1979), 41.

² David Biale, *Power and Powerlessness in Jewish History* (New York: Schocken Books, 1986), 7.

³ Eli Lederhendler, *The Road to Modern Jewish Politics* (New York: Oxford University Press, 1989), 111-153.

traditional, detached intercessor or *shtadlan* approach of the previous generations gave way to an active, collective political body that was concerned with its own specifically Jewish interests and defended those interests under the banner of liberal, western, emancipationist ideals.⁴ He labels this the emancipationist style of Jewish politics.⁵ The concern here is how this new Jewish politics affected Jewish influence in the highest echelons of world diplomacy, with specific attention paid to the American diplomatic scene.

Despite differences in definition, academic discussions of Jewish power in the international political arena of the 19th and 20th centuries have by and large focused on the question of whether Jews had power or not.⁶ The concern is misplaced in a number of ways. First, it assumes a unified group, the Jews. Second, it creates two points on a spectrum without accounting for the possibility that in some cases the influence of certain Jews, or a particular Jewish group, was of a fluid and varying nature, dependent upon numerous factors that they could or

⁴ Jonathan Frankel, "Crisis as Factor in Modern Jewish Politics, 1840 and 1881-82," in *Living With Antisemitism: Modern Jewish Responses*, ed. Jehuda Reinharz (Hanover & London: University Press of New England, 1987), 52.

⁵ Jonathan Frankel, "An Introductory Essay. The paradoxical politics of marginality: thoughts on the Jewish situation during the years 1914-1921," in *Studies in Contemporary Jewry* Vol. 4, ed. Jonathan Frankel (New York: Oxford University Press, 1988), 13.

⁶ The question of Jewish power—whether real or perceived—has received considerable scholarly attention. While this is by no means an exhaustive list, some more recent publications stand out. David Engel, "Perceptions of Power—Poland and World Jewry," *Jahrbuch des Simon-Dubnow-Instituts* 1 (2002): 17-28; Carole Fink, *Defending the Rights of Others: The Great Powers, the Jews, and International Minority Protection, 1878-1938* (Cambridge: Cambridge University Press, 2004); Lisa Moses Leff, *Sacred Bonds of Solidarity: The Rise of Jewish Internationalism in Nineteenth-Century France* (Stanford: Stanford University Press, 2006); Maud Mandel, "Genocide and Nationalism: The Changing Nature of Jewish Politics in Post-World War II France," in *The Emergence of Modern Jewish Politics: Bundism and Zionism in Eastern Europe*, ed. Zvi Gitelman, 197-219 (Pittsburgh: University of Pittsburgh Press, 2003).

could not control. Biale correctly states: “Jewish history cannot be divided into distinct periods of power or powerlessness.”⁷

Further, the issue is not only defining what is meant by “power,” but how it is actually employed. Does this refer to well placed Jews in a particular government agency or access by Jews to a particular government agent? Was the power granted to them by the agency or did they take it? If the former, is it really power? That is, if Jewish organizational leaders asked for government action and the government responded affirmatively then perhaps it simply shows a government’s receptivity to its citizens rather than a particular instance of Jewish power. In effect, what are the characteristics of Jews in a given historical period that led various scholars to argue that they did or did not have power?

In exploring the issue of Jewish power, a variety of scholars have looked at historical events where there is an appearance of Jewish power, that is, the situation turned out well for the Jews. Working backwards, they have asked: did the Jewish community do something, act in a certain way or was it perceived in a certain way that encouraged others to act on its behalf, helping to bring about this positive outcome?

Beginning with the protest against the American-Swiss treaty of 1850, which allowed Swiss cantons to refuse entry to American Jews, and moving into the twentieth century with the successful fight for the abrogation of the Russo-American treaty between 1908 and 1911,⁸ U.S. Jewish organizational leaders

⁷ Biale, 6.

⁸ The commerce and navigation treaty between the United States and Russia, drawn up in 1832, provided that all inhabitants of their respective states “shall be at liberty to sojourn and reside in all parts whatsoever of said territories...and they shall enjoy, to that effect, the same

exercised their minority influence against government actions as a legitimate pressure group—understanding that the fate of their brethren overseas was intimately connected to their own secure fortune on American shores. Naomi Cohen, who has studied both incidents from the standpoint of Jewish involvement, highlights that similar methods of Jewish agitation were used: “...public protest meetings and resolutions, Christian allies, visits to the president and other public figures, and contacts with foreign Jewish groups.”⁹ This approach, combining back-door diplomacy with more public forms of protest, was employed through to the Holocaust period. For Cohen, these methods of agitation and their effectiveness served as proof of Jewish influence.

With the rise of modern antisemitism in the nineteenth century, world Jewry not only had to contend with its ability to exercise *actual* influence on the world scene, but also in relation to the rising international myth of Jewish power—a turning point, Lisa Moses Leff argues, in the history of Jewish politics because “... of Jews’ subsequent awareness and anxiety over how their actions might be cast by their enemies.”¹⁰ Like Naomi Cohen, Jonathan Frankel and Mark Levene emphasize those gains that were made even if based on the illusion of power. The Minority Treaties, for example, would not have played as significant a role as they did in the peace negotiations following WWI had it not been for the

security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing...” The Russians, however, placed economic and residential restrictions on American Jews who planned on traveling or were already living in Russia. The treaty was officially abrogated on 17 December 1911. See Naomi Cohen, “The Abrogation of the Russo-American Treaty of 1832,” *Jewish Social Studies* 25 (1963): 3-41.

⁹ Naomi Cohen, “American Jews and the Swiss Treaty: A Case Study in the Indivisibility of Anti-Semitism,” in *The Solomon Goldman Lectures* Vol. 3, ed. Nathaniel Stampfer (Chicago: Spertus College of Judaica Press, 1982), 97. See also Cohen, *Not Free to Desist*.

¹⁰ Leff, 203.

efforts of the Jewish delegates in attendance. Consequently, as Levene suggests “...by placing the Jewish struggle for emancipation in a global context, it elevated Jewish civil and political rights, perhaps almost by default, to the status of a prerequisite for a tolerant, liberal world order.”¹¹ American Jewish oligarchs were also able to bring real pressure upon domestic and foreign politics. As Frankel points out, American public opinion and international finance were two areas in which Jews could and did exert a significant influence: the refusal of Jacob Schiff and his Kuhn, Loeb, & Co. Bank, for many years to provide loans to the Russian Empire in order to contest the harsh treatment of Jews in that country along with the press power of the Sulzberger family, are just two examples. Furthermore, as Frankel writes:

Studies of the archival material have made it increasingly clear that respect for American Jewry in general and for the Schiffs, Sulzbergers and their like in particular played a major role in the decision of the Russian government to abolish the Pale of Settlement in 1915; in the German determination to exert constant pressure at the Porte to save the Jewish population in Palestine; and in the readiness of the British to allow American supplies for the Yishuv through their naval blockade.¹²

In fact, when Russia was seeking a loan from the United States during WWI, Louis Marshall wrote a letter to a Russian agent in 1915 spelling out the terms for the AJC’s financial support: the abolition of the Pale of Settlement, the lifting of all restrictive laws against Jews, and the formulation of a new treaty of commerce and navigation with the United States.¹³ Thus, while the positive did not outweigh the negative, nor did Jews’ limited influence necessarily outweigh their general

¹¹ Mark Levene, *War, Jews, and the New Europe: The Diplomacy of Lucien Wolf, 1914-1919* (London: Littman Library, 1992), 4.

¹² Frankel, “An Introductory Essay,” 12.

¹³ Cohen, *Not Free to Desist*, 90.

powerlessness, there were still efforts to be made and gains to be won. Scholars such as Cohen, Frankel, and Levene understand Jewish power in the Diaspora as emanating both from others' perception of the Jews as wielding influence, as well as from Jews' authority over certain economic issues and in the press. Both were *real* sources of influence since they affected *real* change. These scholars highlight certain specific actions by Jews as indicative of them having power, namely, they acted collectively as a pressure group; they influenced American public opinion through protests, mass rallies, and other means; they took advantage of personal relationships with high-ranking government officials; they expanded their influence by forming alliances with non-Jewish groups; and they maintained contact with foreign Jewish groups.

Other scholars have been less apt to see any inkling of Jewish influence in the period before the establishment of the State of Israel. According to Ruth Wisse, "It was the combination of *apparent* Jewish strength and *essential* dependency that characterized Jewish politics in the Diaspora.¹⁴ A politics, she later goes on to argue, characterized by powerlessness since Jews did not have a self-governing state in which to seek their own protection. Even the founding of the State of Israel has not necessarily brought Jews unrestricted power:

Wielding military strength, Israel changed the Jewish political equilibrium in contradictory ways. The options of self-defense that Israel acquired by establishing its own military and intelligence made Jews for the first time in two thousand years a potentially valuable ally...At the same time, Israel's susceptibility as a Jewish and democratic state greatly enhanced its utility as a political target for those who demonized both Jews and democracy.¹⁵

¹⁴ Ruth Wisse, "The Brilliant Failure of Jewish Foreign Policy," *Azure*, no. 10 (Winter 2001). Accessed on 24 April 2008 at <http://www.azure.org.il/magazine/magazine.asp?id=33>.

¹⁵ Ruth Wisse, *Jews and Power* (New York: Schocken, 2007), 177.

This exaggerated image of Jewish “power” remains. Some have argued that it was this perceived influence that ultimately procured the Jews the Balfour Declaration of 1917 and the inclusion of specific provisions for Jews in the Minorities Treaties following WWI.¹⁶ However, they have further argued that such exaggeration heightened their loss of actual influence in the interwar period leading to the disastrous Evian Conference of 1938 and eventually to the Holocaust. David Engel assumes this all-or-nothing view when he writes:

The actual ‘abandonment of the Jews,’ to borrow Wyman’s title, took place not during World War II, but well before. This precipitous decline in the ability of Jews to utilize the international political arena as a forum for defending their rights and interests was a necessary preparatory step toward the formation of the callous attitude with which the Allied Governments were to respond to their pleas for help during the Holocaust.¹⁷

He argues that Jewish political powerlessness was a more or less constant feature of the period (1919-1938) from beginning to end.¹⁸ Whatever power they did have was in the realm of international finance and not in politics.¹⁹ In the early 1920s, Wilson’s government was not receptive to American Jews’ demands: “...their desires were ignored, and no indication was given that they were even considered.”²⁰ So, while he would not deny that Jewish groups used the same means as outlined by Frankel and Cohen to assert their influence, Engel argues that it was this external element—this lack of receptivity—that ultimately demonstrates their powerlessness.

¹⁶ I am thinking, specifically, of Bauer, *The Jewish Emergence From Powerlessness*; Fink, *Defending the Rights of Others*; and Engel, “Perceptions of Power,” 17.

¹⁷ David Engel, “The Western Allies and the Holocaust,” *Polin* 1 (1986): 311.

¹⁸ Engel, “Perceptions of Power,” 28.

¹⁹ *Ibid.*

²⁰ *Ibid.*, 26.

Other scholars qualify their statements with more positive observations—that Jewish leaders exerted a limited influence over Great Power diplomacy to bring about some positive changes, but not enough to guarantee Jews' full security and protection.²¹ They see Jewish diplomatic and organizational activities from 1919 to 1938 as characterized by a willingness to try anything from political lobbying, granting loans to antisemitic countries in an effort to gain influence, to settling Jews on agricultural lands in order to ameliorate their social, political, and economic conditions. For Yehuda Bauer, the anti-Nazi boycott movement of the 1930s in the United States, headed by Samuel Untermyer, serves as an example of Jewish activities helping to create an anti-Nazi public opinion that would support Roosevelt's increasingly anti-Hitler stand.²² It was due to individual Jewish intercessions that senators and members of the House of Representatives publicly denounced the actions against Jews in Germany. Furthermore, resolutions were introduced in both houses of Congress suggesting that the United States sever diplomatic relations with Germany.²³ Naomi Cohen adds that the American Jewish Committee, in particular, continued—from its inception in 1906—to use back-door diplomacy and behind-the-scenes intervention in order to advance its cause, but primary evidence of this cannot often be found since its documents purposely omitted stories of personal suasion.²⁴ It maintained its standard liberal, patriotic position by arguing that immigration restrictions were at variance with America's historical position; they were arbitrary, undemocratic,

²¹ Fink, 345.

²² Bauer, *The Jewish Emergence From Powerlessness*, 58.

²³ Cyrus Adler and Aaron Margalith, *With Firmness in the Right: American Diplomatic Action Affecting Jews, 1840-1945* (New York: AJC, 1946), 378.

²⁴ Cohen, *Not Free to Desist*, 155.

and divisive. Others saw the Committee as acting timidly in its approach to combating antisemitic policies in Germany, but Cohen asserts that no other individuals or groups had surer ideas of how to respond to the crisis than did the American Jewish Committee.

Through whichever lens scholars have chosen to view the larger picture of Jewish power, or lack thereof, in the interwar period, the consensus is that by the beginning of World War II, neither American nor British Jewry possessed the political leverage needed to bring about swift and immediate action in Europe. Furthermore, the divisions that existed within the Jewish community years before Hitler's rise to power persisted and consequently, no one Jewish leader or organization that acted exclusively for the Jewish community arose. Richard Breitman and Alan Kraut, in their work on American refugee policy during the 1930s, highlight these internal quarrels in their work. Some Jewish groups advocated increased immigration to Palestine; others were more concerned with re-adaptation and vocational training to hasten assimilation. There were those who wished Jews to be resettled in unpopulated areas, and still others who focused on simply protecting minority rights in Europe.²⁵ In sum, disunity was a constant feature that negatively affected their ability to exert influence in the political arena. That, combined with variables that were outside of Jews' control including preexisting immigration laws and regulations; an entrenched State Department bureaucracy that sought the protection of American interest alone; the American public's opposition to increased immigration; and the reluctance of

²⁵ Richard Breitman and Alan Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington & Indianapolis: Indiana University Press, 1987), 103.

FDR to accept the political risks involved with rescue outweighed the effects that mass rallies, private pleas, and political pressure had.²⁶ As Henry Feingold states: “They did not remotely possess the kind of power required to convince an almost totally unreceptive officialdom that something more was involved in the Jewish pleas for action than ‘Jewish wailing.’”²⁷ Those Jews who did exert any kind of influence at the government level were Jews by dint of birth and their primary allegiances were to the policy makers: “...despite the presence of Jewish lawyers in government and the influence of Jewish opinion leaders, it is difficult to find evidence of actual enhancement of Jewish power.”²⁸ What comes across in the historical literature is the idea that many State officials no longer considered Jews as an influential lobby group with exaggerated powers,²⁹ but rather as a nuisance, a group that lacked cohesion and that ultimately impeded the efforts of state officials who felt that their job was to execute government policy, especially in a time of war, with no exceptions made. There still may have been some residual notions of Jews as an international force that held some sway. Unfortunately, what little benefit that had was not enough to alter the degree of receptivity at the highest government level.

Henry Feingold makes an astute observation in his 1994 article, “Did American Jewry Do Enough during the Holocaust?” when he writes: “There is always a limit to the amount of influence an ethnic sub-group can exercise on

²⁶ Ibid., 3.

²⁷ Henry Feingold, “Did American Jewry do Enough During the Holocaust?” in *Judaism in the Modern World*, ed. Alan L. Berger (New York: New York University Press, 1994), 149.

²⁸ Henry Feingold, “‘Courage First and Intelligence Second’: The American Jewish Secular Elite, Roosevelt, and the Failure of Rescue,” *American Jewish History* 72 (1982/83): 432.

²⁹ For more, see the chapter titled “The Demise of the Myth of Jewish Power” in Gulie Ne’eman Arad’s *America, Its Jews, and the Rise of Nazism* (Bloomington: Indiana University Press, 2000), 157-183.

policy, a limit which becomes more constricted during time of war.”³⁰ With that in mind, some scholars have chosen to focus on the limitations that plagued American Jewry while others have highlighted their influence, as limited as it may have been. In other words, some emphasize that American Jewry did all it could given its limitations and the obstacles that it faced, while others point fingers at the Jewish elite who did not, in their opinion, make appropriate or complete use of the limited influence that they had. Within this discussion, there is also a debate as to the role that Jewish groups—particularly Bergson’s Emergency Committee to Save the Jewish People of Europe—played in the formation of the 1944 War Refugee Board. Oftentimes, special attention is devoted to those Jews at the government level who were either caught between their duties as state officials and as Jews, as in the example of Laurence Steinhardt,³¹ or others, such as Sol Bloom, who did not have as difficult a time choosing allegiances, enforcing state policy at the expense of helping his fellow Jews. As U.S. ambassador to the Soviet Union and then Turkey during the war years, Steinhardt was faced with some morally complex issues; at times, he was quite conscious of his ethnic identity that guided him in his actions, while at other times he proved himself to be a politically shrewd and ambitious man who worried more about pleasing Breckinridge Long and the State Department and avoiding “dual loyalty” accusations than about saving his co-religionists in Europe.³² Meanwhile, among Sol Bloom’s fiercest critics, David Wyman has

³⁰ Henry Feingold, “Did American Jewry do Enough During the Holocaust?” 154.

³¹ Barry Rubin, “Ambassador Laurence A. Steinhardt: The Perils of a Jewish Diplomat, 1940-1945,” *American Jewish History* 70 (1981): 331.

³² *Ibid.*, 345.

argued that he did next to nothing for European Jewry. While his influential position as chairman of the Foreign Affairs Committee could have been used for the greater good, his only concern was in winning the admiration of high ranking officials in the State Department.³³

With regard to Stephen Wise's work on behalf of European Jewry, some State officials saw it as pushy and proof of Jewish influence while others saw it as admirable, but of no great value in a world in which Jews had no real power or influence. Perhaps Wise's greatest weakness, according to most historians, was his overriding belief in democracy and his loyalty to FDR. Referring to American Jewish leaders like Wise, Nahum Goldmann claimed in his autobiography, "they lacked courage, vision, and resolution to risk a radical and drastic move."³⁴

Naomi Cohen argues that linking themselves solidly with the Allied cause gave Jews little bargaining power in top-level negotiations.³⁵ Feingold concurs with this view when he writes, "...from a political point of view that loyalty, the certain knowledge that the Jews' vote was his [Roosevelt's], diminished the leverage of Jewish leaders who could not threaten removal of the Jewish vote."³⁶ More than Roosevelt soliciting Jewish leaders and organizations for support, they

³³ David S. Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941-1945* (New York: The New Press, 1998), 202. See also Henry Feingold, *Bearing Witness: How America and Its Jews Responded to the Holocaust* (Syracuse: Syracuse University Press, 1995), 83.

³⁴ Nahum Goldmann, *The Autobiography of Nahum Goldmann: Sixty Years of Jewish Life*, Trans. Helen Sabba (New York: Holt, Rinehart & Winston, 1969), 207.

³⁵ Cohen, *Not Free to Desist*, 246.

³⁶ Feingold, "Courage First and Intelligence Second," 430.

needed his support in order to assume positions of leadership within the larger community.³⁷

While Jews had no territory, government, or independence, some scholars have maintained that Jewish rescue activity was characterized by efforts to develop a policy at the international level in spite of the absence of these basic conditions. Avi Beker, for example, cites the efforts of Gerhard Riegner in Geneva, Morris Perlzweig in London, and Hillel Storch in Stockholm as exemplary in trying to acquire, with much 'chutzpah' "...the ability to maintain relations with other States as laid down in international law without having the necessary basic elements at their disposal."³⁸ Yitzhak Mualem, meanwhile, does not discuss the WJC during the war years, in particular, but he does see the WJC as a transnational non-governmental organization that could be characterized by its ability to arouse world public opinion and to create coalitions and a system of communications between elites.³⁹ That being said, he concedes that the work of the WJC was still very dependent on the cooperation of sovereign states and without them, it could make no progress in achieving its aims.⁴⁰

³⁷ Henry Feingold, "Stephen Wise and the Holocaust," *Midstream* (January, 1983): 46. Saul Friedman is also critical of Stephen Wise in his *No Haven for the Oppressed: United States Policy Toward Jewish Refugees, 1938-1945* (Detroit: Wayne State University Press, 1973).

³⁸ Avi Beker, "Diplomacy Without Sovereignty: The World Jewish Congress Rescue Activities," in *Organizing Rescue: National Jewish Solidarity in the Modern Period*, ed. Selwyn Ilan Troen & Benjamin Pinkus (London: Frank Cass, 1992), 345.

³⁹ Yitzhak Mualem, "The WJC: Influence Without Power," *Jewish Culture and History* 5, no. 2 (Winter, 2002): 96.

⁴⁰ *Ibid.*, 100.

II—U.S. Receptivity in the Immediate Post-Holocaust Period

With these oftentimes-conflicting studies of Jewish influence leading up to, and including the Holocaust, what can be said about Jewish diplomacy in the immediate postwar era? In the wake of the Holocaust, world Jewry was not completely defeated and even before the war's end, a 'new Jewish politics' was being exercised, to a limited degree, in the corridors of Washington and expressed in the press worldwide. Numerous Jewish organizations and their legal experts were boldly calling for collective compensation⁴¹ from Germany in their postwar claims.⁴² This, at a time when Jews still had no territory, government, military force, or united community to speak of and were facing increasing opposition from the State Department with regard to partition in Palestine and permitting

⁴¹ There is no consensus among scholars regarding the best term to describe the collective compensation claims on behalf of Jews after WWII. English terms such as reparations, restitution, redress, indemnification, recovery, rehabilitation and compensation have all been used as have the German term *Wiedergutmachung* (literally to make good again) and the Hebrew word *Shilumim* (recompense). See Alex Frohn, "Introduction: The Origins of *Shilumim*," in *Holocaust and Shilumim: The Policy of Wiedergutmachung in the early 1950s*, ed. Axel Frohn (Washington, D.C.: German Historical Institute, 1991), 2. Ronald Zweig provides useful definitions to distinguish between restitution, reparations, and indemnification. Restitution involves returning assets to former owners; reparations are inter-state payments for war damages; indemnification is some form of payment as compensation for suffering and non-material losses. See "Restitution of Property and Refugee Rehabilitation: Two Case Studies," *Journal of Refugee Studies* 6, no. 1/4 (1993): 57.

⁴² F. Gillis and H. Knopf, *The Reparation Claim of the Jewish People* (Tel Aviv, 1944); Siegfried Goldschmidt, *Legal Claims against Germany: Compensation for Losses Resulting from Anti-Racial Measures* (New York: Dryden Press, 1945); Ernest Munz, "Restitution in Postwar Europe," *Contemporary Jewish Record* 6, no. 4 (Aug. 1943): 371-380; Siegfried Moses, *Jewish Post-War Claims* (Tel Aviv: Irgun Olej Merkaz Europa, 1944); Robinson, *Indemnification and Reparations*; World Jewish Congress, *Memorandum on Post-War Relief and Rehabilitation of European Jewry submitted to the Council of the United Nations Relief and Rehabilitation Administration (U.N.R.R.A.)* (London: British Section of World Jewish Congress, Dec. 1945). A summary of Moses and Robinson's work can be found in Sagi, 21-27. A discussion of the research institutes of the American Jewish Committee and the American Jewish Congress is provided in chapter 1.

100 000 displaced persons into Palestine.⁴³ Their apparent disadvantaged position did not stop them from demanding that positive change be made to their existing condition. That internal drive served as its own source of strength; it might even be interpreted as an expression of power.

JCR's relationship to the U.S. government in the postwar period cannot be neatly characterized as demonstrating either Jewish power or powerlessness. In fact, such a dichotomy is moot and consequently does not move the dialogue forward. As Feingold points out,

Ethnic groups do not possess the normal measurable accouterments of power: sovereignty, armies, discipline reinforced by law. We may in fact be talking of a subtle shading of power better called 'political influence.' ...there are also special problems in measuring power in the American political context, which conceals the play of power in human affairs, checks and balances its use in governance, and in extreme cases denies its existence altogether.⁴⁴

Much like its predecessors, JCR and its affiliate members exercised the political astuteness necessary to participate in negotiations with high-ranking members of the State and War departments. JCR's dealings with the U.S. government were consistent with a pattern established even before the First World War: Jewish diplomacy is most effective when it was in agreement with the foreign policy aims of the national government in question. This is in direct accord with an argument put forward by Steven Spiegel that presents a much more conservative and arguably more realistic picture of Jewish "power" than some have previously

⁴³ Zvi Ganin, "The Limits of American Jewish Political Power: America's Retreat from Partition, November 1947-March 1948," *Jewish Social Studies* 39, nos. 1&2 (Winter/Spring 1977): 1-36.

⁴⁴ Feingold, "Did American Jewry Do Enough During the Holocaust?" 149.

argued.⁴⁵ In his article, “American Jews and United States Foreign Policy (1945-90),” Spiegel states that American Jewish influence is synonymous with the government’s receptivity to its foreign and national demands. When there is a convergence of interests, then Jewish efforts are largely directed towards supporting administration policies. Conversely, when interests do not coincide, then Jewish efforts are focused more on preventing the administration from pursuing its aims or on making compromises.⁴⁶

As will be shown, the U.S. military government in Germany, and influential figures such as General Lucius D. Clay, in particular, showed receptivity to collective Jewish claims over heirless Jewish property that was not shared equally by the other three zonal powers. Britain’s reluctance in this matter was intimately tied to its foreign policy in Palestine; it did not want to support any plans that assumed the collective nature of the Jewish people. France, meanwhile, did not want to single Jews out as suffering any more than its other nationals—they were all victims of Nazism. Russia, on the other hand, actually was the first to implement a *Wiedergutmachungsgesetz* (Restitution Law) in the Land government of Thuringia in September 1945, although later this law would come into conflict with its program of property nationalization.⁴⁷ Unlike the United States, all three of these zonal powers “...considered the possible restitution of

⁴⁵ Steven L. Spiegel, “American Jews and United States Foreign Policy (1945-90),” in *Terms of Survival: The Jewish world since 1945*, ed. Robert Wistrich, 168-194 (London & New York: Routledge, 1995).

⁴⁶ *Ibid.*, 169.

⁴⁷ Ronald Zweig, “Restitution and the Problem of Jewish Displaced Persons in Anglo-American Relations, 1944-48,” *American Jewish History* 78, no. 1 (1988): 71. See also Timm, *Jewish Claims Against East Germany*, 68-69.

Jewish property in close relation to their own claims for war reparations.”⁴⁸ The United States did not face similar devastation after the war. Consequently, it viewed these matters differently and often found itself taking unilateral action. Still, a successor organization—a Jewish group claiming to represent all of world Jewry as a victim in need of compensation for its reconstruction⁴⁹ and a government’s acceptance of this extra-territorial claim—was a novel idea resulting from long and sometimes difficult negotiations among various levels of the American government and Jewish organizations. There is little evidence that American sensitivity to this issue derived from a rooted perception of corporate Jewish power, as some scholars have argued with regard to earlier struggles (e.g. support of the Balfour Declaration in 1917).⁵⁰ Rather, it stemmed from both moral and practical motives—to right the wrongs that had been inflicted by Nazi Germany while moving quickly to hand responsibility back to the Germans to rebuild their shattered nation under the banner of democracy. Supporting a Jewish successor organization, with JCR as its cultural arm, did not accord with the wishes of the German Länder, but it did relieve the military government of the day-to-day responsibilities of such work so that it could focus on other crucial areas of its postwar German policy: disarmament, denazification, decartelization, reeducation, and the implementation of democratic principles in a new German government so as to prevent the country from falling under Communist control.

⁴⁸ Constantin Goschler, “German Compensation to Jewish Nazi Victims,” in *Lessons and Legacies VI: New Currents in Holocaust Research*, ed. Jeffrey Diefendorf (Evanston, IL: Northwestern University Press, 2004), 379.

⁴⁹ Robinson, Moses, and Munz in their respective publications advocate a collectivistic approach to the problem.

⁵⁰ See Bauer, *The Jewish Emergence From Powerlessness*, 54; Fink, 88; Levene, 522.

Economic revival as affirmed through the Marshall Plan was also paramount since it not only relieved American taxpayers, but it also went hand in hand with establishing Germany as an effective democratic ally against the Soviet Union.⁵¹ With that in mind, the military government still maintained ultimate control since it did not want to see Germany economically debilitated by harsh restitution demands. In speaking of cultural property more specifically, the U.S. government had shown an unprecedented understanding throughout most of the war of the need to preserve European cultural treasures that translated into governmental agencies studying the problem and issuing recommendations as well as practical conservation as carried out by the Monuments, Fine Arts, & Archives (MFA&A) workers in Europe. These political and military developments boded well for JCR's objectives.

Although JCR is the main focus of this discussion, the archival evidence indicates that, for the most part, U.S. policy interests played the greatest role in determining the outcome of negotiations. That did not stop Jewish organizations, including JCR, from making confident and risky demands that could have jeopardized negotiations altogether. Their characteristic tactic was first to ask for everything and then to work backwards until they reached a level that was more in line with U.S. strategy. Some might argue that this was a clear sign that they negotiated from a position of powerlessness⁵²—they had nothing to lose.

⁵¹ Sanua, *Let Us Prove Strong*, 36.

⁵² Shlomo Shafir states that the American Jewish community "...had no influence on the making of wartime policies and did not carry much weight in the government's handling of defeated Germany." Shafir, "From Negation to First Dialogues: American Jewry and Germany in the First Postwar Decades," in *The United States and Germany in the Era of the Cold War, 1945-1990: A Handbook*, ed. Detlef Junker (Washington, D.C.: German Historical Institute and

However, underlying the discussions was a convergence of interests at a basic level, and although Jewish groups largely bowed to the demands of the American government, they stood their ground on certain issues and were ultimately successful in pushing for unilateral action in the creation of a restitution law applicable to the American zone. What was new about their negotiations was that they were able to successfully claim to represent an international Jewish collective in their effort to protect decidedly Jewish interests without the “dual loyalty” charge being brought against them. In addition, their numerous proposals and meetings with government officials over a four-year period—from 1945 to 1948—meant that the issue was given more attention in American foreign policy proposals than perhaps it would have had. The Jewish organizations acted as a legitimate pressure group.

At the same time, the influence that certain key supporters—both Jewish and non-Jewish—exercised on behalf of Jewish interests in the highest offices in Washington and within the military government in Germany should not be underestimated. As Leonard Dinnerstein points out, “an indication of their [Jews’] success is that they never seemed to have had any difficulty reaching people at the highest levels of government.”⁵³ This ease stemmed, in large part, from having friends in high places, as it were. Jewish officials in the U.S. government such as Noel Hemmendinger of the State Department, Max Lowenthal, legal adviser to General Clay and good friend of Truman himself, Herbert Fierst who served as

Cambridge University Press, 2004), 550. See also Shafir, *Ambiguous Relations: The American Jewish Community and Germany Since 1945* (Detroit: Wayne State University Press, 1999).

⁵³ Leonard Dinnerstein, *America and the Survivors of the Holocaust* (New York: Columbia University Press, 1982), 105.

General Hilldring's assistant, along with the appointment of advisers of Jewish Affairs in the American military government in Germany, all helped to secure direct negotiations between Jewish organizations and the U.S. government. An Adviser of Jewish Affairs to work alongside Supreme Headquarters, Allied Expeditionary Force (SHAEF) commander in Germany was appointed after the release of the Harrison Report in August 1945 documenting the deplorable conditions of DP camps in Europe. His job was to report on his investigative work in the camps as well to advise military and United Nations Relief and Rehabilitation Administration (UNRRA) officials on the special concerns of Jewish DPs. The position was a politically sensitive one since the adviser worked for the U.S. military, but was appointed by the five major Jewish organizations: The American Jewish Committee, the American Jewish Conference, the World Jewish Congress, the Jewish Agency, and the American Jewish Joint Distribution Committee (JDC). Actually, it was this arrangement that prompted their working together. Seven American Jews served in the position between 1945 and 1949: Judah Nadich (Aug.-Sept. '45); Simon Rifkind (Oct. '45-March '46); Philip Bernstein (June '46-Aug. '47); Louis E. Levinthal (Aug. '46- March '48); William Haber (March '48-Jan. '49); Harry Greenstein (Jan. - Nov. '49); and Abraham Hyman (Dec. '49).⁵⁴ Although the activities of the Jewish advisers primarily concerned the DPs and issues of resettlement, their involvement with restitution matters, too, underscores how the government policies of each were

⁵⁴ Barish, 23.

related—restitution would be used to finance refugee programs.⁵⁵ Commenting specifically on the role of Jewish advisers, Dinnerstein writes:

...upper echelon officers continued to treat the American Jewish advisers, all of whom had the ear of influential Americans, respectfully and, on occasions, deferentially. A British official explained the reason for this seemingly contradictory behavior. 'Americans,' Sir George W. Rendell informed his superiors in the Foreign Office, 'are haunted by the fear of Jewish opinion in the United States.' Any 'official' adverse policies adopted, he continued, might stimulate 'an immediate outcry from the New York Jews, with possible political reactions in the United States.'⁵⁶

While Rendell's comments were an exaggeration, another element of the explanation for U.S. action should be considered. That is, the moral imperative that certain key figures in the government felt towards Jews as victims of the Holocaust and the level of post-war humanitarianism in the United States that helped to offset the antisemitism and anti-immigrant sentiment that still plagued the country. For example, the Truman Directive of December 1945, which permitted an increased number of DPs into the country under existing immigration laws, was issued "for America to set an example for the rest of the world in cooperation toward alleviating human misery."⁵⁷ That moral imperative, combined with the lobbying tactics of major Jewish groups, and the influence of key individuals unquestionably encouraged the U.S. to take the initiative that it did.

⁵⁵ This has already been argued by Zweig, "Restitution and the Problem of Jewish Displaced Persons," 68: "...the United States policy on the reparations issue was based on its concern to end as quickly as possible the Jewish DP problem in the US zones of occupation."

⁵⁶ Dinnerstein, *America and the Survivors of the Holocaust*, 54.

⁵⁷ Beth B. Cohen, *Case Closed: Holocaust Survivors in Postwar America* (New Brunswick, NJ: Rutgers University Press, 2007), 12.

Although Jewish groups used diplomatic tactics similar to those used in support of their oppressed brethren since the nineteenth century, a clear shift in the ideology behind those methods can be seen—a crystallization of a new self-understanding in the Jewish world and in its politics—no longer fighting for themselves under the banner of minority rights within nation states. This time, Jews insisted on the uniqueness of their suffering and declared that they should be treated as a clearly defined group in need of special consideration. This was uncharted territory: “To define ‘the Jewish people’ as a legal entity with the right of succession was theoretically impossible. No precedent existed in international law for a people as a whole to possess juristic personality.”⁵⁸ The creation of a trustee agency would be the realization of this new definition. Equally important was the concerted effort—not always successful—among Jewish national and international organizations to work together for a common goal. Their relations matured;⁵⁹ a willingness to ignore their ideological differences for the sake of practical exigencies existed and this, again, was a new dynamic in Jewish politics.⁶⁰ Jewish Cultural Reconstruction, Inc. and its parent successor organization, the Jewish Restitution Successor Organization (JRSO), realistically understood their roles vis-à-vis the interests of the Jewish people as well as in the context of the interests of the U.S. and the other zonal powers. Even though they

⁵⁸ Ayaka Takei, “The ‘Gemeinde Problem’: The Jewish Restitution Successor Organization and the Postwar Jewish Communities in Germany, 1947-1954,” *Holocaust and Genocide Studies* 16, no. 2 (Fall 2002): 269.

⁵⁹ Zweig, *German Reparations*, 71.

⁶⁰ Joel Weiss, “Jewish Organizations and Post-War European Jewry: Political Action and Self-Definition,” M.A. thesis (Hebrew University, 1997), 58. Thanks to Eli Lederhendler for bringing this to my attention.

were American-based organizations and may have used their privileged location to further their goals, their activities were for the benefit of world Jewry:

They were not special-interest groups representing a particular religious, ideological or political trend. Nor were they *Landsmanschaften*, representing the parochial interests of a specific Jewish community. They aspired to represent all of Jewry, balancing the needs and interests of each community and allocating public Jewish funds wherever the needs were greatest.⁶¹

Furthermore, as Arthur L. Smith Jr. has noted, “Jewish determination to secure restitution was a powerful element in its ultimate success.”⁶² These factors all served as effective sources of influence in Jewish diplomatic efforts.

III—U.S. Recovery and Restitution of Victims’ Cultural & Private Property

Before a specifically Jewish successor organization was supported by OMGUS, numerous international agreements and national trends were already in play that led the American government to be more inclined to returning Jewish property that had been seized not just in wartime, but during the entire Nazi regime. While a complete survey of these policies would only duplicate previous work,⁶³ a brief summary is required in order to situate U.S. negotiations with JCR and its partners in the postwar period. Furthermore, it is important to locate this discussion in the larger framework of recent studies that have been more critical of American restitution efforts of victims’ assets after the war—admitting that the

⁶¹ Zweig, *German Reparations*, 142.

⁶² Arthur L. Smith Jr., “A View of U.S. Policy Toward Jewish Restitution,” *Holocaust and Genocide Studies* 5, no. 3 (1990): 251.

⁶³ Kurtz, *America and the Return of Nazi Contraband*; Nicholas, *The Rape of Europa*; Kathy Peiss, “Cultural Policy in a Time of War,” Presidential Advisory Commission on Holocaust Era Assets in the United States, *Plunder and Restitution: The U.S. and Holocaust Victims’ Assets* (Washington, D.C.: U.S. Gov’t. Printing Office, 2000)[Hereafter cited as *Plunder and Restitution*]; Röhling, *Restitution jüdischer Kulturgüter*.

program was unique and unparalleled, but that it still left room for mistakes, oversights, and ultimately a job incomplete: "...such efforts fell short of perfection, as the protection and consolidation of valuables were subordinated to the urgent military requirements of winning the war, preventing a total collapse of government in the occupied zones, restoring a semblance of normal civilian life, and sending home American troops."⁶⁴

Already with the Lieber Code promulgated as Order No. 100 by President Lincoln on 24 April 1863, followed by the Hague Convention of 1907 and the Roerich Pact of April 1935,⁶⁵ there had been an appreciation on the part of the American government of the need to protect cultural property in times of war.⁶⁶ This, combined with a strong national belief in the sanctity of private property,⁶⁷ made for a comprehensive program of recovery and restitution of assets, at least in theory. The U.S. was a signatory of the 5 January 1943 Inter-Allied Declaration Against Acts of Dispossession Committed in Territories Committed Under Enemy Occupation or Control, which declared any transfer of property, rights, or interests situated in territories that were under the control of governments with which they were at war to be invalid.⁶⁸ Coinciding with the landing of Allied troops in Sicily and Italy in the summer of 1943, the American Commission for

⁶⁴ *Plunder and Restitution*, SR-123. See also Kurtz, *America and the Return of Nazi Contraband*.

⁶⁵ The Roerich Pact, initiated by the Roerich Museum, was signed by twenty-one countries, including the U.S., advocated, "the treasures of culture be respected and protected in times of war and peace." Elizabeth Simpson, ed., *The Spoils of War* (New York: Harry N. Abrams, 1997), 286.

⁶⁶ Section 2 of the Lieber Code has been reprinted in Simpson, 272-273.

⁶⁷ Goschler, "German Compensation to Jewish Nazi Victims," 379; Ronald Zweig, "Restitution: Why did it Take 50 Years, or did it?" in *Europe's Crumbling Myths: The Post-Holocaust Origins of Today's Anti-Semitism*, ed. Manfred Gerstenfeld (Jerusalem: Jerusalem Center for Public Affairs, 2003), 174.

⁶⁸ Simpson, 287.

the Protection and Salvage of Artistic and Historic Monuments was established under the leadership of Associate Justice Owen J. Roberts with Roosevelt's approval; its membership included librarians, museum curators, and academics.⁶⁹ In addition, an inter-allied group, the Vaucher Commission, functioned in a similar capacity in Europe, as did the MacMillan Committee in Britain.⁷⁰ Recommendations by the Roberts Commission ultimately led to the creation of the MFA&A division of SHAEF.⁷¹ During wartime, MFA&A officers were primarily occupied with the protection of cultural treasures while after the war their main priority became recovery and restitution, culminating in the establishment of collecting points such as the Offenbach Archival Depot (OAD), the only central repository of Jewish cultural property in the U.S. zone. No equivalent collection took place in the British or French zones.⁷² U.S. Military Government Law No. 52, issued in April 1945, established that property controlled by the German Reich would be "subject to seizure of possession or title, direction, management and supervision by the American Military

⁶⁹ Kathy Peiss, 372. The organization was also known as the Roberts Commission, named after its chair. It cooperated with two earlier groups—the American Defense-Harvard Group (est. 1940) and the American Council of Learned Societies (est. January 1943).

⁷⁰ Special Background Guidance for Handling all Information concerning the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, 24 March 1945, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 24/File "Roberts Commission"/loc. 250/52/9/04, NACP, MD.

⁷¹ Earl F. Ziemke, *The U.S. Army in the Occupation of Germany, 1944-1946* (Washington, D.C.: Center of Military History United States Army, 1975), 55. It first became part of the civil affairs division of AMGOT (Allied Military Government [used only in Italy]), then COSSAC (Chief of Staff to the Supreme Allied Commander [designate]) and then to SHAEF. Once the war ended, SHAEF disbanded and control of the American occupation zone passed to USFET (U.S. Forces, European Theater). On 15 March 1947, USFET became the European Command (EUCOM) under General Clay who served as commander in chief and military governor until 1949.

⁷² Kathy Peiss, 372.

Government.”⁷³ At the center of the MFA&A’s work was the quadripartite Allied Control Authority policy; it stipulated that looted identifiable cultural property was to be claimed by the governments of territories where it had been located and not directly by the former owners individually. Thus, looted property would be restituted only to governments and not to individuals or organizations. This policy was implemented in Europe as well as in the Far East.⁷⁴ Under this procedure, readily identifiable Jewish property had been returned to France, the Netherlands, and Belgium by June 1946. Restitution of similar materials was pending for the Soviet Union, Czechoslovakia, Yugoslavia, Great Britain, Greece, Poland, and potentially Hungary and Italy.⁷⁵ A legal distinction was made between international restitution as outlined above and internal restitution that occurred when spoliated property did not cross national borders.⁷⁶ While the extraordinary work of these MFA&A officers has never been discredited,⁷⁷ the limited number

⁷³ As reprinted in Dr. Pekelis, “Clarifications and Changes Deemed Desirable in the Law Governing the Restitution of and Compensation for Jewish Cultural and Religious Property Looted by the Nazis,” 25 March 1946, 361/C232/7, AJA, Cincinnati, OH.

⁷⁴ Principles of Restitution in kind, and Reparations of Antiquities, Works of Art, Books, Archives, and other Cultural Property in the Far East, March 1944, RG 59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File “Council of Foreign Ministers”/loc. 250/52/9/04, NACP, MD. See also, American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, “Principles for the Restitution of Works of Art, Books, Archives, and Other Cultural Property,” 11 October 1944, RG 59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 24/File “Roberts Commission”/loc. 250/52/9/04, NACP, MD.

⁷⁵ OMGUS signed Clay to AGWAR, 14 June 1946, RG260/Records of the Office of the Adjutant General/Decimal File 1945-1949/Box 9/File 007n.2/loc. 390/40/19/04, NACP, MD.

⁷⁶ Nehemiah Robinson, “Reparations and Restitution in International Law as Affecting Jews,” *Jewish Yearbook of International Law* 1 (1948): 194.

⁷⁷ First hand accounts by the architects and officers of the MFA&A exist as well as scholarly evaluations of their activities. For the former, see Edgar Breitenbach, “Historical Survey of the Activities of the Intelligence Department, MFA&A Section, OMGB, 1946-1949,” *College Art Journal* 2 (Winter 1949-50): 192-198; Mason Hammond, “‘Remembrance of Things Past’: The Protection and Preservation of Monuments, Works of Art, Libraries and Archives during and after World War II,” *Proceedings of the Massachusetts Historical Society* 92 (1980): 84-99; *Report of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas* (Washington, D.C., 1946); and pertinent articles in Simpson, *The Spoils*

of personnel, the general chaos of the immediate postwar period, as well as the immense scope of the problem hampered their work. By March 1946, over nine hundred repositories of looted art, gold, currency, books, archives, and more had been discovered across the American zone (which included the Länder of Greater Hesse, Bavaria, Baden-Württemberg, and Bremen) with more being found daily.⁷⁸ Some 1 600 000 cultural items were ultimately returned to owner nations and nearly 2 000 000 more objects remained mired in legal complications that needed to be worked out by OMGUS. All of this occurred with twelve MFA&A officers in the American zone in 1946 and only five left by January 1949.⁷⁹ Another obstacle was that property recovery and restitution was deemed a lower priority than winning the war and restoring a semblance of postwar order.⁸⁰ That being said, the ultimate recovery and restitution of Jewish property—both private and public—could not have occurred on as broad a scale as it did were it not for the conscientious work of these military personnel.

Policies regarding restitution and reparations of victims' assets evolved simultaneously with the recovery and protection of confiscated material. The Allied victors knew that history could not repeat itself, especially in forcing Germany to pay reparations that it simply could not afford, as was the case with the Treaty of Versailles following World War I. At the December 1945 Paris

of War. For the latter, see Kurtz, *America and the Return of Nazi Contraband*; Nicholas, *The Rape of Europa*; Peiss, "Cultural Policy in a Time of War"; Leslie Irwin Poste, "The Development of U.S. Protection of Libraries and Archives in Europe During World War II," doctoral dissertation (University of Chicago, 1958); James J. Rorimer, *Survival: The Salvage and Protection of Art in War* (New York: Abelard Press, 1950); Craig Hugh Smyth, *Repatriation of Art from the Collecting Point in Munich after World War II* (Maarsse & the Hague: Gary Schwartz & SDU, 1988).

⁷⁸ *Plunder and Restitution*, SR-102.

⁷⁹ Kurtz, *America and the Return of Nazi Contraband*, 144.

⁸⁰ *Plunder and Restitution*, SR-86.

Conference on Reparations, the United States government agreed with the United Kingdom and France that they should confiscate German assets in neutral countries and non-monetary gold found by the Allied armies in Germany as reparation for “non-repatriable victims of Nazism” as outlined in part I, article 8 of the Paris Reparation Agreement. Understanding that Jews had been singled out by the Nazis for extermination and had experienced undeniable suffering and loss at their hands, it was further decided that 90% of the \$25 million⁸¹ allocated to victims of Nazi persecution would be used for the resettlement and rehabilitation of Jews. The Jewish Agency and the JDC, in coordination with the Intergovernmental Committee on Refugees (IGCR) served as “operation agencies” in administering the funds.⁸² As Ronald Zweig points out, “it also created a precedent that gave the Jewish voluntary agencies a *locus standi* in international law to represent the interests of the survivors in pressing claims directly against Germany.”⁸³ This essentially laid the groundwork for negotiations between Jewish organizations and the American government over heirless and communal properties. Although these were only a small part of the larger settlement of material claims of the Jewish world against West Germany, the issue over property restitution remains contentious some sixty years later.

⁸¹ According to a conservative estimate provided by Nehemiah Robinson, Jews were robbed—through various means—of \$8 billion dollars of their wealth by 1938. For an interview with Nehemiah Robinson, see Alfred Werner, “For the Jews in Europe,” *Congress Weekly* 14, no. 14 (18 April 1947): 12-13.

⁸² Seymour J. Rubin and Abba P. Schwartz, “Refugees and Reparations,” *Law and Contemporary Problems* 16, no. 3 (Summer 1951): 379.

⁸³ Zweig, “Restitution of Property and Refugee Rehabilitation,” 58.

IV—Jewish Cultural Reconstruction, the Jewish Restitution Commission, and the U.S. Government: Early Negotiations

The internecine strife amongst Jewish groups with regard to which would serve as the best trustee of Jewish cultural materials has already been discussed. What remains to be examined are the negotiations of Baron's group with the American government and the Jewish Restitution Commission (JRC)—what would later become the Jewish Restitution Successor Organization (JRSO)—in order to establish the means by which Baron's Commission established Jewish Cultural Reconstruction, Inc. (JCR) and functioned in this tripartite relationship over the course of its work in Germany and the United States.

From early on, the efficient work of the Commission's legal team, headed by Jerome Michael, helped to pressure its parent organizations as well as the American government to come to a speedy resolution of the larger successor question. It saw its work in the salvaging of cultural property as a long-range undertaking that would develop in stages. The first stage included preliminary efforts at safekeeping that required immediate action so as to avoid the imminent dangers arising out of the precarious situation in Germany. Later, more practical and legal issues surrounding how to secure the long-term authority of the Commission as representative for Jewish cultural and religious interests would need to be explored.⁸⁴ Every point in their scheme was grounded in sound study of the international legal state of affairs at the time. They tried not to take anything for granted.

⁸⁴ Ernest Munz to Nehemiah Robinson, 20 March 1946, 361/C232/7, AJA, Cincinnati, OH.

Evidence found in a 2 May 1946 War Department memo to OMGUS and in the 12 May 1946 minutes of Baron's Commission shows that by that month, both the War and State departments were aware of Baron's Commission's initial proposals for dealing with the ultimate disposition of material. Baron's group was also in contact with the Library of Congress Mission headed by Luther Evans and had updated Philip S. Bernstein, Jewish Advisor to General Clay, of its plans. It had likewise secured the support of Colonel Seymour J. Pomrenze of the Offenbach Archival Depot and Theodor Gaster, chief of the Hebraica section of the Library of Congress, who declared, "...the only real competent Jewish agency in this business is the non-political, representative, and scholarly Commission."⁸⁵ Seeking the support of these individuals had not been part of the Commission's earliest expressed strategy, but at no point did it refuse this assistance.

The time was not yet right, though, for the restitution of unidentifiable Jewish cultural property to take place. In April 1946 OMGUS had asked the Länderrat (Council of Länd Ministers-President in the American Zone) to provide a plan for internal restitution to be submitted no later than 15 May so that operations could begin as early as 1 July 1946.⁸⁶ This was in line with its efforts to hand over greater responsibility to German agencies. The Länderrat did not submit any plan by the proposed deadline. Future negotiations were plagued with difficulties. Firstly, qualified German officials who had no previous Nazi

⁸⁵ Theodor Gaster to Luther Evans, 15 May 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

⁸⁶ Luther Evans to Paul Vanderbilt of the MFA&A, 3 June 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

affiliation were difficult to find.⁸⁷ One American officer involved with denazification put it quite bluntly: ““We are building democracy with Nazi bricks...The facts are that more than fifty percent of the top bracket of German civil service officials in Hesse are former Nazis; eighty percent of the Nazis ousted by the Americans from government positions have been reinstated.””⁸⁸ In certain instances, military government needed to retain ultimate control over dispersion for these very reasons. This, coupled with the fact that numerous branches of the military government were involved with restitution, made for a more complicated and lengthy course of action. As the historian Michael Kurtz points out, the fact that cultural restitution took until 1949 to complete “...is testimony to the complex logistical and policy problems that hindered the whole process.”⁸⁹ When it came time to deal specifically with Jewish restitution, the German Länder of the American zone were reluctant to participate since they felt it provided too much legitimacy and power to American legislation.⁹⁰ They wanted complete control if they were expected to administer the restitution program. The proposals they eventually submitted to OMGUS were found to be too limited, restricting restitution to the publicly held assets that the Nazi state had confiscated.⁹¹ The idea that restitution laws needed to account for assets held by private citizens that had been transferred from Jewish to non-Jewish hands after the Nuremberg Laws of 1935 was strongly encouraged by American military

⁸⁷ General Lucius D. Clay, *Decision in Germany* (Garden City, NY: Doubleday, 1950), 310.

⁸⁸ Sanua, 37.

⁸⁹ Kurtz, *America and the Return of Nazi Contraband*, 128.

⁹⁰ Goschler, “German Compensation to Jewish Nazi Victims,” 381.

⁹¹ *Plunder and Restitution*, SR-151. See also Goschler, *Wiedergutmachung*, 103ff.

officials and Jewish organizational leaders and equally rejected by German representatives.⁹² American military officials knew that they had to proceed with caution: “[They] wanted to avoid the charge that the United States was either ‘forcing’ the Germans to provide restitution or that it was ‘indifferent’ to such a gesture. Either impression would only have increased the unpopularity of *Wiedergutmachung* among the Germans, as well as having a negative effect on public opinion in other countries.”⁹³ Delays ensued over these and other details. Moreover, the American military government wanted quadripartite approval for these policies. For the time being, the implementation of such a program was at a standstill.

The real turning point in American and Jewish negotiations came in the fall of 1946 when General Lucius Clay approved, in general terms, of the idea of a successor organization and what it represented, namely an authorized agency that precluded German holders benefiting from heirless Jewish property. The promise he made in meetings with Jewish organizations at that time became the foundation upon which all future negotiations took place. Jewish contemporaries of Clay as well as scholars who have explored these events have highlighted his unflagging support as crucial to the success of these postwar efforts for compensation.⁹⁴ Abraham S. Hyman, a former Jewish Affairs Advisor himself, spoke in praise of his former colleague who, he said, “...remained consistently

⁹² Ibid. See Goschler, *Wiedergutmachung*, 108.

⁹³ Thomas Alan Schwartz, *America's Germany: John J. McCloy and the Federal Republic of Germany* (Cambridge & London: Cambridge University Press, 1991), 176.

⁹⁴ Nana Sagi claims that Clay had a positive attitude and sincere interest in Jewish restitution issues and went above and beyond the call of duty to initiate proposals. See Sagi, 39.

just where Jewish interests were concerned.”⁹⁵ Saul Kagan, executive secretary of the JRSO, indicated that Clay was a man who had a “particular awareness of the issues” and “fought for a principle.”⁹⁶ Baron, too, acknowledged that the Jewish issue was of significant import to Clay.⁹⁷

However, what previous scholarship has not often highlighted is that even before Clay agreed to the establishment of a successor organization, the State and War departments and individual government officials who had been in dialogue with Jewish groups expressed sympathy for their cause. Their support should not be downplayed since, as Arthur Smith Jr. has pointed out, “whatever policy emerged had to be carried out by the State Department, and this meant a sympathetic Department could be very helpful, while an unsympathetic attitude meant confronting a vast maze of bureaucratic machinery that could render the most forceful of policies a death blow.”⁹⁸ By the summer of 1946, Luther Evans of the Library of Congress had notified Paul Vanderbilt of the MFA&A of the “appropriate representations” of Baron’s Commission, namely, that the restitution of Jewish cultural materials should not be handled under a Länder program or Länder auspices; that legal concepts of inheritance were not applicable in such a case since the newcomers of a given community were not the heirs of the former community; and, that a trustee—be it a Jewish one or a governmental agency—

⁹⁵ Abraham S. Hyman, “The Clay I Knew,” *The Jerusalem Post* (13 June 1978): 5. Constantin Goschler argues that whatever the committee of Jewish organizations was able to achieve was because of Clay’s initial promise. “German Compensation to Jewish Nazi Victims,” 381.

⁹⁶ Saul Kagan, “A Participant’s Response,” in *Holocaust and Shilumim: The Policy of Wiedergutmachung in the Early 1950s*, ed. Axel Frohn (Washington, D.C.: German Historical Institute, 1991), 53.

⁹⁷ Salo Baron interview with Grace Cohen Grossman in Canaan, CT. (3 July 1988): Tape 2.

⁹⁸ Smith Jr., 247.

should be assigned to dispose of this property in the interest of world Jewry.⁹⁹ In a 19 June 1946 meeting between the Library of Congress and high-ranking members of the State Department, it was declared that the State Department would "...support the distinction between 'legal' and 'beneficial' ownership and would favor turning over the books to an internationally recognized Jewish group...having corporate status, financial abilities, and international recognition."¹⁰⁰ Baron's Commission knew almost immediately of this meeting and, in a meeting of their own—attended by Colonel Seymour Pomrenze—authorized Pomrenze to confer with the State Department and its representatives in order to assure them that there would be unity among Jewish organizations in this matter and that they would assume responsibility for the necessary funds and storage space.¹⁰¹ The State Department stated unequivocally, however, that the Commission would not have unlimited control over this matter: "If the interests of world Jewry are a paramount consideration, they should have adequate representation, with the power but not the exclusive power, which they request to decide and act."¹⁰² Thus, it appears that the State Department agreed to a general principle of Jewish representation, but did not want to relinquish American governmental rights over this issue. In other words, no single organization would be given the task, but the State Department would turn the trusteeship over to a

⁹⁹ Luther Evans to Paul Vanderbilt, 3 June 1946, LC-European Mission/34/Jewish books, LC, Washington, D.C.

¹⁰⁰ Memorandum from Acting Director, Acquisitions Department, to the Librarian with reference to disposition of European Jewish cultural materials, 20 June 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

¹⁰¹ Minutes of Meeting Held at the Office of the Commission, 26 June 1946, M580/209/12, SSC, Palo Alto, CA.

¹⁰² John H. Allen, July 1946, LC-European Mission/34/Jewish Books, LC, Washington, D.C.

group of suitable individuals made up of Jewish representatives, State Department officials, and German delegates.¹⁰³

When the idea was brought to OMGUS, however, it was met with reluctance. OMGUS still considered the best route to be quadripartite approval: “our quadripartite agreements forbid us to reconstitute to private owners as suggested by Jewish Organizations nor can we turn over ownerless property to organizations without agreement to that effect. We deal only with governments as stated...we are not free to effect unilateral changes.”¹⁰⁴ Other points of resistance were voiced at this time. Lester K. Born, for instance, deputy adviser to the MFA&A at SHAEF, raised some questions involving the exceptional nature of the Jewish issue:

Can arguments against “legal” ownership be sustained? 2. Are Jewish collections of interest solely to Jews, as claimed? I think not; part of heritage of country of which Jews were a part. 3. If Jews refuse to recognize themselves as “Germans”, “Poles”, “Americans”, they are weakening their case. Why should they alone be citizens of no country?¹⁰⁵

This quotation provides a splendid opportunity to reiterate that this resistance was precisely to the novel and unique nature of the Jewish claims. They each had their own reservations—perhaps even hostile ones—about the successor idea that were only relieved when the committee of Jewish organizations submitted changes to their proposal that were more in line with American postwar policy in Germany.

¹⁰³ Simon Federbusch to the Office Committee, 17 July 1946, 361/E9/13, AJA, Cincinnati, OH.

¹⁰⁴ OMGUS signed Clay to AGWAR, 24 July 1946, RG260/Records of the Office of the Adjutant General/Decimal File 1945-1949/Box 9/File 007n.2/loc. 390/40/19/04, NACP, MD.

¹⁰⁵ Lester K. Born, August 1946, RG260/M1949/Roll #3, NACP, MD.

At this point, the onus was on Baron's Commission to alter its proposal to make it more amenable to American officials. Certain issues enumerated in their previous proposals, such as the demand for reparation-in-kind, were removed and their overall scheme was simplified. As a result, they thought that official acceptance and recognition of their proposals would be accelerated.¹⁰⁶ Thus, by 26 August 1946, Baron's group submitted a new modified proposal to General John H. Hilldring, Assistant Secretary of State, stating that a membership corporation was being established that would invite representatives from international Jewish organizations to serve as founding members. This would demonstrate that from its inception it was broadly representative of Jewish refugees from Central Europe, the American Jewish community, and the entire Jewish people.¹⁰⁷ Even though its specific plan appeared to have been simplified, Baron's Commission asked for more than it had previously. The most important change to Baron's memorandum was the transfer of all Jewish cultural and religious objects owned or possessed by German and Austrian state, municipal, or other public libraries, archives, museums and similar institutions to the Jewish trustee. This would be done unless the objects were to be disposed of according to international agreements.¹⁰⁸ In Jerome Michael's words, this would "give the Corporation more than was ever expected."¹⁰⁹ It should be noted that this was

¹⁰⁶ Notes on Dr. Pekelis' Letter of August 7, 1946, M580/39/3, SSC, Palo Alto, CA.

¹⁰⁷ Jerome Michael to General John H. Hilldring, 26 August 1946, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File "Germany—Jewish Property"/loc. 250/52/9/04, NACP, MD.

¹⁰⁸ Ibid. This addition is noted in paragraph 2, sub-paragraph d.

¹⁰⁹ Jerome Michael to Meir Grossman, 27 August 1946, C7/1284/2, CZA, Jerusalem.

done in consultation with Barnett and Hemmendinger¹¹⁰ of the State Department, but still needed General Hilldring's approval.

Following submission of this proposal, Jerome Michael met with the Secretary of War, Judge Robert Patterson. He sent him a personalized letter some days later stressing the importance of gaining his approval. Most important was that General Clay be informed quickly of the endorsement: "I, therefore, very much hope that if our proposals commend themselves to your good judgment and sense of justice, you will advise General Clay that you approve them."¹¹¹

Meanwhile, representatives of the World Jewish Congress were still conducting their own negotiations with the State Department. The duplicate nature of their objectives was not lost on government officials. The World Jewish Congress was duly warned by Hemmendinger of the State Department what harm such overlapping could have on its agenda: "Therefore, with this lack of coordination we run the risk of alienating the working level of the State Department, as well as the Secretary of War—which is a dangerous policy."¹¹² Not only that, but the entire success of their plan would be jeopardized.

The letter sent to Jerome Michael by General Hilldring of the State Department a month later allayed their fears. He affirmed that the government

¹¹⁰ The archival material does not provide conclusive evidence as to why Barnett and Hemmendinger supported the Commission's plans. The informal style of some of Hemmendinger's letters to Jerome Michael, in which he refers to him as "Jerry" and inquires after his wife, suggests that they knew each other before this period, likely as lawyers moving in the same social and professional circles. Michael was already a law professor at Columbia University in the 1930s when Noel Hemmendinger served as book review editor of the *Harvard Law Review*. See, for example, Noel Hemmendinger to Jerome Michael, 11 August 1948, M580/43/5, SSC, Palo Alto, CA; Noel Hemmendinger to Jerome Michael, 18 November 1948, M580/43/5, SSC, Palo Alto, CA.

¹¹¹ The meeting between Michael and Patterson was held on August 8th. Jerome Michael to Judge Patterson, 26 August 1946, M580/39/2, SSC, Palo Alto, CA.

¹¹² C. Irving Dwork to Simon Federbusch, 5 September 1946, 361/C232/7, AJA, Cincinnati, OH.

was “sympathetic” to the objectives found in the proposal and found them to be “generally acceptable.”¹¹³ Since the implementation of such actions necessarily involved OMGUS, however, the entire proposal had been forwarded to the Theater Commanders for their comments and final approval.¹¹⁴ That day, Hilldring sent out identical letters to Henry Monsky of the American Jewish Conference and Federbusch and Arie Tartakower of the World Jewish Congress.¹¹⁵ A more personal letter was sent the following day to Judah Magnes that essentially reiterated the same position.¹¹⁶

The most controversial topic throughout these negotiations continued to be seizing material from German public institutions for the use of world Jewry as a sort of reparation. As has already been discussed, certain government officials, like Hemmendinger of the State Department, supported this arrangement in talks with Jewish representatives. Archival sources also show that he maintained his commitment to this position in a closed meeting with Ralph H. Stimson, member of the State Department’s Bureau of Intelligence and Research, and Ardelia Hall, MFA&A advisor to the State Department. When Stimson charged that Jewish organizations, wanting enemy-owned cultural objects as reparation, “...gives the impression of an act of revenge on the part of the Jews using the American Army and American officials as a reverse version of the Einsatzstab Rosenberg [the Nazi agency charged with plundering Jewish religious and cultural

¹¹³ J.H. Hilldring to Jerome Michael, 18 September 1946, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File “Germany—Jewish Property”/loc. 250/52/9/04, NACP, MD.

¹¹⁴ Ibid.

¹¹⁵ J.H. Hilldring to Henry Monsky, 18 September 1946, C7/1284/2, CZA, Jerusalem; J.H. Hilldring to Simon Federbusch & Arie Tartakower, 18 September 1946, 361/E9/9, AJA, Cincinnati, OH.

¹¹⁶ J.H. Hilldring to Judah Magnes, 19 September 1946, M580/34/1, SSC, Palo Alto, CA.

institutions],”¹¹⁷ Hemmendinger responded that the stipulations as set out by Baron’s group were very general in nature, and thus should not be discounted. He came to the defense of the Commission noting that abuse of this sort would be offensive to them and had never been suggested.¹¹⁸ Furthermore, when Stimson argued that having the claimants—in this case Jews—judge their own claims was contrary to elementary principles of justice, Hemmendinger assured him that the proposed Jewish trustee would be of an international character and that its overall standing would approach that of an international governmental agency.¹¹⁹ However, the situation changed. In a later, closed State Department meeting, Hemmendinger assured Stimson that, in fact, Baron’s group had dropped that demand.¹²⁰

Like Hemmendinger, Max Lowenthal,¹²¹ legal advisor to General Clay, was also an enthusiastic supporter of the Commission’s plans. He often represented Clay in meetings with Baron’s group and others and could endorse, on Clay’s behalf, favoured proposals.¹²² When Baron’s Commission submitted

¹¹⁷ Memorandum of Conversation and Supplementary Observations by Ralph H. Stimson, 24 September 1946, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File “Germany-Jewish Property”/loc. 250/52/9/04, NACP, MD.

¹¹⁸ Office Memorandum from Hemmendinger to Stimson, 7 October 1946, RG59, United States Holocaust Memorial Museum Files (USHMM), Washington, D.C.

¹¹⁹ Ibid.

¹²⁰ Department of State, Memorandum of Conversation, 14 November 1946, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File “Germany-Jewish Property”/loc. 250/52/9/04, NACP, MD.

¹²¹ Max Lowenthal (1888-1971): attorney and public servant who established a close working and personal relationship with Felix Frankfurter, Harry Truman, and Judge Julian Mack, one of whose nieces Lowenthal married. Beginning in 1935, Lowenthal served with Truman on the Interstate Commerce Commission (ICC) and advised him throughout his presidency. He was influential in having Truman support the U.N. mandated recognition of Israel in May 1948. In 1946, Lowenthal was asked to assist General Clay in drafting restitution legislation and toured Germany in order to draft his report. Lowenthal’s papers are held at the University of Minnesota Archives.

¹²² Oscar Karbach, Notes on the Meeting of Friday, 13 December 1946, at 4:30pm, 16 December 1946, 361/C232/7, AJA, Cincinnati, OH.

their 26 August memorandum that explicitly invited German Jewish organizations to join, it was Lowenthal who advised Clay that his concerns over the international character of the Commission had been dealt with and that they should move forward with negotiations.¹²³ Others showed sensitivity as well. At a meeting between Baron's Commission, the World Jewish Congress, Max Lowenthal, and several members of the State Department, one State Department official strongly advised that the provision of Jewish restitution not be turned over to the German courts since, "it would hurt Jewish feelings to turn over the question of Jewish cultural property looted by the Germans to German authorities."¹²⁴ Clearly, these discussions went beyond issues of legality and touched upon sincere ethical questions that demanded sensitivity.

The Office of the Military Government, United States (OMGUS), however, continued to take issue with the demand that objects held by German institutions be turned over to the trustee. It claimed that such a proposal would violate the Hague Convention of 1907¹²⁵ and serve as a precedent that might be used by others for the cultural rape of Germany.¹²⁶ By early November, the Commission once more submitted revisions to the original plan to General Hilldring in an effort to meet the objections of OMGUS. Instead of cowering to its demands, though, the Commission stood firm that its request was entirely

¹²³ Max Lowenthal to General Clay, 8 October 1946, C7/1284/2, CZA, Jerusalem.

¹²⁴ Dr. Federbusch's report on his conference at the State Department, 5 November 1946, on recovery of Jewish cultural property in Europe, 8 November 1946, 361/E9/13, AJA, Cincinnati, OH.

¹²⁵ Article 56 of the 1907 Hague Convention states that the property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. See Simpson, ed., *The Spoils of War*, 279.

¹²⁶ The Commission on European Jewish Cultural Reconstruction to General John H. Hilldring, 8 November 1946, M580/43/5, SSC, Palo Alto, CA.

justified. It offered the Jewish Division of the Municipal Library of Frankfurt as an example. The collection, largely a gift from Jews, would otherwise remain in Germany where few people would have the desire or the capacity to make use of it for scholarly or other purposes.¹²⁷ The Commission did modify its plan so that comparable objects of like value found in German public institutions would replace only particularly valuable or rare Jewish religious and cultural objects lost, destroyed, or irreparably damaged after their confiscation. In other words, it had the appearance of far more limited reparation-in-kind, but it was actually a demand for potentially more property.

Surprisingly, the Commission's demands did not end there. It pressured OMGUS to quicken the pace of restitution. In order to provide a model that would most certainly be adopted by the other allied governments, including perhaps Russia, it requested unilateral action to be taken rather than seeking a quadripartite agreement with the other zones. In the same vein, the Jewish representatives stressed the separation of the restitution of Jewish cultural property from the restoration of property in general. In their view, the promulgation of general property restitution would take much longer and would unacceptably be under the jurisdiction of German authorities.¹²⁸ Furthermore, with regard to allowing adequate time for the filing and adjudication of claims by individual claimants, the Commission's declarations were indicative of its future distribution policies. While confiscated objects would be returned to individual

¹²⁷ Ibid.

¹²⁸ Report from Dr. Simon Federbusch to members of the Office Committee on his conference at the State Department, Washington, on 5 November 1946, on recovery of Jewish cultural property in Europe, 8 November 1946, 361/E9/13, AJA, Cincinnati, OH.

claimants or their successors unconditionally, the same did not hold true for those belonging to former Jewish communities or Jewish philanthropic, educational, or other institutions. Restoration would only occur "...in proportion to their prospective religious and cultural needs and their capacity to retain, care for and use such objects for their appropriate religious and cultural purposes."¹²⁹ This course of action would later cause friction between the trustee and the Jewish communities that reconstituted themselves in Germany after the war, but at this point such a concern did not come into play.

With respect to confiscated objects not then in the possession of OMGUS, the Commission recommended that the proposed restitution law¹³⁰ distinguish between confiscated religious and cultural objects and other goods having only economic value. Additionally, it was argued, OMGUS should recognize the trustee rather than the German state as the successor to all unclaimed or ownerless cultural property and should appoint a special tribunal—not a German one—to review all claims to cultural property.¹³¹ Again, the Commission wanted assurance that neither the German Länder nor any other German representative, for that matter, would have power or jurisdiction in these matters. The end of the eight-page revision reiterated the truly representative nature of the planned

¹²⁹ The Commission on European Jewish Cultural Reconstruction to General John H. Hilldring, November 1946, M580/43/5, SSC, Palo Alto, CA.

¹³⁰ This refers to the Restitution of Identifiable Property, Military Government Law No. 59 that was enacted on 10 November 1947. In short, no quadripartite agreement could be reached as to a unifying restitution policy and thus, each zonal power acted unilaterally. In the U.S. Zone, Law No. 59 essentially reversed forced transfers and restituted identifiable property to persons wrongfully deprived of such property from 30 January 1933 to 8 May 1945 based upon race, religion, nationality, ideology or political opposition to National Socialism. For a complete description of the law, see *Germany, 1947-1949, the Story in Documents* (Washington, D.C.: U.S. Government Printing Office, 1950), 432-439.

¹³¹ *Ibid.*

trusteeship and in an unusual approach highlighted two of its member partners—the Hebrew University and the World Jewish Congress—as the foremost institutions of world Jewry.¹³²

All of the concerns and issues that had earlier been raised in numerous meetings between Baron's group and American government officials were discussed again in a meeting with General Clay in early December 1946. Although Clay generally agreed with the idea of a Jewish trusteeship for cultural property, he also gave several new directives. He did not agree that cultural property formerly owned by German Jewish communities in Germany should only be returned in proportion to their actual needs. They were the rightful heirs and thus the property should be returned to them *in toto*.¹³³ If the trustee wanted any of this property, Clay suggested that negotiations with the respective communities be engaged. Likewise, he argued, some Hebraica and Judaica might be secured through negotiations with German institutions rather than through unilaterally seizing it.¹³⁴ Overall, though, the meeting was positive for the Commission. Clay assured those present that once the trusteeship was formally established it would deal with him directly and he would "facilitate" its work in every way.¹³⁵ Part of that facilitation would be allowing, as soon as possible, for a small mission from the Commission to be sent to Germany to examine the heirless property at Offenbach, consult with OMGUS, and negotiate with German authorities. Clay predicted that any further delay in turning this property over to a

¹³² Ibid.

¹³³ Dr. Blattberg's report on the conference with General Clay on 1 December 1946 at the Waldorf Astoria (lasted two hours), 3 December 1946, 361/C232/7, AJA, Cincinnati, OH.

¹³⁴ Ibid.

¹³⁵ Ibid.

Jewish trustee would not be caused by the military, but by the representative Jewish organizations.¹³⁶ On one level, Clay was, indeed, correct. Following their meeting, immediate delays were the result of internal disputes among the five major world Jewish organizations—the World Jewish Congress, the JDC, the American Jewish Committee, the American Jewish Conference, and the Jewish Agency—over the exact organization of a larger trustee that would assume control over all heirless and unclaimed property. What Clay did not foresee were persistent delays caused by the changing attitude of policymakers in the State and War departments as well.

V—The Emergence of Jewish Cultural Reconstruction, Inc. (JCR)

Following this meeting with Clay, it still took several more months before the cultural trusteeship was finally established. Among the primary reasons for the delay was the establishment, by the Joint Distribution Committee in cooperation with the Jewish Agency for Palestine, of a general Jewish trusteeship corporation—then called the Jewish Restitution Commission—that would handle matters of Jewish private and communal property.¹³⁷ Baron's Commission was asked to delay any action until the general trusteeship's proposals became definitive and subsequently join hands with them in the formation of a single corporation.¹³⁸ It was not immediately evident that such cooperation would be in

¹³⁶ Philip S. Bernstein to Salo Baron, 9 April 1947, M580/27/3, SSC, Palo Alto, CA. See also Philip S. Bernstein to Salo Baron, 17 July 1947, 45/54/1745, JDC Archives, New York.

¹³⁷ One of the delays stemmed from fears raised by the World Jewish Congress that the founding agents of the Restitution Commission would overpower it. Memorandum from Herbert Strauss to Dr. Baron and Prof. Michael, 19 February 1947, M580/39/3, SSC, Palo Alto, CA.

¹³⁸ Salo Baron to Judah Magnes, 26 December 1946, Arc. 4° 793/212II/1946, JNUL, Jerusalem.

the best interests of the soon to be formed cultural trust. Baron underscored the advantages in a 26 December 1946 letter to Magnes in which he highlighted the efficiency that a single corporation would bring, the benefit of not having to raise special funds for cultural treasures, and the avoidance of controversies over what constitutes “Jewish cultural” property, etc.¹³⁹ In his response, Magnes seemed to agree with Baron, but also suggested that they should not wait for the larger corporation to take shape.¹⁴⁰ This was also the opinion of the World Jewish Congress. Federbusch feared that any delay could bring harm to the books in Germany and give other groups, such as UNESCO, the opportunity to lay claim to the cultural property.¹⁴¹ Ultimately, all agreed that the new organization would function best as the cultural agent of the larger general trusteeship. Still, it should be noted, negotiations between the State Department and the two corporations took place independent of each other and each was established at a different time.¹⁴²

¹³⁹ Ibid.

¹⁴⁰ Judah Magnes to Salo Baron, 22 January 1947, P3/2058, CAHJP, Jerusalem.

¹⁴¹ Conference on Recovery of Jewish Cultural Property Held on 30 January 1947, 31 January 1947, 361/E9/9, AJA, Cincinnati, OH.

¹⁴² The Jewish Restitution Successor Organization was incorporated in the State of New York on 12 May 1947. There was a delay in it being designated as the successor organization under the terms of the restitution law promulgated by General Clay. Appointed on 23 June 1948 to recover unclaimed portions of Jewish property, it began its formal operations in Nuremberg in August 1948. The founding member organizations of the JRSO included the newly established Jewish Cultural Reconstruction, Inc., Agudath Israel World Organization, American Jewish Committee, the Joint Distribution Committee, Anglo-Jewish Association, Arbeitsgemeinschaft der Süddeutschen Landesverbände Jüdischer Gemeinden, Board of Deputies of British Jews, The Central British Fund for Jewish Relief and Rehabilitation, Conseil Représentatif des Juifs de France, The Council of Jews from Germany, the Jewish Agency for Israel, and the World Jewish Congress. Saul Kagan & Ernest H. Weismann, *Report on the Operations of the Jewish Restitution Successor Organization, 1947-1952* (New York, n.d.).

A certificate of incorporation was filed on 30 April 1947¹⁴³ pursuant to the Membership Corporation Law of the State of New York for Jewish Cultural Reconstruction, Inc. In the document, five principles were laid out as to the new organization's function:

1. To locate, identify, salvage, acquire by gift or purchase or any other lawful means, hold, preserve, repair, protect, catalogue and determine the disposition of, Jewish books and manuscripts and, generally, Jewish religious and cultural objects and property of every sort whatsoever anywhere in the world.
2. As successor organization, to institute and prosecute claims for the recovery of, or compensation for, Jewish religious and cultural objects and property of every sort.
3. To distribute the property in such a way as to best serve and promote the spiritual and cultural needs and interests of the Jewish people in particular and of mankind in general, and especially the spiritual and cultural needs of the victims of Nazi or Fascist persecution.
4. To abide by the law in accomplishing such functions.
5. The Corporation shall operate in accordance with those policies established by the United States.¹⁴⁴

At its first meeting, the collaborative nature of the organization was highlighted in the spectrum of elected officers: Baron as president with Simon Federbusch, Judah Magnes, Leo Baeck, and Alan M. Stroock¹⁴⁵ as vice-presidents.¹⁴⁶ In addition, the American Jewish Committee, the American Jewish Conference, the

¹⁴³ The original certificate of incorporation dated 27 March 1947 was approved by Honourable Benjamin F. Schreiber, a Justice of the Supreme Court of the State of New York in the first judicial district on 18 April 1947, and filed in the Department of State of the State of New York on 30 April 1947. See Minutes of the Meeting of the Incorporators and of the First Meeting of the Directors, 5 May 1947, M580/231/17, SSC, Palo Alto, CA.

¹⁴⁴ Certificate of Incorporation of Jewish Cultural Reconstruction, Inc., 30 April 1947, RG59/Ardelia Hall Collection/1945-1949 Decimal File/740.00119EW/"JCR Proposals"/loc. 250/36/24/06, NACP, MD.

¹⁴⁵ Alan M. Stroock (1907-1985), lawyer and communal leader who served as chairman of the Board of the Jewish Theological Seminary of America in 1947 and was a member of the American Jewish Committee.

¹⁴⁶ Ahron Opher was named secretary; David Rosenstein was treasurer; Jerome Michael was Chairman of the Board of Directors, Ambrose Doskow was made Counsel. Minutes of the First Meeting, 5 May 1947, M580/231/17, SSC, Palo Alto, CA.

Commission on European Jewish Cultural Reconstruction, the Council for the Protection of the Rights and Interests of Jews from Germany, the Hebrew University, the Synagogue Council of America, and the World Jewish Congress were designated as initial members of the Corporation.¹⁴⁷ Interestingly, the establishment of JCR, Inc. did not mean the dissolution of the Commission on European Jewish Cultural Reconstruction.¹⁴⁸ In fact, it was decided that the Commission would continue in its planning for cultural reconstruction until JCR became more established.¹⁴⁹ Moreover, noteworthy is the absence of Roth's Committee for the Restoration of Continental Jewish Museums, Libraries and Archives from the membership roster. For an unexplained reason its membership was specifically deferred until a later meeting of the Board. Such an omission was not lost on Roth and he expressed his anger quite clearly in a letter to Oskar Rabinowicz: "Where is our Committee among the members of the Corporation? And where in the long list of honorific names are those of the persons who originated the entire movement? As I told you long since, the best thing we can do is to fold up."¹⁵⁰ Along with several other Jewish organizations, Roth's committee was later added to the list of members and cooperation appeared possible.¹⁵¹ Hurt

¹⁴⁷ Ibid. A complete copy of the Corporation's original by-laws is included in the Appendix.

¹⁴⁸ In fact, a meeting of the Commission on European Jewish Cultural Reconstruction was held about a month after the formation of JCR, Inc., 4 June 1947, M580/39/2, SSC, Palo Alto, CA. Baron and Michael were the Commission's representatives for JCR, Inc.

¹⁴⁹ Ibid.

¹⁵⁰ Cecil Roth to Oskar Rabinowicz, 8 February 1948, A87/352, CZA, Jerusalem.

¹⁵¹ Agudath Israel World Organization, American Jewish Joint Distribution Committee, Anglo-Jewish Association, Board of Deputies of British Jews, Committee on Restoration of Continental Jewish Museums, Libraries and Archives, Interessenvertretung der jüdischen Gemeinden und Kultusvereinigungen in der US Zone, and the Jewish Agency for Palestine were included as additional members to the Corporation as part of amendments made to the By-Laws, 17 October 1949, M580/231/17, SSC, Palo Alto, CA. The application of the Wiener Library to join was not approved by the Board of Directors. It apparently did not meet the criteria for

feelings among constituent organizations were the least of JCR's problems. One of the most pressing concerns of the newly formed corporation was financing and this could only be solved through the establishment of a larger parent organization.

VI—U.S. Recognition of the Jewish Restitution Successor Organization (JRSO)

The leading Jewish groups understood that having more than one trustee organization working in Germany would pose innumerable problems with regard to relations with the American military and German authorities. A single Jewish representative group would, most importantly, prevent confusion as to who was dealing with whom. Reaching consensus over the particularities of such an organization, however, was an entirely different matter. The World Jewish Congress voiced concern over extending the field of activities beyond Germany and Austria, that the scope of activities was too broad, and that Baron's group—as a purely scholarly body—not be involved in the work of the Jewish Restitution Commission (JRC), as it was first known, since it did not have the political astuteness to deal with non-cultural matters.¹⁵² Oscar Karbach, one of the World Jewish Congress' representatives at the meeting, insisted that there was an attempt to weaken the position of the World Jewish Congress by flooding the new

membership: the representative character of the applying organization within its own country, the degree of representation already enjoyed by the Jewish community of the country in question, and the usefulness of the applying organization in the location and distribution of books. Minutes of a Special Meeting of the Board of Directors, 4 November 1948, M580/231/17, SSC, Palo Alto, CA. At the same meeting regret was expressed that there was no French representation on the Board. The Alliance Israelite Universelle joined as a member in December 1949. René Cassin to Salo Baron, 9 December 1949, M580/43/6, SSC, Palo Alto, CA.

¹⁵² Oscar Karbach, Notes on the Meeting of Friday, December 13, at 4:30pm, 16 December 1946, 361/C232/7, AJA, Cincinnati, OH.

membership with as many participants as possible.¹⁵³ Immediate funding for the general trusteeship was also a problem. In addition, Baron pressured the five Jewish groups to decide on JCR's relationship to the larger trusteeship—would it act as its cultural agent or work independently? In the event that there would be a single trusteeship, Baron urged that it be constituted as soon as possible since, “every day's delay increases the hazards to which this property is exposed and we do not think that we would be justified in delaying independent action much longer.”¹⁵⁴

The general trusteeship was formally incorporated in the State of New York on 12 May 1947, following the establishment of JCR, Inc. The primary objective of its mandate was “to assist, aid, help, act for and on behalf of, and as successor to, Jewish persons, organizations, cultural and charitable funds and foundations, and communities, which were victims of Nazi or Fascist persecution and discrimination.”¹⁵⁵ It did not heed the World Jewish Congress' advice to limit its geographic field of activities, stating that its operations would be conducted in the U.S., Germany, formerly German-occupied areas of Europe, and other areas throughout the world. This was a preemptive measure in case the Jewish

¹⁵³ Ibid.

¹⁵⁴ Salo Baron to I.L. Kenen of the American Jewish Conference, pre-15 February 1947, M580/39/2, SSC, Palo Alto, CA.

¹⁵⁵ Certificate of Incorporation of the Jewish Restitution Commission, 25 April 1947, #4264, JDC Archives, New York. Cited in Takei, “The Jewish People as the Heir,” 78. The directors of the Jewish Restitution Commission included: Eliezer Kaplan (JA), Emanuel Neumann (JA), Maurice Boukstein (JA), Edward Warburg (JDC), Isaac Levy (JDC), Moses Leavitt (JDC), Jacob Blaustein (AJC), Judge Philip Forman (AJC), Herman Gray (AJC), Louis Lipsky (AJConf.), Bernard Bernstein (AJConf.), Robert Szold (AJConf.), Jacob Rosenheim (Agudath), Isaac Lewin (Agudath), Harry Goodman (Agudath), Salo Baron (JCR), Jerome Michael (JCR), Simon Federbusch (WJC & JCR), Stephen Wise (WJC), A. Leon Kubowitzki (WJC), Selig Brodetsky (Board of Deputies of British Jews), Julius Spanier, Peisach Piekatsch, and Leon Retter (all three from the Central Committee of Liberated Jews in Germany), and Kurt Alexander (Council for the Protection of the Rights and Interests of Jews from Germany). Edward M.M. Warburg to the Secretary of State, 13 November 1947, M580/43/5, SSC, Palo Alto, CA.

Restitution Commission would be designated as a successor to heirless and unclaimed Jewish property in other countries.¹⁵⁶

Hope was expressed in the minutes of JCR's second meeting that the Joint Distribution Committee and the Jewish Agency for Palestine would consider funding its work. In return, JCR, Inc. would be administratively responsible to the larger body that would ultimately prevent duplication and help to ensure coordination of activities, proper supervision of the overseas staff, uniformity of salaries and personnel practices, and facilitation of transportation for the recovered objects.¹⁵⁷ As a preliminary amount, JCR asked that the JDC and the Jewish Agency assume responsibility for the salaries and incidental expenses of three cultural experts that they hoped to send abroad to Germany that summer as well as \$10 000- \$12 000 for the shipping of 60 000 books recovered in Prague to the Hebrew University.¹⁵⁸

By the following month, the newly formed Jewish Restitution Commission issued an agreement with JCR specifying the responsibilities that each would have to the other. Similar to their earlier roles in distributing the funds issued in the Paris Reparation Agreement of 1945, the JDC and the Jewish Agency would serve as the over-arching agents in all matters relating to property having only economic value and JCR's funding would be approved and supplied by them. JCR agreed to submit semi-annual reports as well as a detailed financial report once a year to the Jewish Restitution Commission, the JDC, and the Jewish

¹⁵⁶ Takei, "The Jewish People as the Heir," 78.

¹⁵⁷ Meeting on Cultural Reconstruction Corporation at the JDC Office, 22 May 1947, 45/54/1745, JDC Archives, New York.

¹⁵⁸ Ibid.

Agency. The Jewish Restitution Commission would advise the U.S. Government of JCR's work and issue any new authorizations that it would need to complete its task. Finally, JCR would act as the Jewish Restitution Commission's agent with respect to Jewish cultural property "and, as such, will promptly undertake necessary and appropriate measures and activities in order to discover, claim, acquire, receive, hold, maintain, and dispose of such property."¹⁵⁹ While a financial agreement was quickly reached, JCR, Inc. was just beginning its work and would face numerous other financial and political hurdles during its brief, but significant period of operation.

While internal negotiations among the interested Jewish groups had largely been settled, talks between the American military authorities and the Jewish Restitution Commission continued. Compared to discussions between Baron's group and the American government representatives, these involved much broader legal debates relating to all heirless and unclaimed Jewish interests in the American zone, both cultural and economic. These deliberations revolved primarily around the contents of the draft Restitution Law that could be recognized by the German Länder. In November 1946, the Jewish Restitution Commission issued a detailed, five-page response to the German Länder plan to Secretary of State Byrnes insisting that the Military Government, and not the German authorities, maintain ultimate control over designating successors to heirless Jewish cultural property.¹⁶⁰ An outgoing message from OMGUS to the

¹⁵⁹ The Jewish Restitution Commission to Jewish Cultural Reconstruction, Inc. June 1947, M580/43/5, SSC, Palo Alto, CA.

¹⁶⁰ Five Organizations to Secretary of State, 27 November 1946, M580/48/2, SSC, Palo Alto, CA.

War Department in January 1947 indicates that the military authorities took the memorandum into consideration and while disagreement is evident on numerous issues all suggestions and comments were given serious thought.¹⁶¹

Unfortunately, a resolution of the restitution law was not forthcoming. OMGUS, the other occupying powers, and the Länderrat spent more than a year working to obtain first a quadripartite law applied in all four zones of Germany and then a bipartite law between the United States and Britain, but to no avail. Constantin Goschler outlines three points of contention: the losses of Jewish property considered liable to restitution, including that found in private hands; the demand for a strong Allied presence in the restitution courts; and finally, the issue of heirless Jewish property.¹⁶² German pressure groups made their own demands on the American government and, as Benjamin Ferencz of the JRSO would later recount: “constant vigilance became the Jewish watchword as the attempted assaults were successfully repelled.”¹⁶³ Before these assaults were “successfully repelled,” Jewish organizations realized that they were at a disadvantage and generally in a weak position because they did not have ongoing contact with Clay: “Mr. [Irwin] Mason has access to Gen. Clay but only sporadic, while our foes [German representatives] are in constant every-day contact with him.”¹⁶⁴ When they were able to meet with him, Clay still held concerns over German Jews’ lack

¹⁶¹ OMGUS signed Clay to AGWAR personal for Echols, 2 January 1947, RG260/Records of the Reparations and Restitution Branch/Records of the Branch Headquarters/General Records/Cables Relating to Reparations and Restitutions 1945-1948/Box 3/File “Cables-Permanent Outgoing, 1947”/loc. 390/44/35/07, NACP, MD.

¹⁶² Goschler, “German Compensation to Jewish Nazi Victims,” 380.

¹⁶³ Benjamin Ferencz, “Restitution to Nazi Victims—A Milestone in International Morality,” in *Two Generations in Perspective: Notable Events and Trends, 1896-1956*, ed. Harry Schneiderman (New York: Monde Publishers, 1957), 302.

¹⁶⁴ Nehemiah Robinson to A.L. Kubowitzki, 23 September 1947, 361/C276/5, AJA, Cincinnati, OH.

of representation in the Jewish Restitution Commission's plans and felt strongly enough about it to not wait until the Jewish Restitution Commission raised the issue itself. As one participant at the meeting commented: "He [Clay] stated that there are in Germany 35 000 indigenous German Jews scattered throughout the country (he called them 'his constituency') and that more should be done for them...it is significant of Gen. Clay's attitude that it was he himself who drew our attention to this problem."¹⁶⁵ While the Jewish Restitution Commission felt somewhat more secure in its workings with the American government than with other foreign powers, it also knew that its success was not guaranteed: "In the USA we are bound to work together with the other organizations but here, too, more intimate contact with the State and War departments will be necessary, if by October 1 no law is enacted."¹⁶⁶ With respect to the other Allied powers, it has been argued that the British and French were more disposed to turning power over to the Germans while for the Soviets, restitution was an internal matter with cultural property being under the sole authority of the Trophy Commission.¹⁶⁷ The Jewish groups admitted their limited contact with the other allied powers and that their influence with the British, in particular, was completely non-existent.¹⁶⁸

When these quadripartite and bipartite negotiations failed, General Clay finally considered unilateral action to be the only approach left and issued a restitution law, Military Government Law No. 59, for the American zone of

¹⁶⁵ Memo from Dr. Schwarzbart to Dr. Wise, Dr. Goldmann, Dr. Kubowitzki, Dr. Marcus, Dr. Robinson, 17 October 1947, 361/C276/3, AJA, Cincinnati, OH.

¹⁶⁶ Ibid.

¹⁶⁷ Kurtz, *America and the Return of Nazi Contraband*, 160. For more on the Soviet Trophy Commission see the works listed in this bibliography by Patricia Grimsted.

¹⁶⁸ Nehemiah Robinson to A.L. Kubowitzki, 23 September 1947, 361/C276/5, AJA, Cincinnati, OH.

Germany on 10 November 1947.¹⁶⁹ This law followed the Länderrat draft, but made modifications and revisions of those details which OMGUS had earlier considered objectionable (e.g. a successor organization appointed to manage heirless Jewish property would be under U.S. legal control rather than German control). Clay emphasized the urgency of the situation in a statement to German lawmakers in October 1947:

‘It is now two and a half years since the elimination of the Nationalist Socialist regime and no steps have been taken to restore to their rightful owners the property which Nazi victims were forced to relinquish. The necessity of such immediate restitution was recognized by you in your resolution of 11 March. It has therefore been decided to proceed immediately with a Restitution Law covering the American Zone and Land Bremen.’¹⁷⁰

The U.S. sector of Berlin was not included under the new restitution legislation due to the strained relations of the four Powers. The French implemented their own restitution law, ordinance 120, the next day, but it continued to be “useless” in the eyes of Jewish organizations since no provision was made to make heirless property available to the surviving Jewish victims of Nazism.¹⁷¹ The British, meanwhile, only completed a final draft in 1949. The Jewish Trust Corporation (JTC)—a British Jewish organization comparable to the American Jewish successor group—was established in 1950 after lengthy negotiations and the French branch of the JTC was set up in 1952.¹⁷² By 1948, the Russians were

¹⁶⁹ The Law in its entirety can be found in “United States: Military Government, United States Area of Control, Germany: Law No. 59; Restitution of Identifiable Property,” *The American Journal of International Law* 42, no. 1 (Supplement: Official Documents)(Jan., 1948): 11-45.

¹⁷⁰ Smith Jr., 252.

¹⁷¹ Memorandum to General Clay Regarding Certain Problems Connected with the Restitution Program in Germany, 21 January 1948, 361/C276/5, AJA, Cincinnati, OH.

¹⁷² Due to their late establishment, the JTC and the French Branch’s relationship to the JRSO and JCR will be discussed in chapter 3.

moving towards issuing a law that excluded all claimants residing outside of the Russian zone. The expectation among Jewish groups was that the Russians might recognize the new State of Israel as the successor for heirless property. Mention was made of discussions already being held on that score.¹⁷³

Returning to developments in the American zone, Law No. 59 issued in November 1947, as Clay himself described it in his autobiography, "...provided for the restitution of identifiable property taken in Germany by duress, with right of appeal in contested cases through German courts and with final right of appeal to a board of review composed of American lawyers."¹⁷⁴ The issuance of the new American law received maximum publicity since they wanted potential claimants who no longer resided in Germany to know that the deadline for filing claims at the central filing agency in Bad Nauheim was set for 31 December 1948. Articles 7 through 12 of Part III of the law discuss the establishment of a successor organization for heirless property: "Neither the state nor any of its subdivisions nor a political self-governing body will be appointed as successor organizations."¹⁷⁵ No specific Jewish successor organization was declared. This was only accomplished with the promulgation, eight months later, of regulation no. 3 of Law No. 59 issued on 23 June 1948. Still, after Baron sent Clay a letter expressing his satisfaction with the enactment of the law—since it meant that the military government was moving forward with its restitution program and might recognize a Jewish successor organization—Clay responded by assuring Baron

¹⁷³ Moses Leavitt to Eli Rock, Meeting of the Six Agencies on 24 June 1948, 25 June 1948, 45/54/1745, JDC Archives, New York.

¹⁷⁴ Clay, *Decision in Germany*, 311.

¹⁷⁵ "United States: Military Government, United States Area of Control, Germany: Law No. 59," 15.

“that every effort will be made for the conscientious and impartial implementation to the end that justice may be rendered under the law.”¹⁷⁶ Article 58 of Law No. 59 specified that all persecutees whose whereabouts were unknown were considered to have died on 8 May 1945. This, of course, was a prerequisite for having the property declared heirless. If no claim was filed for specific property within six months of the issuance of Law No. 59, then the successor organization was entitled to claim it.¹⁷⁷ Although this law did much to move Jewish interests with regard to restitution forward, historian Ronald Zweig has drawn attention to the fact that these “ad hoc” and legislative measures did not provide for full restitution to Jews throughout Europe who had lost property at the hands of the Nazis. Provisions were not made for the return of Jewish assets that could not be specifically identified in a court of law and neither was there compensation for assets outside of Germany.¹⁷⁸ Restitution claims against the Third Reich, the Nazi party, and affiliated organizations were also not included.¹⁷⁹ The lengthy and clumsy filing process did not lend itself to the “speedy restitution of identifiable property” which the new law had hoped to effect.¹⁸⁰

To reiterate, then, even though Military Law No. 59 had been implemented and the establishment of a successor organization had been declared,

¹⁷⁶ Lucius D. Clay to Salo Baron, 13 November 1947, M580/43/6, SSC, Palo Alto, CA.

¹⁷⁷ Takei, “The Jewish People as the Heir,” 76.

¹⁷⁸ Zweig, *German Reparations*, 16.

¹⁷⁹ Sagi, 40.

¹⁸⁰ Takei, “The Jewish People as the Heir,” 75. Filing was a multi-stage process that moved from the Central Filing Agency to local restitution agencies (*Wiedergutmachungsbehörde*). If settlements could not be reached between the claimants and the property holders, the case was transferred to the Restitution Chamber (*Wiedergutmachungskammer*) established in the District Court. Appeals could then be filed with the Civil Division of the Appellate Court (*Oberlandsgerichte*) or to the Board of Review in Nuremberg. Takei, “The Jewish People as the Heir,” 76.

the Jewish Restitution Commission continued in its appeals to the State and War departments, as well as to Clay himself, to have its group recognized as the sole Jewish trusteeship for all heirless property. Just days before the new law was issued, Edward Warburg, head of the JDC, sent a letter to the Secretary of State emphasizing the international character of the Jewish Restitution Commission and how its representative character made it “eminently qualified” to serve as trustee.¹⁸¹ A longer, follow-up letter was sent days after the 10 November issuance that clearly stressed the importance of having German Jewish representation from the U.S. zone in the Jewish Restitution Commission: “We want to stress that all the directors and officers of the Jewish Restitution Commission recognize the important interests of the German Jews in Germany; in the course of the Commission’s operations we shall, as a matter of policy, extend every effort towards the equitable recognition and protection of those interests.”¹⁸² By the end of November, a cable was sent from Judge Louis Levinthal, adviser on Jewish Affairs, to the State Department declaring that the support of the German Jewish organizations in the American zone had been received: “All [German Jewish organizations] respectfully request you [State Department] advise General Clay that Jewish Restitution Commission is suitable and proper successor organization for Jewish property.”¹⁸³ The Jewish

¹⁸¹ Edward M.M. Warburg to the Honorable Secretary of State, 3 November 1947, RG59/Central Files of the Department of State/1945-1949 Decimal File/Box 3897/File 740.0019EW/loc. 250/36/24/06, NACP, MD.

¹⁸² Edward M.M. Warburg to the Honorable Secretary of State, 13 November, 1947, M580/43/5, SSC, Palo Alto, CA.

¹⁸³ Cable from Judge Louis Levinthal to State Department, 29 November 1947, RG59/Central Files of the Department of State/1945-1949 Decimal File/Box 3897/File 740.0019EW/loc. 250/36/24/06, NACP, MD. The Landesverband der Israelitischen Kultusgemeinden in Bayern designated Philipp Auerbach as its representative. Benno Ostertag of

organizations concluded that they had done everything they could to ensure that recognition of their organization would be forthcoming.

By the beginning of 1948, however, it became apparent that objections of both a political and practical nature had been raised in the Department of the Army (formerly the War Department) to having an American organization working in Germany. It was thought that an outside successor organization could not work effectively due to possible conflicts with German law. Instead, the War Department asked whether the Jewish Restitution Commission could work in Germany through the capacity of a subsidiary organization organized under the laws of Germany.¹⁸⁴ The Jewish Restitution Commission refused to consider any alternate proposal that might place it under German control and remained steadfast in calling for its recognition as the successor organization.¹⁸⁵ Its representatives argued that such a move was calculated to eliminate all contact with Jews outside of Germany involved in the restitution program. Jews in Germany, they asserted, were in no position—both in size and in constitution—to implement the program.¹⁸⁶ Relinquishing the international character of the Jewish organization for a local German group would weaken the Jewish position in questions of restitution. Insisting on the Jewish Restitution Commission's extra-territorial position also underscored the fact that restitution was an international

Stuttgart was recommended by the Israelitische Kultusvereinigung Württemberg with concurrence of the Oberrat der Israeliten in Baden, and nine separate communities in Hesse urged Kurt Epstein to be appointed on their behalf.

¹⁸⁴ Frank G. Wisner, Deputy to the Assistant Secretary of State for Occupied Areas, Charles Saltzman, 13 February 1948, RG59/Central Files of the Department of State/1945-1949 Decimal File/Box 3897/File 740.00119EW/loc. 250/36/24/06, NACP, MD.

¹⁸⁵ Edward M. M. Warburg to Frank G. Wisner, 24 March 1948, Maurice Boukstein Papers A370/262, CZA, Jerusalem.

¹⁸⁶ Memorandum Setting Forth Points to be Discussed with General Clay Regarding Restitution, 23 January 1948, 361/C276/3, AJA, Cincinnati, OH.

concern.¹⁸⁷ Furthermore, it was thought that an American organization might garner more respect among German authorities than a purely German one that could easily be disregarded. In that same vein, it would be easier for them to liquidate and weaken a German body rather than an American corporation.¹⁸⁸ It is clear that the Jewish Restitution Commission's representatives could not completely comprehend this turnaround of events in favour of the Germans:

...it is difficult to understand all of this excessive concern for 'correctness' vis-à-vis the Germans on this problem. In simple words, it is the Germans who, by killing and driving out all of the German Jews so that only 2,000 are living today in the American Zone, have made it necessary that this work be done by outside Jewish groups. Unless these outside groups are permitted to operate effectively and free from the threat of future German hampering restrictions, this heirless property will never be recovered and the German people will be enabled to reap the reward of one of the worst phases of their criminal treatment of the Jews. There was entirely no regard for 'niceties' when the Germans drove out and disfranchised [*sic*] the Jews, and the present excessive concern for German 'niceties' can only now result in benefit to the Germans and detriment to effective restitution.¹⁸⁹

When Joseph Proskauer of the American Jewish Committee tried to meet with Clay in January 1948 to rectify the situation, Clay was too busy to meet with him.¹⁹⁰ Nehemiah Robinson of the World Jewish Congress surmised that Clay refused to see Proskauer because he felt he had let the Jewish groups down.¹⁹¹ Clay cabled Washington about a week later stressing that he and General

¹⁸⁷ Nehemiah Robinson, The Problem of the Jewish Restitution Commission as Successor Organization To Jewish Masterless and Unclaimed Properties, Feb./March 1948, 361/C276/3, AJA, Cincinnati, OH.

¹⁸⁸ Ibid.

¹⁸⁹ Information Memorandum for Conference Regarding Jewish Restitution Commission—to be Held Wednesday, March 3rd, at State Department, Washington, pre-3 March 1948, 361/C276/3, AJA, Cincinnati, OH.

¹⁹⁰ Irwin S. Mason to Eli Rock, 20 January 1948, 361/C276/5, AJA, Cincinnati, OH.

¹⁹¹ Nehemiah Robinson to Dr. Kubowitzki and Dr. Marcus, 26 January 1948, 361/C276/3, AJA, Cincinnati, OH.

Hilddring had made personal commitments to establishing a Jewish trustee and that it was this very insistence that led to the breakdown of bipartite and quadripartite negotiations.¹⁹² Clay was not the only one to show concern over this delay. Baron was especially worried that it might jeopardize the future work of JCR:

Perhaps we have made a mistake in not asking first for the recognition of Jewish Cultural Reconstruction, Inc. which, apparently, could have been secured without much opposition. Yielding to the wishes of the large Jewish organizations, however, we have delayed our action for over a year and may find the going much harder if we should have to revert to an effort for independent recognition.¹⁹³

Fortunately, JCR did not have to wait that much longer. The State Department gave its approval in designating the Jewish Restitution Commission as the appropriate successor organization for Jewish property within the framework of Military Law No. 59. The only proviso specified was that title to real estate (including mortgages) and other assets which were not subject to removal from Germany under license issued by Military Government and which constituted heirless Jewish property be vested in one or more legal entities organized and existing under German authority.¹⁹⁴ When the Department of the Army continued to assert its antagonism towards this entire scheme, Clay finally took it upon himself to finalize the negotiations:

Yesterday a cable was received from Mr. Mason reading as follows: 'Designation successor organization approved with subsidiary holding title to immovables. Regulation will probably

¹⁹² Memorandum of Telephone Conversation between Mr. Irwin Mason in Berlin and Mr. Eli Rock on Friday, February 6th, 1948, 9 February 1948, 361/C276/3, AJA, Cincinnati, OH.

¹⁹³ Salo Baron to A.G. Brotman, 6 April 1948, M580/43/6, SSC, Palo Alto, CA.

¹⁹⁴ Frank G. Wisner to Edward M.M. Warburg, 14 April 1948, 361/C276/3, AJA, Cincinnati, OH.

be issued within month.' This cable is unofficial, but it has to be assumed that the fight for the recognition of the JRC has finally been won.¹⁹⁵

The Jewish Restitution Commission, renamed the Jewish Restitution Successor Organization (JRSO),¹⁹⁶ was formally appointed as the successor organization in the U.S. zone of Germany to claim Jewish property under regulation no. 3 of Military Law No. 59.¹⁹⁷ It only assumed control of Jewish property in the U.S. sector of Berlin on 17 September 1949.¹⁹⁸ Jewish property was defined very broadly as the "property, rights and interests of Jewish individuals and of Jewish organizations."¹⁹⁹ A telegram expressing the gratitude of the JRSO and JCR was immediately drawn up and sent to President Truman, General Clay, as well as to the State and War departments.²⁰⁰

The work, meanwhile, which lay ahead of the JRSO was enormous since it had less than six months to file its claims before the 31 December 1948 deadline designated in Law no. 59 when it was originally issued. Joel Fisher, General European Counsel for the JDC, assumed the initial task of setting up the

¹⁹⁵ Nehemiah Robinson to Members of the Office Committee, 19 May 1948, 361/C276/3, AJA, Cincinnati, OH.

¹⁹⁶ It was expressed to the JRC that some members in OMGUS had taken issue with the word "Commission" in the Jewish Restitution Commission's name; it gave the organization the character of a public body. It was suggested they change it to something like "Jewish Successor Organization." Memorandum of Telephone Conversation between Mr. Irwin Mason in Berlin and Mr. Eli Rock, Tuesday, 3 February 1948, 361/C276/3, AJA, Cincinnati, OH.

¹⁹⁷ Regulation No. 3 Under Military Government Law No. 59 and Appointment Thereunder, pre- 23 June 1948, 361/C276/6, AJA, Cincinnati, OH.

¹⁹⁸ Appointment of Successor Organization to claim heirless Jewish property under BK/0(49)180, 17 September 1949, RG260/Records of the Property Division/Records of the Secretariat Section/General Records 1944-50/Box 15/File "Restitution Law for Berlin, JRSO as Successor Organization"/loc. 390/44/20/1, NACP, MD. On 7 May 1951, the British and French successor organizations designated the JRSO as the sole successor for all western sectors of Berlin.

¹⁹⁹ Regulation No. 3 Under Military Government Law No. 59 and Appointment Thereunder, pre-23 June 1948, 361/C276/3, AJA, Cincinnati, OH.

²⁰⁰ Moses Leavitt to Eli Rock, Meeting of the Six Agencies on 24 June 1948, 25 June 1948, 45/54/1745, JDC Archives, New York.

organization in Germany. Benjamin Ferencz succeeded him as executive director. Saul Kagan served as executive secretary, and George Weis, Meinhold Nussbaum, and Eugene Klein worked alongside them at the JRSO's headquarters in Nuremberg.²⁰¹ A request for an extension of the claim deadline was made on 8 December, signed by Stephen Wise of the World Jewish Congress, Joseph Proskauer of the American Jewish Committee, and Louis Lipsky of the American Jewish Conference. They asked that an additional three months be allotted since the delay in the JRSO's recognition was due mainly to German Länder opposition to a restitution law and to the delay in formulating regulation no. 3 of Military Law no. 59.²⁰² Their request was denied likely due to pressure on the military government to wrap up the restitution program (and all of its work in Germany, for that matter), as quickly as possible. The JRSO was able to meet the deadline filing over 163 000 claims in six months, in part by borrowing one million Occupation Marks from OMGUS to finance the operation.²⁰³ As later stated in their report, the JRSO's main concern at the time was in omitting nothing that

²⁰¹ Support of the Jewish Restitution Successor Organization, 21 January 1949, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc. 390/45/18/04, NACP, MD. Benjamin B. Ferencz (1920-): lawyer by training who was a member of the Office of the U.S. Chief of Counsel for the Prosecution at the Nuremberg Trials and was Chief Prosecutor for the Einsatzgruppen trial in 1947. He held the post of executive director of the JRSO from 1948 to 1957. He negotiated with those German firms who had used Jewish slave labour during the war. See Ferencz, *Less Than Slaves: Jewish Forced Labor and the Quest for Compensation* (Bloomington & Indianapolis: Indiana University Press, 2002). Saul Kagan (1922-): formerly Chief of Financial Investigations Division, OMGUS and then served as executive secretary of the JRSO and the Claims Conference. George Weiss: formerly served as legal advisor of the Jewish Relief Unit in Germany of the Central British Fund. He would later be involved in the restitution of heirless Jewish property in Austria. Meinhold Nussbaum: Lawyer and Zionist who was a leading member of the Irgun Olej Merkaz Europa. He helped to establish the organizational apparatus of the JRSO and the United Restitution Office (URO) and later worked on behalf of Israel in reparation negotiations with Germany. Takei, "The Jewish People as the Heir," 84-85.

²⁰² Telegram to General Lucius D. Clay, 8 December 1948, 361/C276/5, AJA, Cincinnati, OH.

²⁰³ *Plunder and Restitution*, SR-155.

would prevent the recovery of Jewish properties in the American zone since 1933.²⁰⁴ No new claims could be made after the deadline, but those already submitted could be withdrawn.²⁰⁵ This ultimately caused problems on three fronts: (1) duplicate petitions for property completed by both the JRSO and individual claimants before the 31 December deadline; (2) conflicts arising with individual claimants who, for various reasons, did not file a claim by the deadline, but who later demanded that their “heirless” property be returned;²⁰⁶ and (3) entire German Jewish communities filing claims for the same properties as the JRSO—115 before the deadline. The JRSO sought to serve the broader interests of Jews the world over while the German Jewish communities wanted financial independence from both the German government and foreign Jewish organizations.²⁰⁷ By 1954, many of the communities had settled with the JRSO and signed individual agreements stipulating exact divisions of property. Part of each agreement was that if the community dissolved (meaning it had less than a *minyan*, ten Jewish males), the property was to be transferred to the JRSO.²⁰⁸ The JRSO’s activities came to involve much more than negotiating with the remaining German Jewish communities. With the emergence of the Federal Republic in 1949, the JRSO worked with the new West German government—under the watchful eye of John J. McCloy, who succeeded General Clay—in issuing bulk financial agreements to conclude unsettled claims. This ultimately paved the way

²⁰⁴ Kagan and Weismann, 7.

²⁰⁵ Zweig, “Restitution: Why did it Take 50 Years or did it?” 174.

²⁰⁶ *Plunder and Restitution*, SR-155.

²⁰⁷ Takei, “The ‘Gemeinde Problem,’” 274.

²⁰⁸ *Ibid.*, 276.

for negotiations between Germany and Israel over a global restitution settlement.²⁰⁹

VII—U.S. Recognition of JCR, Inc.

With the JRSO's official recognition by OMGUS, it was able to further clarify its relationship to JCR. JCR was formally named the Cultural Property Division of the JRSO and was responsible for all matters relating to Jewish cultural, religious, and historical objects. The JRSO, in turn, provided JCR with full administrative support—offices, supplies, and personnel.²¹⁰ A claim for any cultural object claimed under Law No. 59 was filed in the name of the JRSO and the Cultural Property Division (JCR) was responsible for its custody and technical advice. JCR, however, still needed to secure its own official recognition as being in charge of the heirless cultural property found in Offenbach, property that was not covered by Military Law No. 59. JCR's representative, Joshua Starr, had been working in Offenbach since May 1948 carefully sorting, surveying and cataloguing the material. By the end of the summer of 1948, it was necessary to consider shipping the heirless cultural property to Jewish communities outside of Germany.²¹¹ OMGUS officials recommended to General Clay that MFA&A officers place Starr in charge of the property in question. The JRSO would sign the necessary receipts and documents on JCR's behalf and the American military

²⁰⁹ This will be discussed in greater detail in chapter 5.

²¹⁰ Benjamin Ferencz to Joshua Starr, 27 September 1948, Geneva IV/32/1B, JDC Archives, Jerusalem.

²¹¹ JCR's work in Germany is described in detail in the following chapter.

would cooperate in the recovery of similar material outside of Offenbach.²¹² In response, Clay declared that State Department approval would be required since the JRSO was not empowered to sign for property that might still be identifiable.²¹³ In his formal request, Clay pushed for prompt action: "I plan to enter into such an agreement unless you do not approve that I proceed along these lines with the said Jewish Cultural Reconstruction Incorporated. Furthermore, it is desirable that the inventory be completed and the turnover take place as expeditiously as possible."²¹⁴ The JRSO and JCR feared that recognition would be delayed as the JRSO's recognition had been, and that senior officials in Washington might balk at the idea of designating yet another Jewish organization for restitution purposes.²¹⁵

While the State Department agreed, at least in theory, with the proposal to allow JCR to handle all heirless and unclaimed cultural property acquired by the JRSO under law no. 59 emanating from within Germany as well as all unidentifiable Jewish cultural property at Offenbach, it took issue with the disposition of property that was identifiable as to national origin, specifically property originating from the Baltic States.²¹⁶ Approximately 10 000 unclaimed books subject to restitution and 29 000 books from the Baltic States were at the

²¹² William Haber to General Lucius D. Clay, Proposal for handling Jewish cultural property, 17 August 1948, 45/54/1745, JDC Archives, New York.

²¹³ Incoming Cable from Frankfurt, 18 August 1948, 45/54/1745, JDC Archives, New York.

²¹⁴ CINCEUR Berlin Germany agd Clay to Dept. of Army for CSUSA, 4 September 1948, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File "Germany-Jewish Property"/loc. 250/52/9/04, NACP, MD.

²¹⁵ Moses Leavitt to Eli Rock, Meeting with officers of JCR, Inc., 28 October 1948, Geneva IV/32/1B, JDC Archives, Jerusalem.

²¹⁶ State Department draft to OMGUS, 23 September 1948, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File "Germany-Jewish Property"/loc. 250/52/9/04, NACP, MD.

heart of this issue. Although the State Department admitted that the disorganization of Jewish life in Eastern Europe made restitution of questionable value, it also insisted that it did not want to infringe on the recognized rights of other governments regarding restitution.²¹⁷

When the State Department agreed that the views expressed by JCR and those working at the Offenbach Archival Depot would be taken into consideration, JCR quickly offered some important suggestions. Asserting that the majority of property from Eastern Europe was most likely ownerless, JCR offered to hold the property in trust for two years and exercise measurable diligence in locating any owners.²¹⁸ Any property remaining after the two-year period would be turned over to JCR for distribution. A tentative agreement was arrived at whereby a custody receipt would be issued to OMGUS with a commitment from JCR that the collections would remain intact for the two-year period so that the military government could fulfill its restitution program.²¹⁹ If formal recognition could not be made by the filing deadline of 31 December 1948, it was suggested that the JRSO make a general claim for the Offenbach property. Once negotiations were completed, the JRSO's claim would be withdrawn automatically.²²⁰

On 15 February 1949, a formal agreement was signed in Frankfurt by Orren McJunkins, authorized representative of the U.S. Military Governor,

²¹⁷ Ibid.

²¹⁸ A.F. Kiefer, December 1948, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File "Germany-Jewish Property"/loc. 250/52/9/04, NACP, MD.

²¹⁹ OMGUS Berlin Germany signed Hays to Chief of Staff U.S. Army for CSCAD, 13 December 1948, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File "Germany-Jewish Property"/loc. 250/52/9/04 NACP, MD.

²²⁰ Saul Kagan to Joshua Starr, 14 December 1948, Geneva IV/32/1B, JDC Archives, Jerusalem.

Benjamin Ferencz of the JRSO, and Joshua Starr of JCR, effectively turning over heirless Jewish cultural property to JCR, Inc. The definition of Jewish cultural property included the following categories:

1. Jewish books, archives and miscellaneous documents in various languages.
2. Torah scrolls and miscellaneous synagogue vestments, prayer shawls, etc.
3. Jewish ritual objects of precious metals and including precious stones.
4. Paintings and furnishings of previous but specifically unidentifiable Jewish ownership.
5. Such other Jewish cultural properties as Military Government shall agree to transfer to JCR, and which shall be transferred in accordance with special conditions.²²¹

JCR also agreed that the physical integrity of these properties would be maintained and used for the cultural heritage of the Jewish people by their distribution to public or quasi-public religious, cultural, or educational institutions. JCR was to accept custody of this material before 30 May 1949 and all packing, crating, and shipping costs within Germany were to be absorbed by the German government of the Land from which the property was shipped. Finally, the military government agreed to provide JCR with the necessary warehouse space and military clearance, although it was to be paid for by the organization.²²² To show their appreciation, JCR and the JRSO issued telegrams of thanks to both President Truman and General Clay. The telegram sent to Truman read, in part:

Representing in part a heritage of centuries of great spiritual effort these objects when distributed among the Jewish communities the world over will be a source of inspiration to Jews and non-Jews

²²¹ Memorandum of Agreement, 15 February 1949, RG260/M1947/Roll #9, NACP, MD. This might also include antisemitic materials mentioned earlier such as the Stuermer collection.

²²² Ibid.

alike and remain a mute testimony to the fine understanding for religious ideals and cultural traditions displayed by the United States Armed Forces and their Commander in Chief.²²³

With JCR's negotiations with U.S. officials largely settled, it began its actual work in the U.S. zone of Germany. It proved to be no easy task. JCR continued to assert its position in the relationship that it had with the JRSO and the U.S. government, a role that had been defined as much by its own actions as by the demands and qualifications of both the larger successor organization and the American authorities.

VIII—Conclusion

Returning to Steven Spiegel's assertion that Jewish influence emerged when its goals were in line with American foreign policy concerns, such was the case with JCR's and the JRSO's relationship to the American government. To a large extent, they were able to convince the government that their restitution aims were compatible with U.S. post-war objectives. It did not hurt that they held certain advantages: the sympathy and loyalty of General Clay, the support of key officials in the State Department, and the presence of Jewish advisers on the ground in Germany who provided regular reminders of such a coalescence of goals. JCR and its allies used these resources to keep Jewish concerns on the American government agenda. That being said, the U.S. government and its military had to balance Jewish demands with the impending threat of the Cold War and the need to establish West Germany as an effective democratic bulwark

²²³ Salo Baron and Edward M.M. Warburg to His Excellency the President of the United States, 14 March 1949, JRSO 923a, CAHJP, Jerusalem.

against communism. Ultimately, the U.S. government held the power and it controlled the outcome for the Jews in this matter.

JCR's relationship with the various U.S. governmental departments did not end with its official recognition. Its later interactions, however, specifically with OMGUS, are discussed below in the context of its work in the U.S. zone of Germany as well as in the restitution developments in the other allied zones. What can be concluded from this present discussion, though, is that the question of Jewish power in the realm of American postwar restitution policy cannot be easily answered, nor should it. Attempting to simplify a complex and protracted issue and the numerous roles that each player involved assumed would not do justice to the narrative. Negotiations on a quadripartite or bipartite level, between the American military and German Länder, and between U.S. officials and Jewish organizations were all characterized by success, defeat, compromise, power, and powerlessness at one point or another. Unilateral action was taken as a last resort, not a desired one. It was hoped that the relief of short-term exigencies would translate into long-term solutions, but that was not always the case. Circumstances were playing themselves out on entirely new levels and no one group emerged a total winner.

Chapter 3: JCR—At Work in the American Zone of Germany

“The biggest book restitution operation in library history” had its focus in the Offenbach Archival Depot (OAD), located just across the Main river from Frankfurt, Germany, in a 5-story building that formerly housed the I.G. Farben factory.¹ The consensus among scholars is that from the moment of its establishment in 1946, it served a unique role in postwar American efforts of book and archival restitution, not just with regard to Jewish property, but to important state and institutional libraries that were successfully returned to the European countries from which they came.² When it closed in 1949, over three million items had been inventoried and identified.³ The depot’s efficient functioning was

¹ Leslie Poste, “Books Go Home From the Wars,” *Library Journal* 73 (1 Dec. 1948): 1702, 1704. On 2 March 1946 the Offenbach Collecting Point was re-designated the Offenbach Archival Depot and declared to be a “first priority” restitution project directly under the supervision of the Land Monuments, Fine Arts and Archives Specialist Officer, OMG for Greater Hesse. See “Establishment of the Offenbach Archival Depot,” 2 March 1946, reprinted in Robert Giles, *Archival and Library Restitution in the United States Zone of Germany: A Preliminary Study* (Washington, D.C.: The American University School of Sciences and Public Affairs, 1947), 36-37.

² Numerous scholars have successfully documented the history of the OAD, although it is not the most researched of all the collecting points found in the American zone of Germany. That distinction lies with Wiesbaden and Munich since they were the largest of the collecting points and primarily contained looted art, a topic that has seen considerably more public and academic interest over the years than plundered books and archives. It is unnecessary to detail the OAD’s history here. For a survey see Giles, *Archival and Library Restitution*; F.J. Hoogewoud, “The Nazi Looting of Books and Its American ‘Antithesis’: Selected Pictures from the Offenbach Archival Depot’s Photographic History and Its Supplement,” *Studia Rosenthaliana* 26 (1992): 158-192; *Plunder and Restitution*; Pomrenze, “‘Operation Offenbach’”; Poste, “The Development of U.S. Protection of Libraries and Archives in Europe During WWII”; Anne Rothfeld, “Returning Looted European Library Collections: An Historical Analysis of the Offenbach Archival Depot, 1945-1948,” *RBM: A Journal of Rare Books, Manuscripts, and Cultural Heritage* 6, no. 1 (Spring, 2005): 14-24; Waite, “Returning of Jewish Cultural Property.” Please see the Bibliography for a complete list.

³ Waite, “Returning of Jewish Cultural Property,” 215. Captain Isaac Bencowitz provided Jerome Michael with the following breakdown in February 1947: 1 300 000 books of which 650 000 were Jewish (in the sense that their language was Hebrew or Yiddish or their content was Jewish) had been returned to the occupied countries from which they were taken. 628 259 items remained at Offenbach, mostly books. Of these, 328 903 were classified as identifiable and

due, in large part, to the work of the OAD's first director, Colonel Seymour J. Pomrenze⁴ (March-May, 1946), and its four subsequent directors: Captain Isaac Bencowitz (May-Nov., 1946)⁵; Theodore Heinrich (Nov. 1946-Jan. 1947)⁶; Joseph Horne (1947-48); and James Kimball (Feb.- April 1949).⁷

The Offenbach Archival Depot's short history figures prominently in the post-war narrative of JCR, Inc., as well as in those of other Jewish organizations such as YIVO, the JDC, and the Hebrew University, since the majority of heirless Jewish cultural property was collected there and Jewish representatives from around the world were sent to complete the task of sorting and distributing the material. Analysis of the reports and correspondence of these personnel—among themselves, with the American military government, and with their host organizations back home—provides a clearer understanding of both the practical and political nature of their work. For these people, the work was not simply a matter of rescuing heirless Jewish cultural property. More importantly, it allowed them to lay claim to a past—of an organization, a community, the tradition of an

299 356 were unidentifiable. Of the identifiable books, 123 641 were non-Jewish and needed to be returned to their countries of origin; 126 137 were Jewish books identified as belonging to YIVO and other owners; 51 414 were Jewish books once owned by German Jewish communities, now extinct; 27 711 were Jewish books identified as coming from the Baltic States, Poland, and Czechoslovakia. Of the unidentifiable books 222 768 were Jewish and 76 588 were non-Jewish. Jerome Michael to Salo Baron, 15 February 1947, P3/2058, CAHJP, Jerusalem.

⁴ Colonel Seymour Pomrenze had served with the Office of Strategic Services (OSS) in India, Burma, and China in 1945.

⁵ During his tenure, Captain Isaac Bencowitz, a veteran of World War I with a Ph.D. from Columbia University, assembled a very important two-volume compilation of library markings found among looted books in the depot. This made it possible for workers to classify books without knowing the languages in which they were written.

⁶ Theodore Heinrich simultaneously served as MFA&A officer in Wiesbaden for Land Hesse.

⁷ Seymour J. Pomrenze, "The Restitution of Jewish Cultural Treasures after the Holocaust: The Offenbach Archival Depot's Role in the Fulfillment of U.S. International and Moral Obligations (A First Hand Account)," *Proceedings of the 37th Annual Convention of the Association of Jewish Libraries* (Denver, CO, 23-26 June, 2002), 3.

entire people, and the remnants of what they once valued. The urgency and import of their efforts were themes found throughout their communications. As Captain Isaac Bencowitz remarked:

‘How dear all these tokens of love and gentle care must have been to someone and now they were so useless, destined to be burned, buried, or thrown away. All these things made my blood boil...How difficult it is to look at the contents of the depot with the detachments of someone evaluating property or with the impersonal viewpoint of scholarly evaluation.’⁸

In writing about their experiences, other depot officials and workers echoed the sentiments of Bencowitz’s observations, but the similarity in tone contradicts their all too often opposing intent. The divisions that plagued Jewish organizations before the emergence of JCR, Inc. did not disappear when the organization was granted official status or when its representatives arrived in Germany. Although a tacit commitment among the Jewish representatives was that they were labouring together for the greater Jewish good, particular organizational interests persisted. The situation at the depot actually made cooperation difficult and the actions of certain individuals and organizations, such as those of the JDC in failing to keep proper record of nearly 20 000 books that it distributed to DP camps, for example, in fact jeopardized relations with the American military government. Because of their indiscretions and the fact that they occurred in a milieu of rampant grey-black market activity in which everyone—including Jews—was involved and which the U.S. Army was trying desperately to suppress,⁹ the American military authorities considered excluding Jewish participation altogether and reconsidered

⁸ Poste, “Books Go Home,” 1703.

⁹ The involvement of Jews in black market or illegal activities of any sort were of a serious concern to General Clay and the U.S. Army since word could get back to Washington and adversely affect the DP situation in the American zone. See Bauer, *Out of the Ashes*, 204, 268.

returning the heirless Jewish cultural property to its countries of origin as had been its initial inclination. JCR would come to act as political mediator between the various Jewish organizations and between world Jewry and the American military authorities. While these events have been studied independently by scholars or given cursory treatment by those discussing the work of JCR, no one has studied them thoroughly and in the context of an institutional history of the organization and its work in Offenbach, later Wiesbaden,¹⁰ and throughout the American zone in just two years time and despite organizational divisions.¹¹ Where appropriate, mention will also be made of work done in Prague and Vienna, since large caches of books were found in and around these cities and negotiations were conducted with their Jewish communities regarding their cultural property.

Before JCR arrived on the European scene, YIVO, the JDC, and the Hebrew University were among the first Jewish organizations to send or to consider sending representatives to Offenbach in order to secure rights for heirless Jewish cultural property. Their respective work in Offenbach as part of “special” restitution operations—actions taken by governments and individuals not included as official restitution agencies and/or officials, including certain U.S. intelligence

¹⁰ When the OAD closed in 1949 all remaining items were moved to the Wiesbaden Collecting Point.

¹¹ Michael Kurtz devotes an entire chapter to JCR, but does not discuss the work of other Jewish personnel in Offenbach in *America and the Return of Nazi Contraband*, 151-173. Noam Zadoff, Dov Schidorsky, and Elisabeth Yavnai have studied the Hebrew University’s efforts in the American zone, Prague, and Vienna; see, Zadoff, “Reise in die Vergangenheit”; Schidorsky, “The Salvaging of Jewish Books; and Yavnai, “Jewish Cultural Property and Its Postwar Recovery.” First-hand accounts by those who worked in the Depot such as Colonel Pomrenze, Lucy Schildkret (Dawidowicz) for the JDC and YIVO, Bernard Heller for JCR, and Gershom Scholem and Shlomo Shunami on behalf of the Hebrew University are preserved. See Bibliography for details.

elements (G-2, CIC) and the Library of Congress Mission, among others— provides an historical context for the task that JCR carried out and presents a comprehensive picture of the scale, skill, and resourcefulness of the organization. Further, it highlights the ambiguous relations and loyalties that characterized Jewish restitution efforts regarding heirless cultural property in the immediate years following the war's end.

I—YIVO

As early as July 1945, the State Department sent notice to Max Weinreich that parts of YIVO's collection were found in two repositories: in Frankfurt a/M, where about 100 000 volumes were stored and 350 000 at Hungen, thirty miles north of Frankfurt.¹² These would later be consolidated at Offenbach. The numerous communications between Weinreich and officials in Washington and Germany reflect his concern for concrete details regarding the fate of YIVO's property, and confirms his eagerness to send a YIVO representative (or to go himself) to the American zone to defend the organization's claims on a number of Jewish collections from Vilna including the libraries and archives of Simon Dubnow, the Vilna Jewish Teachers Institute, and the famed Strashun Library.¹³

¹² George W. Baker to Max Weinreich, 23 July 1945, P-675/51/6, AJHS, New York. Before the restitution of YIVO's property took place in Frankfurt after the war, another rescue took place earlier at YIVO's original location in Vilna. See Fishman, *Embers Plucked From the Fire*; Kruk, *The Last Days of the Jerusalem of Lithuania*; Shmerke Kaczerginski, *Partisaner geyen! Fartseykhenungen fun vilner geto* (Buenos Aires: Tsentral-farband fun Poylishe Yidn in Argentine, 1947); Zelig Kalmanovitch, "A Diary of the Nazi Ghetto in Vilna," *YIVO Annual of Jewish Social Science* 8 (1953): 9-81; Abraham Sutzkever, *Vilner Geto 1941-1943* (Paris: Farband fun die Vilner in Frankraych, 1946); Rachel Pupko-Krinsky, "My Work in YIVO under Nazi supervision," (Yiddish) *YIVO Bleter* 30 (1947): 214-222.

¹³ Max Weinreich to George W. Baker, 28 June 1945, P-675/51/6, AJHS, New York; Max Weinreich to Chaplain Judah Nadich, 1 August 1945, P-675/51/6, AJHS, New York. Max

Among his fears was the return of YIVO's belongings to its country of origin, Lithuania, then under Soviet control, or the ultimate loss of it in the mass of unidentifiable-unrestitutable materials.¹⁴ In the end, Weinreich did not go to Germany; instead, Koppel Pinson, Lucy Schildkret,¹⁵ and Pomrenze himself all became involved in the return of YIVO's property.¹⁶ Both Pinson and Schildkret were stationed in Germany under the auspices of the JDC, Pinson as educational director in occupied Germany, and Schildkret as educational officer. Both, however, had strong ties to YIVO and became its representatives while working in Offenbach. Pinson sat on YIVO's academic council. In March 1946, Pinson made a formal request to Major LaFarge of the MFA&A to have the YIVO material restituted to the institute in New York.¹⁷ LaFarge responded that the issue would be referred to a higher authority for clarification and instruction.¹⁸ No decision had yet been made regarding "special" restitution cases and the issue remained unresolved when Pinson left his post in August 1946. Weinreich

Weinreich to Captain Isaac Bencowitz, 9 July 1946, P-675/51/9, AJHS, New York. Dubnow's archive is listed under YIVO in the Commission on European Jewish Cultural Reconstruction's 1946 "Tentative List of Jewish Cultural Treasures," 45. The Strashun collection is listed independently. Dawidowicz recalls in her memoir that the trustees of the Strashun Library had asked the Vilna YIVO to ship their books, too, and to become responsible for its security. Thus, Dawidowicz argued that Strashun should be considered part of YIVO's library since it no longer had any owners or heirs. Dawidowicz, *From That Place and Time*, 318.

¹⁴ Pomrenze, "The Restitution of Jewish Cultural Treasures," 6. Max Weinreich to Marcus Cohn, 24 July 1946, P-675/51/9, AJHS, New York.

¹⁵ Lucy Schildkret, later Dawidowicz (1915-1990): Holocaust historian, author, and educator. She worked as a research fellow at YIVO in Vilna before the war and continued her affiliation when the organization moved to New York where she was one of its research directors. She would later work for the American Jewish Committee and join the faculty of Yeshiva University.

¹⁶ For a description of the nature of the mission see L.B. LaFarge to Max Weinreich, 23 April 1946, P-675/51/9, AJHS, New York; Dawidowicz, 277-326 in which she discusses her work for the JDC as well as her discovery of YIVO material in Offenbach.

¹⁷ YIVO was officially moved from Vilna to New York in 1940. Koppel Pinson to Major LaFarge, 28 March 1946, P3/2060, CAHJP, Jerusalem. Pinson stated that the cost of shipping YIVO's property would be absorbed by both YIVO and the JDC.

¹⁸ L.B. LaFarge to Max Weinreich, 23 April 1946, P-675/51/9, AJHS, New York.

appealed to the American Jewish Committee for help. John Slawson of the American Jewish Committee made an official plea to the War Department to make an exception to the general restitution practice in place.¹⁹ An internal American Jewish Committee correspondence, however, alluded to a policy disagreement between the State and War departments—with the former deciding matters of policy and the latter's concern being the safeguarding of the treasures—as the main reason for the delay.²⁰ Soon after Pinson's departure approval was granted in YIVO's favour by both General Clay and Major LaFarge of the MFA&A with a commitment to take unilateral action if the Four Power Council in Berlin did not give unanimous approval.²¹

Soon after, Baron's group became involved. The American Jewish Committee updated Weinreich on Baron's Commission and its proposal to the State Department and urged him to contact the group so that YIVO's specific claims might be included. Weinreich was already well aware of the Commission's intentions—he had attended a number of its meetings. In fact, Weinreich sent a letter to Slawson arguing that the tens of thousands of uncatalogued and unstamped books from large collections which poured in before the war were, indeed, part of YIVO's library and should be restituted as such. The letter is dated just four days after a Commission of European Jewish Cultural Reconstruction meeting was held that Weinreich himself had attended.²² In the revised proposal to the State Department in November 1946, Baron's Commission did specify that

¹⁹ O.P. Echols to John Slawson, 24 May 1946, P-675/51/9, AJHS, New York.

²⁰ Marcus Cohn to John Slawson, 4 June 1946, P-675/51/9, AJHS, New York.

²¹ Max Weinreich to John Slawson, 13 August 1946, P-675/51/9, AJHS, New York.

²² The Commission meeting was held on 12 May 1946. Max Weinreich to John Slawson, 16 May 1946, P-675/51/9, AJHS, New York.

YIVO's collection should be shipped at once to that organization through the Mission of the Library of Congress.²³ Following its submission, though, Baron and Federbusch of the WJC raised concern that while in Offenbach, Pomrenze had put labels on books allegedly belonging to YIVO that really belonged to others. Thus, a change in phrasing was suggested for the proposal to instead read that the YIVO collection should be shipped at once to the trustees' office in New York rather than through the Library of Congress Mission. Thereby the trustees could examine the collection and perhaps provide the opportunity for other parties to stake their claims before the volumes were incorporated into YIVO's New York collection.²⁴ No evidence suggests that the proposed change was actually made. This episode, however, does show JCR's obligation to act as a unifying organization within a system of seemingly private claims.

The conclusion of YIVO's story was precipitated by the arrival of Lucy Schildkret to Offenbach in February 1947 and by the return of Pomrenze to Offenbach as part of the Library of Congress Mission to bring YIVO's library to New York. In December 1946, Weinreich was informed by the Council of Jewish Communities in Bohemia and Moravia-Silesia that during Hugo Bergmann's²⁵ visit to the Castle of Mimon on behalf of the Hebrew University, a great number of Jewish periodicals belonging to YIVO had been found and that YIVO in New

²³ Commission on European Jewish Cultural Reconstruction to General John H. Hilldring, 8 November 1946, M580/43/5, SSC, Palo Alto, CA.

²⁴ Salo Baron to Jerome Michael, 11 November 1946, M580/39/2, SSC, Palo Alto, CA.

²⁵ Shmuel (Samuel) Hugo Bergman(n)(1883-1975): Philosopher, author, and librarian who worked as a librarian at the University of Prague between 1907 and 1919. When he moved to Palestine in 1920, he became the first director of the National and University Library before becoming lecturer and then professor of philosophy at the Hebrew University. He and his brother, Arthur Bergmann, both made one trip to Czechoslovakia to secure books on behalf of the Hebrew University; Hugo in November 1946, and Arthur in May 1947.

York would be considered as the legal successor to this collection if Weinreich were to send a signed and verified document to this effect.²⁶ Evidence suggests that Schildkret, working in Germany and Czechoslovakia on behalf of the JDC, visited Prague in late March 1947 and clarified the situation as it pertained to YIVO's property.²⁷ In an 11 March 1947 letter to Jerome Michael, John H. Hilldring, the Assistant Secretary of State, asserted that the State Department would support any request made by YIVO representatives for delivery of its property found in Czechoslovakia.²⁸ The practical work done by Pomrenze in July 1947 to find YIVO's materials in Czechoslovakia would prove far more difficult to complete.²⁹

Schildkret's work in Offenbach began with the agreement of her employer, the JDC, to continue paying her salary while collecting books for YIVO. In a long memorandum to Ted Feder, then acting director of the JDC in the American zone, Schildkret argued that she needed to complete this work due to the sheer urgency of the situation; the fact that no one else could do the job or

²⁶ Council of Jewish Communities to the Yiddish Scientific Institute, 12 December 1946, P-675/55/5, AJHS, New York.

²⁷ Dawidowicz does not relate this trip in her memoir. Evidence that she was in Prague comes from an unsigned letter to Weinreich, 29 March 1947, in which a summary is given of the YIVO representative's dealings in the city, P-675/55/5, AJHS, New York. Also, in a letter from David Werner Senator of the Hebrew University to Salo Baron, 29 April 1947, he states that a young lady from the JDC, representing IWO [*sic*] is in Prague collecting books and asks Baron to instruct the young lady (whose name he does not know) not to create undue difficulties for the Hebrew University. He fears that Czech authorities would only be too eager to use the pretext not to give anyone anything. I can only guess that the young lady he speaks of is Schildkret. M580/42/11, SSC, Palo Alto, CA. She also sent a summary of her trip to Joseph Horne, 19 April 1947, RG 260/Records of the Offenbach Archival Depot/Correspondence and memorandums relating to the administration of the Offenbach Archival Depot/Box 250/File "Personnel 1946-1949/loc. 390/45/22/05, NACP, MD. in which she states that the original intent of her travels was to secure more prayer books for DP camps in Austria.

²⁸ John H. Hilldring to Jerome Michael, 11 March 1947, M580/39/2, SSC, Palo Alto, CA.

²⁹ Sholom [Seymour] Pomrenze to Weinreich and Uveeler, 13 July 1947, P-675/55/5, AJHS, New York. In the letter, Pomrenze reports that the trip to Czechoslovakia was not successful at all; he was not able to visit Mimon and no one could tell him where YIVO's property was held.

was permitted to; the value to the larger Jewish community to once again have a great library; and finally, that YIVO was already receiving subventions from the JDC's European program.³⁰ She concluded that this was important enough that even if the JDC would not pay her she would continue "...working for love and hoping that YIVO will send me a few cartons of cigarettes every week."³¹ In the end, the JDC continued her remuneration. In the three months time she examined 162 683 Yiddish and Hebrew volumes and identified the ownership of 32 894 of them. Of the identified volumes, nearly 75 percent belonged to the YIVO and Strashun libraries.³²

Based upon her work at Offenbach, Schildkret was certain that the OAD needed to be liquidated as soon as possible.³³ Before she finished her work there, she wrote several letters suggesting immediate action be taken in the Offenbach depot. Her proposed solution included JCR. With regard to unidentifiable books, she wrote quite bluntly in a memorandum to Joseph Horne:

We know that six million Jews were murdered by the Germans... We know that most Jewish institutions in Central and Eastern Europe were completely wiped out. Therefore, it must be acknowledged that the establishment of individual ownership of books, especially from Eastern Europe, is, roughly speaking, 90 percent wasted effort.³⁴

Building on this conclusion, she went on to state in a letter to Weinreich that there were enough unidentifiable books to go around so that no Jewish institution would feel left out. What was required, however, was that the books be shipped

³⁰ The original memorandum to Ted Feder is no longer extant. Schildkret conveyed the contents of the memorandum in a letter to Mrs. Henrietta Buchman of the JDC, 12 May 1947, P-675/52/4, AJHS, New York.

³¹ Ibid.

³² Dawidowicz, 324.

³³ Lucy Schildkret to Max Weinreich, 25 May 1947, P-675/55/4, AJHS, New York.

³⁴ Lucy Schildkret to Joseph Horne, 24 May 1947, P-675/55/4, AJHS, New York.

out on the basis of a protocol to be established by the State Department together with competent Jewish representation.³⁵ In her opinion, Baron's Commission together with the JDC would need to push for such a policy. Otherwise, "...the matter will drag and drag; no decision will be forthcoming because the responsibility will be thrust upon the inability of the Jews to come to an agreement."³⁶ While she does not suggest that she remain at the depot as one of the competent Jewish representatives, she writes of her good relations with the American military government and, more specifically, with the MFA&A officers. The fact that she needed to emphasize her upstanding behaviour suggests that other representatives had not been as praiseworthy. As she notes in a letter to a friend: "...my presence in the depot will not cast one iota of suspicion on the Joint or Jews for dishonesty or thievery or irresponsibility. My relations with the MFA&A people are excellent and I intend that they remain that way."³⁷ Indeed, her actions were praised numerous times by various military officials who even wanted her to continue working beyond her scheduled time.³⁸ Not only her YIVO work was found exemplary, but her efforts on behalf of the JDC as well.

In June 1947, Pomrenze returned to Offenbach on behalf of YIVO to ship its property to New York. The story of YIVO's collection in the American zone of Germany, then, took almost two years from beginning to end and finally came to a close with Pomrenze shipping 420 crates containing 79 204 items from

³⁵ Lucy Schildkret to Max Weinreich, 25 May 1947, P-675/55/4, AJHS, New York.

³⁶ Ibid.

³⁷ Lucy Schildkret to Mrs. Buchman, 12 May 1947, P-675/52/4, AJHS, New York.

³⁸ Joseph Horne to OMGUS, Economics Division, Restitution Branch, 3 March 1947, RG 260/M1949/Roll #2, NACP, MD; Richard Howard to Lucy Schildkret, 2 June 1947, RG 260/M1949/Roll #2, NACP, MD.

Bremen to New York City on 21 June 1947.³⁹ These events did not end the OAD's activities nor do they encapsulate the complete story of Schildkret's time in Offenbach.

II—Offenbach Books for DP Camps

In 1946-1947, OAD officials gave the JDC permission to borrow 25 000 books for use in DP camps. While the episode did not involve Baron's Commission, per se, it did involve individuals who were connected to it including Koppel Pinson,⁴⁰ and it has been argued that the incident "marred" future restitution efforts of JCR.⁴¹ Some American Jewish scholars proved unwilling to go to Offenbach on behalf of the JCR if they were, in any way, to be associated with the JDC's work.⁴² It certainly can be said that it had a detrimental effect on JCR's work since it raised American suspicion about future Jewish involvement in the activities of the depot. In addition, close to 25 000 books were lost to its future efforts.⁴³ In the end, the diligent work of Schildkret to repair the situation and initiate thorough cataloguing of books played a part in redeeming Jewish restitution efforts in Offenbach that were later continued by JCR.

³⁹ Pomrenze, "The Restitution of Jewish Cultural Treasures," 6.

⁴⁰ While Pinson was not officially in Offenbach on behalf of JCR, he did make it known that he was secretary of the Commission for European Jewish Cultural Reconstruction and was charged with the responsibility of looking into the entire problem of Jewish cultural treasures in Austria and Germany. "A Report on Jewish Cultural Treasures and Their Part in the Educational Program of the AJDC," 13 June 1946, P3/2060, CAHJP, Jerusalem.

⁴¹ *Plunder and Restitution*, SR-197.

⁴² In a report to Salo Baron, Hannah Arendt explained that professor Aaron Freimann did not want to go to Europe because the JDC had an extremely bad reputation and he did not want to be mixed up with it. 26 June 1946, M580/74/2, SSC, Palo Alto, CA.

⁴³ Joshua Starr remarked in his report back to JCR that "...the possibility of their [JDC books] being returned is quite remote," 2 June 1948, 361/E9/13, AJA, Cincinnati, OH.

Long before WWII, the JDC had already firmly established itself as an international aid organization whose aim was to assist Jews around the world who were in dire economic, physical, or spiritual straits. With regard to assisting those placed in Displaced Persons (DP) Camps throughout the Allied Zones of Germany following the war's end, the JDC was at the forefront of providing humanitarian aid. One form of such support came in the sending of much-needed reading material to the various sites. A request had been put forward in late 1945 by Judge Simon Rifkind, then Jewish advisor to the Theater Commander on Jewish Affairs, for the loan of 25 000 books by the OAD for distribution to the DPs under the auspices of the JDC. Three experts were to make the book selection: Koppel Pinson, Alexander Rosenberg, executive committee member of the Union of Orthodox Rabbis, and Samuel Sar, Dean of Yeshiva College.⁴⁴ This request was actually a demand for reconsideration since the initial application had been previously denied. Apparently Judge Rifkind had secured permission, informally, from Captain Julius H. Buchman of the Monuments, Fine Arts, & Archives division. Paul Vanderbilt, Technical Advisor of Archives and Libraries, OMGUS, asserted that although the initial allowance was limited to books of undetermined ownership, there was evidence that Pinson was not only removing books from the shelves before formal approval of the project, but was taking volumes of which the original ownership could be clearly identified.⁴⁵ With

⁴⁴ Simon H. Rifkind to Lt. General Lucius Clay, 15 December 1945, RG260/M1949/Roll #3, NACP, MD.

⁴⁵ "Memorandum on removal of books from the Rothschild library building, Frankfurt a.M. for use in Displaced Persons Camps at the request of Judge Simon H. Rifkind of the American Joint Distribution Committee," 28 December 1945, RG260/M1949/Roll #2, NACP, MD. A letter from Mordecai Breuer of Tel Aviv supports Vanderbilt's claims. As an Education officer at the Bergen-Belsen camp he found several of the JDC books clearly inscribed with the

approval given by Clay in January 1947, Pinson made an additional application five months later to provide for the release of 25 000 more books because of the influx of more Jews from Eastern Europe in new camps and Jewish communities and the ready supply of books at Offenbach from which to draw this selection.⁴⁶ The second application was made even before finishing the first selection.⁴⁷ In his report, Pinson could not speak more highly of the immense benefit that the distribution of these books had for everyone involved:

The enthusiasm with which this distribution was received is incredible [*sic*]. These library collections for the first time provide the cultural leaders in each camp and community with rich and valuable materials for carrying on educational and cultural work. It has already served to stimulate more vigorous activity in many places. The prestige of the AJDC and above all the position of the AJDC worker in each camp has been considerably heightened by this distribution.⁴⁸

Before the second loan could be approved, the American military government required that a thorough cataloguing of the loaned books be conducted and inquired as to what provisions were being made for their care and eventual return.⁴⁹ Upon receiving a list of camps to which the books were loaned, it was discovered that some were not only outside the American zone but that a number of them had closed.⁵⁰ After Pinson completed his work at the depot in

name "Fanny Breuer." He chastised the JDC for "...this lawless handling of property whose ownership could and can still, easily be established." Breuer to JDC-Paris, 12 January 1946, JRSO-NY 875, CAHJP, Jerusalem.

⁴⁶ Koppel Pinson to Captain I. Bencowitz, 1 June 1946, RG260/M1949/Roll #2, NACP, MD.

⁴⁷The location at Offenbach where Pinson conducted the selection came to be known as Pinson Hall. By June 1946, he had selected nearly 20 000 volumes. "Report on Jewish Cultural Treasures," 9.

⁴⁸ Ibid., 11.

⁴⁹ John H. Allen, Colonel GSC, to JDC-Berlin, 3 July 1946, RG260/M1949/Roll #2, NACP, MD.

⁵⁰ Lester K. Born to Colonel John H. Allen, 27 February 1947, RG260/M1949/Roll #2, NACP, MD.

October 1946 and departed from Germany, Schildkret was employed to locate the lists or the file of receipts to account for the 20 547 books that made up the first loan.⁵¹ She was only able to account for some 4 300 of them.⁵² Based upon her inability to reconcile the number of books loaned and those accounted for, along with a lack of books similar to those of the original loan, Schildkret herself recommended that the second appeal for 25 000 volumes be denied.⁵³ Furthermore, she argued that many of the Offenbach books would find their final home in America and therefore did not see merit in their further dispersion.⁵⁴ According to Joseph Horne, director of the OAD at the time, Schildkret stood apart from the other Jewish representatives who had passed through:

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.⁵⁵

Regardless of the consummate quality of her work, as highlighted by Horne, and the admission of the American military government of the need for more reading material in the camps, Schildkret's request to still have at least the last 5 000 books from the original loan be approved for redistribution was delayed for

⁵¹ Joseph Horne to MFA&A Section, 3 March 1947, RG260/M1949/Roll #2, NACP, MD.

⁵² G.H. Garde to Lucy Schildkret, 15 July 1947, RG260/M1949/Roll #2, NACP, MD. Previous research on this topic has indicated that all but 4 300 books were accounted for. This results from a misreading of the source document. See, *Plunder and Restitution*, SR-198.

⁵³ Joseph Horne to MFA&A Section, 3 March 1947, RG260/M1949/Roll #2, NACP, MD.

⁵⁴ Ibid.

⁵⁵ Ibid. This is, undoubtedly, in reference to the five boxes of manuscripts that were taken illegally from the OAD. This episode will be discussed on pp. 175-182.

months.⁵⁶ When she protested, it was suggested to her that perhaps her insistence upon receiving 5 000 might jeopardize later chances of getting many thousands more.⁵⁷ It did not help matters that Pomrenze had returned to Offenbach by that point and had expressed his rather negative opinion of the JDC.⁵⁸ By July 1947, Philip Bernstein, Rifkind's successor, became involved in the episode and argued not only for the 5 000 volume loan, but renewed the appeal for an additional 25 000 that would be carefully screened by an appointed committee of three: Solomon Shapiro, Chaplain (Major) Ralph Blumenthal, and Major Abraham S. Hyman.⁵⁹ Moreover, while he deplored the lack of accounting on the part of the JDC, he reasoned that it was inevitable that many of the books would be lost, carried away, or worn out.⁶⁰ A similar explanation was offered by Samuel Haber, American zone director of the JDC, who insisted that the situation precluded a type of control that was normally expected and that the important point was that these books were put to practical and useful benefit to those people from whom they were originally stolen.⁶¹

⁵⁶ In a letter to Schildkret, 2 June 1947, Richard Howard of the MFA&A states "While we appreciate very much the efforts which you have personally made to correct some of the too informal arrangements of others, we know that you will also appreciate the need on our part for complete U.S. control of the books loaned. That control has not yet been reestablished." RG260/M1949/Roll #2, NACP, MD.

⁵⁷ Joseph Horne to Major Lester K. Born, 5 July 1947, RG260/M1949/Roll #2, NACP, MD.

⁵⁸ Ibid. "Pomrenze expressed in no uncertain terms his dislike of the Joint and characterized the organization as inefficient [*sic*], and generally more of a nuisance than it was worth to the people it was supposed to serve. This may have significance, since Pomrenze is close to the horse's mouth as far as American Jewry is concerned, and I believe he was expressing not only his opinion, but also that of others in the US!"

⁵⁹ Rabbi Philip Bernstein to the Commander in Chief, European Command, 17 July 1947, RG260/M1949/Roll #2, NACP, MD.

⁶⁰ Ibid.

⁶¹ Samuel Haber to Major Lester K. Born, 30 October 1947, RG260/M1949/Roll #2, NACP, MD.

This logic was not accepted by the MFA&A, and its chief, Richard Howard, concluded that "...AJDC is not only an unbusinesslike, but also a thoroughly unreliable organization which is incapable either of understanding or of fulfilling its obligation."⁶² A last ditch effort was made by Louis Levinthal, subsequent Adviser on Jewish Affairs to the Commander in Chief, European Command, that the 5 000 volumes be released to the Board of Education and Culture for the Liberated Jews of Germany, but to no avail.⁶³ The entire episode did not help in placing Jewish organizations working at the OAD in a positive light. To make matters worse, the JDC was tied to another incident, by no fault of its own, that further marred Jewish restitution efforts in the eyes of the American military government and equally important had a direct impact on JCR's work.

III—Gershom Scholem and the 'Manuscript Affair'

It is beyond the scope of this study to document, in detail, the numerous trips made by Hebrew University representatives to Europe over a period of three decades, between 1946 and 1976, to secure heirless Jewish cultural property.⁶⁴ However, special attention is paid here to Scholem's work in Europe since he was not only connected to the 'disappearance' of five boxes of Hebrew manuscripts from the OAD in 1946 (Pinson and the JDC were inadvertently drawn in as well),

⁶² Richard Howard to the Chief, Restitution Branch OMGUS, 20 November 1947, RG260/M1949/Roll #2, NACP, MD.

⁶³ Louis Levinthal to L.K. Born, 3 November 1947, RG260/M1949/Roll #2, NACP, MD. In her memoir, Shildkret never does say if, in fact, the 5 000 books were distributed. *From That Place and Time*, 319.

⁶⁴ Dov Schidorsky, in his article, "The Salvaging of Jewish Books," 204, provides a convenient list of the Hebrew University's emissaries including the dates and destinations of their missions. It began with Gershom Scholem and Avraham Yaari's trip in April 1946 to Germany, Austria, and Czechoslovakia and continued sporadically until 1976, with Shlomo Shunami's trip to Austria. Fifteen different trips were made in all.

but was still able to work closely with Baron's Commission for many years following despite his apparent wrongdoings. While other scholars have mentioned this episode in light of Scholem's efforts in Europe on behalf of the Hebrew University, few have thoroughly documented it from the perspective of the American military government and as a backdrop to JCR's operation in Germany.⁶⁵ Furthermore, Baron's Commission's eventual intervention with the American military government in support of Scholem's attempts to secure material in Prague for the Hebrew University inexorably intertwines their stories. Equally important, Scholem's continued involvement with the work in Europe supported and strengthened the University's claim to being one of the most important cultural and spiritual successors to heirless Jewish property in Europe.

In April 1946, Scholem and Avraham Yaari were sent to Germany under the auspices of the Hebrew University with the expressed purpose

- a) To collect all the available information on the Jewish collections, libraries, archives and any other kind of collections, and to examine the collections themselves, as far as possible.
- b) To contact Jewish institutions when they can be considered important in the establishing of the past condition and the future disposition of these collections, and to investigate all the questions involved.⁶⁶

⁶⁵ Again, see Schidorsky and Zadoff for their analysis of Scholem and other emissaries' efforts in Europe. In *Plunder and Restitution*, three paragraphs are devoted to the missing manuscript incident and brief use is made of some military archival material.

⁶⁶ Report of Prof. G. Scholem On His Mission to Europe (in the summer of 1946) Concerning the Libraries of the Diaspora, Eve of Rosh Hashanah 5707 (1946), M580/58/9, SSC, Palo Alto, CA.

Difficulties in securing proper entry visas⁶⁷ ultimately forced Yaari to return to Palestine after a month in Paris and granted Scholem the opportunity to meet with Baron in Paris, and investigate the status of collections in Prague (5-18 June), Bratislava, and Vienna.⁶⁸ While in Prague, Scholem was able to complete the first phase of negotiations with the Council of Jewish Communities in Bohemia and Moravia (Der Rat der jüdischen Gemeinden in Böhmen und Mähren) to hand over 50-60 000 books found in Theresienstadt to the Hebrew University with the proviso that the Czech authorities would agree.⁶⁹ In arguing for the necessity of this transfer, Scholem's letters to various Jewish community leaders in Prague are very forceful in their bluntness that German Jewry was dead and that those who remained were no longer authorized or capable to continue the enormous cultural tradition.⁷⁰

During Hugo Bergmann's trip to Czechoslovakia in November 1946 to continue negotiations, the Hebrew University discovered that the American military authorities, on behalf of Baron's Commission, had already made a request to the Czech government to have the material brought to the American

⁶⁷ Scholem alluded to political or other suspicions when they put forward their first application to military authorities. Interestingly, he also had difficulty entering the British zone, a fact, he admits, he was unable to explain. Scholem to J.L. Magnes, 22 May 1946, Arc.4°793/212II, JNUL, Jerusalem.

⁶⁸ Ibid. Scholem erroneously refers to Baron as head of the American Committee on Jewish Libraries and Cultural Collections of the Diaspora. Scholem wrote entries in German of his daily activities while in Prague, 5-16 June 1946, Arc. 4°793/289I, JNUL, Jerusalem.

⁶⁹ Ibid.

⁷⁰ "Das Judentum in Deutschland ist vernichtet. Was immer davon bleiben wird, einige weniger tausend Menschen, wird nicht mehr befugt sein, die einmal dort geschaffene grosse kulturelle Tradition fortzuführen, geschweige denn dazu imstande sein." Gershom Scholem to Ing. E. Frischer, 13 June 1946, Arc.4° 793/289II, JNUL, Jerusalem.

zone so that it could be distributed according to international agreements.⁷¹ This was based on the Commission's appeal, dated 26 August 1946, to General Hilldring in which it was argued that neither the Czech government nor its Jewish citizens had any legal or moral right to retain these objects since they were not Czechoslovakian in origin.⁷² It was feared by Judah Magnes and others at the Hebrew University that this would greatly jeopardize the University's efforts and he asked the Commission, "...not to press the American government too strongly to insist upon the restitution to the American zone of these books now in Prague."⁷³ Furthermore, he stated that while the Hebrew University was "greatly satisfied" with the idea of joining the Jewish Trusteeship Corporation [i.e. JCR, Inc.], he asked that this transfer to the University be done in direct pursuance of the policy initiated by Scholem and Bergmann and that this special case be written into the Trusteeship agreement.⁷⁴ With that, Jerome Michael drew up a new letter to General Hilldring calling for a modification to the earlier proposal so that the Hebrew University would serve as trustee for these books and be a satisfactory alternative to their return to the American zone.⁷⁵ Such a change was approved of by General Hilldring and in a meeting with Laurence Steinhardt, U.S. Ambassador from the Department of State, it was recommended to the Commission and the Hebrew University that a representative return to

⁷¹ Salo Baron to Jerome Michael, 28 December 1946, M580/39/2, SSC, Palo Alto, CA. This incident is also discussed in Yavnai's "Jewish Cultural Property and Its Postwar Recovery," 131-134.

⁷² Jerome Michael to General John Hilldring, 26 August 1946, Arc.4° 791/212II/1946, JNUL, Jerusalem.

⁷³ Judah Magnes to Salo Baron, 3 December 1946, Arc. 4° 793/212II/1946, JNUL, Jerusalem.

⁷⁴ Ibid.

⁷⁵ Jerome Michael to General Hilldring, 30 January 1947, M580/39/2, SSC, Palo Alto, CA.

Czechoslovakia to collaborate with the concerned authorities.⁷⁶ Who, in turn, would pay for the shipment of the books to the Hebrew University then became a growing concern. A formal request was made to the JDC and the Jewish Agency for a preliminary amount of 2 500 pounds with the stipulation that a larger amount would be required when the cataloguing and storing of the books would have to be done.⁷⁷ It took many letters back and forth before a final amount was agreed upon, but an agreement was reached whereby the JDC would pay for the shipment, though it would be billed against the JCR and the books were, ultimately, sent to the University.⁷⁸ The University would catalogue and care for the books as the agent of the JCR pending a decision by Baron's group regarding their ultimate disposition.⁷⁹

The books in Prague were not the only property that Scholem claimed. Upon receiving the proper entry visa into Germany, Scholem spent the month of July 1946 working in the storeroom of the library in Offenbach. According to his report, the findings were rather unsatisfactory:

...one should not be surprised by the fact that the Offenbach Depot is somewhat disappointing with respect to the search for cultural treasures, meaning rare books, important manuscripts or precious archival material, especially if one does not take into account the books which are going to be sent as a restitution to various countries.⁸⁰

Of the six hundred or so manuscripts that he viewed, he notes: "There are no manuscripts here which belonged to important institutions... These [*sic*] are no

⁷⁶ David Werner Senator's diary entry pertaining to meeting between himself, Baron, Michael and Laurence Steinhardt, 21 February 1947, P3/2058, CAHJP, Jerusalem.

⁷⁷ David Werner Senator to the JDC, 14 May 1947, P3/2058, CAHJP, Jerusalem.

⁷⁸ JDC-New York to JDC- Paris, 25 July 1947, 45/54/1745, JDC Archives, New York.

⁷⁹ Minutes of a Special Meeting of the Board of Directors, 1 October 1947, 361/E9/13, AJA, Cincinnati, OH.

⁸⁰ Scholem's Report, Eve of Rosh Hashanah 5707, M580/58/9, SSC, Palo Alto, CA.

medieval manuscripts; most of the material which has value comes from the 17th and 18th centuries.”⁸¹ Among his final remarks about Offenbach, Scholem explicitly states that he did not enter into negotiations regarding the final disposal of the books, a stipulation that had been agreed upon by the Hebrew University and Baron’s Commission.⁸²

However, archival evidence suggests that Scholem, to a degree, illegally took the issue of the preservation of important manuscripts in Offenbach into his own hands. A letter from Horne of the OAD was first sent to Major Born in January 1947 in which the details of the incident were reconstructed: During Scholem’s visit, he had examined and classified the Hebrew manuscripts, signed them and marked each with a Roman numeral—I, II, III, IV, V—indicating their value. After Scholem’s departure, Captain Bencowitz ordered that those marked with the numbers I and II (thought to be the most valuable) be placed in boxes and banded. They remained in the ‘Torah room’ (a small room under lock and key where valuable and fragile items such as Torah scrolls were kept) until 30 December 1946. Thereafter, Bencowitz, having just returned from Palestine where he met with Scholem, prepared a JDC receipt for 1 100 manuscripts packed into five boxes. Lt. Herbert Friedman, an American military chaplain, returned to the depot, signed the receipt in the name of *Koppel Pinson* and the five boxes were loaded onto a JDC truck.⁸³ From there, they were brought to the Jewish Agency office in Paris, and while the Agency did not want to get involved in the

⁸¹ Ibid. He does relate that a number of *pinkasim* (registers) of communities were found to have historical value as well as a large collection of ‘Habad’ writings of unknown origin. “Let us hope that they will finally be handed over to us...,” he wrote.

⁸² Ibid.

⁸³ Joseph Horne to Major Born, 22 January 1947, RG260/M1949/Roll #3, NACP, MD.

illegal trafficking of stolen U.S. goods, it provided the information that Chaim Weizmann's personal library was being shipped from Antwerp. Friedman apparently took it upon himself to drive the boxes to Antwerp, where they were sent by ship and smuggled into Palestine.⁸⁴

The response of the OAD officials to the incident was quick and candid. One of Horne's concerns related to possible conflicts amongst Jewish interest groups over these manuscripts: "...what happens if Jewish Pressure Group A discovers that Jewish Pressure Group B managed to make off with the boodle while MG [military government] was supposed to be the custodian, holding the stuff for a policy decision?"⁸⁵ Not only was this considered an embarrassing position for the American authorities, but for the JDC as well, since these volumes and manuscripts were taken clandestinely under the agreement with the American military government for the loan of 25 000 books.

The initial denial by those involved in the episode did not help matters. A military investigation was carried out in which many Jewish representatives associated with the OAD were questioned: Bernstein, Friedman, Bencowitz, Schildkret and her associate, Sadie Sender. According to Richard Howard of the MFA&A, Schildkret asked that the JDC's name be cleared; she also admitted that it was common knowledge in her office that the shipment of the five boxes had

⁸⁴ Herbert Friedman, *Roots of the Future* (Jerusalem: Gefen Publishing House, 1999), 109. It is unclear as to how exactly they were smuggled into Palestine since the British would not have allowed the transfer. Recounting his time with Scholem, Friedman writes how upset Scholem was over JTS's bid for at least a portion of the Offenbach material and how its intervention might have prevented the material from going to its rightful home in Jerusalem. See Herbert Friedman, 107-08. OAD archival material confirms that there was a proposal to send the "entire Torah Collection" to the Jewish Theological Seminary of America in New York. OAD Directive Report, 10 September 1946, RG59/Ardelia Hall Collection/Lot File 62D-4/Entry 3104A/Box 28/File "Germany-Jewish Property"/loc. 250/52/9/04, NACP, MD.

⁸⁵ Ibid.

the full consent of Friedman and Bernstein and that Pinson was known to have 4-5 000 books in his New York Library which could be identified as coming from the OAD.⁸⁶ At one point, it was even recommended that the Federal Bureau of Investigation (FBI) become involved in questioning Bencowitz⁸⁷ and that British Intelligence be notified so as to regain possession of the boxes before their distribution in Palestine.⁸⁸ The fact that this incident coincided with the JDC's request for more books in the DP camps did not further the organization's cause in the least.

By early May 1947, a directive was sent to the American Consulate in Jerusalem to have the five boxes in question expeditiously returned to the OAD since they had been "...removed without any authorization."⁸⁹ Further, it was recommended that both Bencowitz and Friedman be sent home to the U.S. and be dismissed from the service with prejudice.⁹⁰ More serious was that the entire issue

⁸⁶ Richard Howard to Office of the Inspector General, OMGUS, 20 February 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Munich and Wiesbaden Central Collecting Points 1951-1952"/loc. 390/45/18/04, NACP, MD.

⁸⁷ Richard Howard of the MFA&A to Mr. Horne, 12 February 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc. 390/45/18/04, NACP, MD. There was also the suspicion that Bencowitz was involved in the disappearance of considerable amounts of food supplies under the custody of the United States Government and may have even sold books from the OAD and had been involved in other black market activities. See Richard Howard to Office of the Inspector General, OMGUS, 20 February 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Munich and Wiesbaden Central Collecting Points 1951-1952"/loc. 390/45/18/04, NACP, MD.

⁸⁸ Charles Gailey, Brigadier General, G.S.C., Chief of Staff, to Major General C.R. Huebner, Chief of Staff, U.S. Forces, European Theater, 22 February 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc.390/45/18/04, NACP, MD.

⁸⁹ John Allen to American Consulate Jerusalem for Hebrew University, 2 May 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc.390/45/18/04, NACP, MD.

⁹⁰ Wesley Heraldson to Ambassador Murphy, Mr. Heath, and Mr. Steere, 2 May 1947, Records of the Foreign Service Posts of the Department of State (RG84)/Records of the Office of

of a Jewish trusteeship was brought into question as a result of this debacle. In a May 1947 communication, the original American policy of returning cultural property to countries of origin without the exemption for heirless Jewish cultural property was again raised:

This restitution of identifiable items is in accordance with our quadripartite commitments and is the only just procedure to follow in regard to Jewish interests in formerly occupied countries regardless of the desires of some elements of American Jewry or individual Jews or Jewish organizations. Some of these, as we have seen, are not above extra-legal methods to accomplish their personal ends.⁹¹

It was later documented that Friedman and Bencowitz's actions were not inspired by mercenary gain but out of a firm belief that this material belonged to the Jewish people and should be housed at the Hebrew University.⁹² Despite this conclusion, disagreement remained among military officials whether it would be best to leave the boxes in Jerusalem and to have them inventoried there or to return them to Offenbach, the only place where complete facilities and reference material was available.⁹³

Not surprisingly, this account differs from the description by Herbert Friedman in his memoir, *Roots of the Future*, and from Scholem's account as recounted in a March 1948 letter to Magnes. Friedman's description of the events

the U.S. Political Advisor for Germany, Berlin/Classified General Correspondence 1945-1949 (Entry 2531B)/Box 130/File 400B/loc.350/57/18/02, NACP, MD.

⁹¹ L. Wilkinson, Colonel, GSC, to Chief of Staff, 27 May 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc.390/45/18/04, NACP, MD.

⁹² Richard Howard to Wesley Heraldson, 27 May 1947, RG84/Records of the Office of the U.S. Political Advisor for Germany, Berlin/Classified General Correspondence 1945-1949 (Entry 2531B)/Box 130/File 400B/loc.350/57/18/02, NACP, MD.

⁹³ Brief of T.C. Boyden, 29 May 1947, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc.390/45/18/04, NACP, MD.

appears in his autobiography written more than fifty years later, but it should not be dismissed altogether. The amount of pride which he shows for his own actions is worthy of note and is reflected in his concluding comments:

Saving those books amounts to saving the People of the book, for the intellectual and spiritual messages they contain are the best guarantee of the people's continued physical existence. The last time I saw Professor Scholem, shortly before he died, he told me that occasionally he looked into the rare book vault of the Hebrew University National Library and smiled contentedly. So did I.⁹⁴

The first documentary evidence of Scholem's knowledge of the goings-on appears in a letter to Baron dated 16 June 1947. Therein, he speculated that due to his connection to the "manuscript affair," as he called it, his name might be in the black book of the authorities. If he were asked by Baron's Commission to return to Germany, it would be necessary to inquire whether anything might prevent his going.⁹⁵ After the publication of an article in "The Stars and Stripes," the unofficial publication of U.S. Occupation Forces in Europe, in which the claim was made that the 1 100 manuscripts taken had a value of between \$3 million and \$5 million dollars,⁹⁶ Scholem went "on record," as it were, with Magnes regarding his involvement in the affair. First, he discounted the claims of value made by the American military authorities, sticking to his original assessment of the Offenbach material.⁹⁷ Second, he challenged the number of manuscripts received in Jerusalem. Those that he numbered I and II totaled 350 rather than the

⁹⁴ Herbert Friedman, 112. He also recounts the story in an interview that was conducted by the United States Holocaust Memorial Museum, 12 June 1992, RG-50.030*0074, which can be accessed online at <http://collections.ushmm.org/artifact/image/h00/h0000245.pdf>.

⁹⁵ Scholem to Baron, 16 June 1947, M580/42/11, SSC, Palo Alto, CA.

⁹⁶ Robert Haeger and Bill Long, "Lost EC Treasure Found in Palestine," from "The Stars and Stripes," (13 February 1948), Arc. 4° 793/212IV/1947, JNUL, Jerusalem.

⁹⁷ Gershom Scholem to Judah Magnes, 21 March 1948, Arc. 4° 793/212IV/1947, JNUL, Jerusalem.

1 100 as claimed by the military and signed for in the name of Pinson. Scholem did state that Friedman and Bencowitz were only acting in good faith and in the best interest as to the preservation of these documents. He told Bencowitz "...that it would be dangerous to leave these documents in the hands of a German staff for a longer period and urged removal at the first possible moment."⁹⁸

The incident was finally settled when it was agreed to place the entire collection of, in fact, 366 manuscripts in the custody of JCR as addendum I to the 15 February 1949 agreement between the American military, JCR, Inc., and the JRSO.⁹⁹ With the knowledge that some of the manuscripts were of identifiable ownership, JCR agreed to give appropriate notice to its rightful owners and to submit 90-day interval reports about deliveries which had been made. All unidentifiable property would be turned over in its entirety to Baron's group.¹⁰⁰ No evidence suggests that the manuscripts ever left the Hebrew University. Historical circumstances were, in part, to blame when the University and JCR could not fulfill their agreement of submitting regular reports to American military authorities.¹⁰¹ By 1948, control of East Jerusalem was in the hands of the Jordanians, essentially barring University officials from gaining access to Mount

⁹⁸ Ibid.

⁹⁹ Phillips Hawkins to James W. Cantenbein, Office of the Political Adviser, 5 April 1949, RG260/Records of the Property Division/Records of the Secretariat Section/General Records 1944-50/Box 15/File "Reparations and Restitution"/loc.390/44/20/01, NACP, MD. A complete listing of the 366 manuscripts is provided by the American Consulate General, Palestine, 24 July 1947, RG 260/Records of the Offenbach Archival Depot/Cultural Object Restitution and Custody Receipts 1946-1951/Box 253/File "Receipts for restitution out-shipments 1946-1951"/loc. 390/45/22/06, NACP, MD.

¹⁰⁰ Ibid.

¹⁰¹ Frank Miller to Saul Kagan, 11 April 1950, M580/232/5, SSC, Palo Alto, CA.

Scopus where the manuscripts were held.¹⁰² A letter was written by the University to the American Consulate General in May 1950 outlining its terms for screening the manuscripts. First, permission would have to be obtained from the United Nations; representatives from the United Nations, the American Consulate, and the University would travel in an American car to the campus and under no circumstances would the Arab Legion be permitted to open and check the contents of the boxes. If these stipulations were not met with compliance, then the manuscripts were to be returned, unopened, to Mount Scopus.¹⁰³ It is important to reiterate that it became JCR's job not only to deal with the distribution of this material, but also to clean up the political messes made by various Jewish groups.

IV—JCR in Offenbach

Baron's group, while having worked the longest on issues of heirless cultural property, was among the last to have a sustained post-war presence in Europe and specifically in Offenbach. Its late arrival, though, is not indicative of limited influence. The above-mentioned incidents speak volumes regarding the ultimate authority that was assigned to JCR. With that increased influence, however, also came the expectation of collaboration, organization, and efficiency. It, more than any other group, understood the political nature of its job and worked to maintain good relations with all those whom it became involved. Easier said than done, it needed to present itself as an international organization

¹⁰² Rosalind Duke, "The Jewish National and University Library: Reflections on the Past—Plans for the Future," *Proceedings of the 38th Annual Convention of the Association of Jewish Libraries* (Toronto, ON, 15-18 June, 2003).

¹⁰³ Hebrew University to the American Consulate General, 19 May 1950, Arc. 4° 793/288, JNUL, Jerusalem.

representing all of world Jewry in this matter. One of the reasons for the group's productivity may well have been the incredibly short time that it had to compete its assignment—approximately two years. With the numerous reports and correspondences that were written by JCR's European representatives during that period, we have a picture of *Realpolitik* as it related to Jews in Germany in the post-war period.

V—Joshua Starr (February-November 1948)

As an international association working under two large umbrella organizations—the JDC and the Jewish Agency, JCR's work was not easy. Budgetary concerns and questions surrounding personnel—who would be included in the European mission, for example—were a constant compromise, yet, perhaps surprisingly, JCR did not respond to them as relentless obstacles in its work. Or, if it did, the threat of losing more cultural objects by delaying action on their part was seen as rather more significant. Thus, with an agreed upon preliminary budget of \$10 000, sufficient for only several months' operation,¹⁰⁴ JCR began assembling a mission to Offenbach. Several people were considered: Jacob Zuckerman of UNESCO, the historian Philip Friedman, Harry Biele and Eli Rock of the JDC, Harry Viteles, the European director of ORT, Isaac Leo Seeligmann, Librarian of the Bibliotheca Rosenthaliana in Amsterdam, Cecil

¹⁰⁴ The initial proposal to the JDC was for \$12 000 for six months work which would cover the cost of an executive secretary, two scholars, their traveling expenses, and clerical assistance in the United States and abroad. David Rosenstein (JCR Treasurer) to Edward M.M. Warburg, 10 June 1947, M670/16/JCR1948, SSC, Palo Alto, CA. The final agreement was for \$10 000 limiting them to one executive secretary, one scholar and incidental clerical help. It was thought that more help should be sought from non-American Jewish scholars already in Europe. B.M. Joffe of the JDC to Mr. Gottlieb Hammer of the Jewish Agency, 16 July 1947, 45/54/1745, JDC Archives, New York.

Roth of the Jewish Historical Society, and a number of others. It is no surprise that the Hebrew University demanded that it be well represented to safeguard its interests. Ideally, they wished for a team of five with at least two members from Palestine.¹⁰⁵ Further, David Werner Senator and Scholem strongly suggested that all activities be moved to Palestine as soon as possible since, in Senator's words, "...who would want to stay in Germany for so long a period?"¹⁰⁶ By January 1948, no mission had yet been formed due, in large part, to the delay in the formation of the larger Jewish Restitution Commission, what would later become the JRSO, and in American recognition of JCR as trustee of heirless and unclaimed Jewish cultural property. To quicken the pace, it was recommended that Joshua Starr, JCR's executive secretary, be sent immediately overseas as a JDC representative.¹⁰⁷ Once there, his mission would be to manage ownerless and unidentifiable books at Offenbach, establish contacts with the German communities to inform them of JCR's plans, assess their needs, and "...negotiate with them for books and other cultural property which they may own and for which they may have no need."¹⁰⁸ Starr left for Europe in February 1948 having no entrance visa into Germany, but hoping that it would arrive once he reached England. He was finally allowed to enter the American zone of Germany in May. Until that time, he occupied himself with studying the situation in France, as well

¹⁰⁵ David Werner Senator to Salo Baron, 31 August 1947, M580/42/11, SSC, Palo Alto, CA.

¹⁰⁶ Ibid.

¹⁰⁷ Salo Baron to Jerome Michael, 5 January 1948, M580/43/5, SSC, Palo Alto, CA.

¹⁰⁸ Salo Baron to Irwin S. Mason, 9 February 1948, M580/43/5, SSC, Palo Alto, CA.

as analyzing activities in Prague, “the commendable operations of our constituent, the Hebrew University.”¹⁰⁹

Early on, Starr undertook securing synagogue property that was found on the infamous Hungarian Gold Train—a train consisting of approximately twenty-four freight cars with confiscated and looted property taken by the Hungarian government from Hungarian Jewry during the war. After the war, it was taken under the custody of the U.S. Army and its contents were moved to Salzburg, Austria.¹¹⁰ It was ascertained through Abba Schwartz, who was in charge of the non-monetary gold program¹¹¹ for the Intergovernmental Committee on Refugees (IGCR), PCIRO,¹¹² and later reparations director of the International Refugee Organization (IRO), that it would be ill-advised for JCR to make any claims on the property in Austria where the organization had no standing whatsoever.¹¹³ Instead, Schwartz himself would suggest to the State Department that the synagogue paraphernalia be moved from the warehouse in Salzburg to the Offenbach Depot.¹¹⁴ By April, military documents relating to the move of approximately three tons of materials measuring 450 cubic feet suggest that Schwartz’s proposal was followed.¹¹⁵ An additional carload of ceremonial objects

¹⁰⁹ Joshua Starr to the JCR Board of Directors, 11 May 1948, M580/231/17, SSC, Palo Alto, CA.

¹¹⁰ For the complete story of the Hungarian Gold Train see Ronald Zweig, *The Gold Train: The Destruction of the Jews and the Looting of Hungary* (New York: Harper Collins, 2002).

¹¹¹ The “non-monetary gold program” referred to all valuable personal property that was taken under duress from political, racial, or religious victims of the Nazi Government or its satellite governments. See Rubin and Schwartz, 385.

¹¹² Preparatory Commission for the International Refugee Organization.

¹¹³ Eli Rock to Joshua Starr, 30 March 1948, 45/54/1745, JDC Archives, New York.

¹¹⁴ *Ibid.*

¹¹⁵ USFA Message Form, 27 April 1948. My thanks to Ronald Zweig for sharing this.

arrived in Offenbach in early June.¹¹⁶ Later evidence indicates that the material was relocated to Wiesbaden, wherein Starr was not provided with an inventory list, since that would have required a directive from a higher-ranking office.¹¹⁷ Starr also alluded to an unfounded accusation leveled against him by certain American military officials that he had been pocketing important archival material.¹¹⁸ This may have also informed military officials' decision not to provide Starr with the list.

Starr did not waste time in setting to work. His first detailed report to Baron reveals that, although somewhat overwhelmed by the amount of work before him, he immediately evaluated the situation, met with key players at the depot including General Clay, and forwarded budgetary and personnel recommendations to JCR headquarters. Among other activities, he arranged for the affiliation of JCR and the Interessenvertretung of the Gemeinde in the U.S. zone. He acted to show JCR's willingness to be a more inclusive Jewish organization and concluded that it was unnecessary for JCR to send a mission to Germany to search for books outside of Offenbach. Schnaittach, for instance, another location where Jewish cultural property was thought to be found, had yet to be investigated, while other smaller repositories were considered to have very little Jewish content.¹¹⁹ He repeatedly noted that good relations were maintained

¹¹⁶ Excerpts from Dr. Joshua Starr's Report, Frankfurt, 2 June 1948, 361/E9/13, AJA, Cincinnati, OH.

¹¹⁷ Joshua Starr to Salo Baron, 17 August 1948, 45/54/1745, JDC Archives, New York.

¹¹⁸ Ibid.

¹¹⁹ Joshua Starr, "The Archival Depot at Offenbach," 15 June 1948, M580/231/17, SSC, Palo Alto, CA.

with all those he encountered.¹²⁰ In a letter to Scholem, Starr judged it premature to send a Hebrew University representative to assist him since the depot was to be closed to visitors until September. He did, however, write to Scholem that he would be going to Prague and Vienna and asked him to assure the locals that he was working with the University's support.¹²¹ In Vienna, Starr proposed to the Jewish community that it retain a portion of the community library, while surplus non-Jewish material would be entrusted to the Hebrew University and Jewish material to JCR.¹²²

One particular collection occupied much of Starr's energy during his first months in Germany and future JCR representatives as well. The Baltic collection, nearly 29 000 books from Lithuania, Estonia, and Latvia, came to be housed at Offenbach. Despite the mixed sources of the collection, American military authorities considered it Jewish cultural property and it was treated as such.¹²³ A study done by Starr concluded that a large number of library markings in the books had proven to be of Jewish origin and that more than half the volumes came from Jewish sources.¹²⁴ Because the military government planned to

¹²⁰ An internal JDC letter from Joel Fisher to Eli Rock drew attention to the fact that "...Dr. Starr ran into some difficulties in Offenbach by doing what Mil. Gov. officials called 'treating all the records and files as his own rather than as Mil. Gov. records.' I gather that Starr made off with some records without obtaining clearance from Mil. Gov." 10 August 1948, Geneva IV/32/1/B, JDC Archives, Jerusalem.

¹²¹ Joshua Starr to Gershom Scholem, 18 August 1948, Arc. 4° 793/212IV/1947, JNUL, Jerusalem. In his response, Scholem believed it to be "politically unwise" for an American official to deal with the new Czech communist authorities.

¹²² Field Report #3, 4 September 1948, 361/E9/13, AJA, Cincinnati, OH.

¹²³ HQ Dept. of the Army from Chief Civil Affairs to OMGUS, 12 October 1948, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc.390/45/18/04, NACP, MD.

¹²⁴ Joseph Horne to OMGUS, Restitution Branch, 3 November 1948, RG260/Ardelia Hall Collection/Records of the Wiesbaden Central Collecting Point/General Records 1945-1952/Box 66/File "Jewish Cultural Property 1947-1950"/loc.390/45/18/04, NACP, MD.

liquidate the external restitution program at Offenbach by 30 June 1949, there was concern that the Germans would be granted custody of properties like the Baltic Collection, which could not be disposed of before the deadline. American authorities considered placing the property in storage. The solution of handing the Baltic books over to JCR to hold in custody for two years was considered a superior fate.¹²⁵ The military authorities would eventually adopt a resolution whereby the books would be transferred to JCR against a custody receipt, providing that it would exercise reasonable diligence in locating owners and returning property when possible. This was thought to be the best solution since the center of Jewish cultural life was no longer in Central and Eastern Europe and the American government did not recognize the incorporation of the Baltic States into the Soviet Union.¹²⁶ On 22 July 1949, an agreement was signed transferring Jewish cultural properties originating in the Baltic area over to JCR as well.¹²⁷ But this arrangement would be left to Starr's successors to complete.

The introductory stage of JCR's work in Offenbach ended in November 1948 with Starr's return. Upon his return, he was to give a first-hand account of the situation in Germany and prepare a new staff to work in Offenbach. With a budget of approximately \$21 000, it was thought that the job of cataloguing and

¹²⁵ Saul Kagan to Joshua Starr, 10 June 1949, JRSO-NY/923a, CAHJP, Jerusalem.

¹²⁶ Saul Kagan to Joshua Starr, 14 December 1948, Geneva IV/32/1B, JDC Archives, Jerusalem. Having JCR hold it against a custody receipt meant that it would not have absolute title, but that it would be the custodian of the property and could be subject to claims made against it, private or national.

¹²⁷ Addendum II to Memorandum of Agreement of 15 February 1949, Subject "Jewish Cultural Property," 22 July 1949, USHMM Papers, Washington, D.C. These included the libraries of the Mir, Slobodka, and Volozhin yeshivot as well as the Shapiro unit.

shipping the property could be completed in six months.¹²⁸ After the agreement between JCR and the U.S. government was signed in February 1949, transferring the custody of more than 350 000 cultural items to JCR, Bernard Heller (field director) and Shlomo Shunami (assistant field director) were sent to Offenbach to continue where Starr had left off. They would have until 30 May 1949 to remove all of the heirless Jewish cultural property from the Offenbach warehouse.

VI—Heller,¹²⁹ Shunami,¹³⁰ Lowenthal, and Narkiss (February-June 1949)

The reason for JCR's choice of Bernard Heller as acting field director in Germany is unattested in the archival materials. Although he and Baron had been in contact prior to 1949—he had sent clippings to Baron regarding the “Restitution Law,”¹³¹ Heller does not appear to have been active in JCR's work before his appointment. By contrast, his time overseas is well documented. Heller wrote numerous articles about his experience in *Liberal Judaism*, and elsewhere.¹³² According to Heller, Baron approached him in December 1948 asking if he could go to Germany for six months. He replied that he “...would deem it a privilege to participate in an enterprise of such historical and moral

¹²⁸ JDC New York to JDC Paris, 30 November 1948, Geneva IV/32/IB, JDC Archives, Jerusalem.

¹²⁹ Bernard Heller (1897-1976) arrived as a small child to the United States from Kishinev, Russia. He was ordained as a Reform Rabbi at the Hebrew Union College, Cincinnati campus in 1920 and received his Ph.D. from the University of Michigan in 1932. From 1930 until 1940 he served as head of the B'nai B'rith Hillel Foundation at his alma mater and in 1943 he was appointed to a commission that oversaw the elimination of prejudicial references to Jews in Catholic and Protestant textbooks.

¹³⁰ Shlomo Shunami (1897-1984): bibliographer and librarian of the Jewish National and University Library who, for many years, headed its Ozrot ha-Golah [treasures of the Diaspora] department devoted to salvaging Jewish books from Europe.

¹³¹ Bernard Heller to Salo Baron, 18 November 1947, Henry Hurwitz Papers 2/2/18, AJA, Cincinnati, OH.

¹³² See Bibliography for complete list.

significance.”¹³³ In the early stages, Starr, who returned to Germany at the same time, supervised Heller and the others. Since Shunami, librarian of the Hebrew University Library, had not yet arrived from Israel, Heller’s first task was to survey the needs of west European Jewry—France, Belgium, Italy, Holland, and Switzerland—with regard to reading materials.¹³⁴

Meanwhile, Starr requested that a representative from the Bezalel Museum in Israel be sent to Wiesbaden to select ceremonial objects suitable for its museum and the Tel Aviv Museum, and to choose objects for distribution to various synagogues across the country. Mordecai Narkiss,¹³⁵ the director of Bezalel, arrived in Wiesbaden towards the end of April 1949 in response to Starr’s request. There he found 5 713 classified and numbered objects, which had been photographed and catalogued under the following categories:

Seder Plates; Torah Shields:	76
Goblets:	224
Collections Boxes:	59
Spice Boxes:	1 244
Menorahs:	1 285
Hanukkah Lamps:	550
Torah Shields	492 ¹³⁶
<i>Rimmonim</i> :	932
Torah Crowns:	74

¹³³ Bernard Heller, “Displaced Books and Displaced Persons,” *Liberal Judaism* (March, 1951): 20.

¹³⁴ Joshua Starr to Bernard Heller, 8 February 1949, M580/43/7, SSC, Palo Alto, CA.

¹³⁵ Mordecai Narkiss (1898-1957): Israel curator and art historian who first studied at Bezalel and later became its director. For more on the life and work of Mordecai Narkiss see M. Avi-Yonah et al., *Eretz Israel: Archeological, Historical and Geographical Studies, Vol. Six—Dedicated to the Memory of Mordecai Narkiss (1897-1957)* (Jerusalem: Israel Exploration Society and the Bezalel National Museum, 1960). For his work on behalf of JCR see Shlomit Steinberg, *Orphaned Art*, 13-15.

¹³⁶ In his field report, Joshua Starr wrote “the inventory was prepared under circumstances which made a technically satisfactory classification unfeasible.” The reason for “Torah shields” appearing twice on the list likely has to do with the fact that a number of Torah shields were found among boxes of seder plates and thus listed together while the majority of other Torah shields were found and listed separately. Field Report #7, 11 April 1949, JRSO 923a, CAHJP, Jerusalem.

Pointers: 741
Eternal Lights: 36¹³⁷

There were also approximately 2 000 *atarot* (silver decorative collar on a prayer shawl) in useable condition.

One M. Bernstein,¹³⁸ a Jewish DP and YIVO representative, undertook a survey of Judaica in German institutions on behalf of JCR in the spring, summer, and fall of 1949. From the very beginning, JCR's members urged the organization not to ignore scrutinizing those German museums, libraries, and archives that may have acquired looted Jewish property during the war. From his first report to JCR, one sees that Bernstein visited dozens of cities and towns in the American, British, and French zones to uncover the nature of their collections and what was being done to preserve them.¹³⁹ YIVO had likewise undertaken activities of this sort, and not solely in Germany. Representatives of the organization visited Germany, Austria, Italy, France, Belgium, and Holland, performing the same investigative tasks as Bernstein with the hope of either securing original material for YIVO or at least microfilming important collections.¹⁴⁰ On the whole, Bernstein concluded that German institutions had proof of their pre-Hitler

¹³⁷ Ibid. The 3 177 unnumbered objects consisted of 1 421 Ribbons with mounted silver plates; 1 351 Silver in scrap condition; 320 Candleholders for Hanukkah in fair condition and 85 pieces of jewelry.

¹³⁸ Never once in the archival evidence is Bernstein referred to by his first name.

¹³⁹ Report by Mr. Bernstein, Library Investigator, 17 April, 25 May, and June 1949, JRSO 923a, CAHJP, Jerusalem. Report by Mr. Bernstein, July and August 1949, JRSO 923b, CAHJP, Jerusalem. Report by M. Bernstein, Library Investigator, September and October 1949, Arc. 4° 793/288, JNUL, Jerusalem. He visited Heidelberg, Munich, Augsburg, Ulm, Kassel, Mannheim, Karlsruhe, Speier, Worms, Freiburg, Gailingen, Konstanz, Tübingen, Würzburg, Bamberg, Backnang, Rothenburg ob der Tauber, Darmstadt, Nürnberg, Ludwigsburg, Neuburg (Donau), Neumarkt (Oberpfalz), Bayreuth, Sulzburg, Floss, Sulzbach, Weiden (Oberpfalz), Regensburg, Amberg, Hof, Cham, Hannover, Erlangen, Birstein, Esslingen, Landshut, Stuttgart, Göttingen, Adelebsen, Marburg, Passau, Degendorf, and Donaueschingen.

¹⁴⁰ M. Weinreich to M. Uveeler, "The Work of YIVO in Europe," 10 November 1949, 45/54/2082 YIVO '47-'49, JDC Archives, New York.

ownership of their Judaica and Hebraica. His report highlights those collections whose claims to ownership appeared dubious, including the University libraries of Heidelberg, Freiburg, and Würzburg, among others.¹⁴¹ He also highlighted several important archives of extinct German Jewish communities that were transferred to public German institutions after 1945, as well as community archives handed over to post-war Jewish communities in Germany, such as those of Augsburg and Kassel. Unfortunately, JCR found his overall reports to be sorely lacking in detail and thus adding very little to what was known, believed, or suspected before he began.¹⁴² In August, Heller sent Narkiss to various non-Jewish museums in order to supplement the information gathered by Bernstein.¹⁴³

As a result of the passing of the 31 December 1948 deadline for filing claims under Law 59, JCR was at a loss as to how to claim the books and ceremonial items found in German institutions or even obtain access to them.¹⁴⁴ An alternative proposal was raised by Ferencz: according to article 73 and following of Law 59, Germans and German institutions were required to report all confiscated property which they had acquired during the period covered by Law 59. Failure to comply was supposed to result in heavy penalties. The large loophole in the law, however, was that they were not obliged to report as long as the individual books or the value of books of a group belonging to the same

¹⁴¹ Summary of Three Reports by M. Bernstein, Library Investigator, 17 April, 25 May, and June, 1949, JRSO 923a, CAHJP, Jerusalem.

¹⁴² Jerome Michael to Hannah Arendt, 20 August 1949, M580/43/5, SSC, Palo Alto, CA. It was recommended by Michael himself, while visiting Germany, that Bernstein be released from his duties due to his incompetence.

¹⁴³ Bernard Heller to Salo Baron, 24 August 1949, M580/43/5, SSC, Palo Alto, CA. Narkiss visited Bamberg, Schnaittach, Augsburg, Nordlingen, Munich, Friedberg, Marburg, Biedenkopf, Regensburg, Mainz (French Zone), Koblenz (French Zone), Hamburg (British Zone). Narkiss' full report was written up in late August, 1949, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁴⁴ Moses Leavitt to Eli Rock, 27 July 1949, Geneva IV/32/1B, JDC Archives, Jerusalem.

owner did not exceed DM 1 000.¹⁴⁵ It was thought that if attention were called to their failure to file, perhaps it would prompt them to file reports thus extending the deadline for confiscated property.¹⁴⁶ This would undoubtedly extend JCR's work in Germany well into the year 1950 and would prove to be difficult since, as Scholem pointed out, "[German libraries] keep to the good old rule of 'Mein Name ist Hase, ich weiss von nichts.'" ¹⁴⁷ It was first suggested that one JCR representative should undertake the task of encouraging the museums to file their reports, but ultimately most of JCR's European representatives would at some point or other venture outside the depot to engage the institutions.

The task of preparing the books for shipment inside the depot had already begun at an urgent speed by the time Shunami arrived in Offenbach in March 1949.¹⁴⁸ By the beginning of April, 1 200 cases were ready for shipment and 300 more would be arranged a few days later.¹⁴⁹ JCR also attempted to obtain microfilming facilities to duplicate much of the archival material destined to go to the Hebrew University, since much of it was considered extremely valuable for Jewish historical purposes.¹⁵⁰ Ernst Gottfried (E.G.) Lowenthal, the British representative, arrived on the scene in April. He was not among the first to be recommended for the job by Roth's Committee. The names of Isidor E.

¹⁴⁵ Hannah Arendt's Field Report #12, December 1949, JRSO 923b, CAHJP, Jerusalem.

¹⁴⁶ Jerome Michael to Hannah Arendt, 20 August 1949, M580/43/5, SSC, Palo Alto, CA.

¹⁴⁷ Roughly translated as "I'm saying nothing, I know nothing." Gershom Scholem to Hannah Arendt, 29 September 1949, M580/232/5, SSC, Palo Alto, CA.

¹⁴⁸ Shunami recounts the work done in Offenbach in three of his publications: *About Libraries and Librarianship* (Hebrew) (Jerusalem: Rubin Mass, 1969); "The Offenbach Jewish Book Collection," *Yad La-Kore* 2, no.1 (April-June 1950): 73-74. (Hebrew); "Out of the Story of the Rescuing of Jewish Books from Europe," *Yad La-Kore* 5, no. 2 (April-June 1958): 113-118. (Hebrew).

¹⁴⁹ OMGUS SGD Hays to OMG Hesse, 8 April 1949, RG260/Records of the Restitution Section/Records Pertaining to Restitution 1945-1950/Box 712/File "Restitutions-Jewish Cultural Property"/loc.390/45/15/04, NACP, MD.

¹⁵⁰ Eli Rock to Benjamin Ferencz, 12 April 1949, JRSO 923a, CAHJP, Jerusalem.

Lichtigfeld, member of the Chief Rabbinate Council with the British Army, and Zvi Hirsch Poppers were circulated;¹⁵¹ Lowenthal was chosen. His resume hardly seemed lacking. He worked for the British Jewish Relief Unit during the First World War, served as the companion and secretary to Rabbi Leo Baeck when he visited the surviving Jewish communities in Germany in 1948, was a Board member of the Committee on Restoration of Continental Museums, Libraries, and Archives, as well as an executive member of the Association of Jewish Refugees in Great Britain.¹⁵² Thus, by mid-May, with Heller's return from his travels elsewhere in Europe on behalf of JCR, there were four of its representatives stationed in Germany: Heller, Narkiss, Shunami, and Lowenthal.

The representatives' time together was not without its disagreements. In his recollections of their first meeting, Heller painted a colourful picture of each of the men. Lowenthal was an "impressive-looking gentleman, display[ing] at all times a rare ability to control and conceal his emotions." Heller picked out Shunami immediately: "He was of short stature. His sallow complexion, solemn countenance, white metal rimmed glasses and the slow pace of his walk indicated that he was neither a business man nor a civilian adjunct to the military government." Perhaps his best relationship, however, was with Mordecai Narkiss: "I looked forward to each conference or hour's work with him. His unconcern for rank and status, his gentle and unassuming manner, free of any pose, set one at ease... The unique attributes of his personality and the nobility of his character

¹⁵¹ Oskar Rabinowicz to Cecil Roth, 6 January 1949, A87/182, CZA, Jerusalem.

¹⁵² Lowenthal's memorandum to Rabinowicz, 2 October 1949, M580/43/5, SSC, Palo Alto, CA. For more on Lowenthal see Brenner, *After the Holocaust*, 130-133.

marked him as a rare soul.”¹⁵³ By June, though, Ferencz of the JRSO sent a letter to Starr which suggested that relations were somewhat strained: “Morale of the JCR staff is certainly not all that it might be...It is inevitable that poor morale hampers the progress of the work and although the consequences are not fatal, it certainly is undesirable.”¹⁵⁴ Questions of rank became an issue between Heller and Lowenthal to the point where Ferencz had to make an explicit announcement regarding their respective status: Heller would be field director of JCR with power of attorney and director of the cultural property division of the JRSO while Lowenthal would be administrative officer of JCR and executive director of the cultural property division of the JRSO.¹⁵⁵ Tensions resurfaced in late June when the question was raised of who would replace Heller upon his leaving.¹⁵⁶ In addition, concern was expressed over Heller’s expenses during his multi-city tour in April.¹⁵⁷ Narkiss and Heller could not agree over the distribution of the silver objects, with Narkiss thinking more should be allotted to Israel.¹⁵⁸ In general, Shunami and Narkiss always argued for more being sent to Israel. Salo Baron placed everything into perspective when he wrote to Heller: “I feel confident that in the very near future you may smilingly recollect some of these petty annoyances while remembering only with great satisfaction the services rendered to a truly worthwhile cause.”¹⁵⁹ Despite these apparent tensions, their task was completed on time by 30 May: all of the unidentifiable books in the Offenbach

¹⁵³ *Ibid.*, 23, 26.

¹⁵⁴ Ben Ferencz to Joshua Starr, 27 June 1949, M580/43/7, SSC, Palo Alto, CA.

¹⁵⁵ *Ibid.*

¹⁵⁶ Bernard Heller to Salo Baron, 13 June 1949, M580/29/5, SSC, Palo Alto, CA.

¹⁵⁷ Joshua Starr to Salo Baron, 20 May 1949, M580/43/7, SSC, Palo Alto, CA.

¹⁵⁸ Heller, “The Tempest in the Teapot,” 26-27.

¹⁵⁹ Salo Baron to Bernard Heller, 21 June 1949, M580/29/5, SSC, Palo Alto, CA.

Archival Depot had been shipped and a receipt from OMGUS, Property Division, was issued to Bernard Heller for the transfer of the last of the material—75 560 items in 314 cases.¹⁶⁰

What is sorely lacking from the JCR correspondence is a real sense of how these Jewish representatives reacted to working in Germany and, perhaps more importantly, among German workers. To Heller, it appeared as if Lowenthal's positive opinion of Germany had not drastically altered: "He is a most presentable person and knows the German mentality very well and has not allowed the Nazi nightmare to mar the beauty which he saw in the achievements of such men as Goethe, Schiller, Beethoven, etc."¹⁶¹ We can glean some of Heller's own views from a letter addressed to Starr: "Lowenthal informed me that today is Ascension Day. (The Germans have now gone Christian. Would that they would have thought about being Christians during the Hitler regime and heeded some of his ethical admonitions)."¹⁶² At the same time, in a speech to the Offenbach workers, Heller intimated that perhaps a new relationship was being forged between Germans and Jews in light of their joint efforts at salvaging Jewish cultural property:

In the work in which you have been engaged I see a deeper meaning. I do not merely wish to congratulate you on a task well performed. In your difficult and cooperative efforts to help the AMG [American military government] return the looted books and

¹⁶⁰ Receipt for Jewish Cultural Properties, 30 May 1949, RG 260/Records of the Offenbach Archival Depot/Cultural Object Restitution and Custody Receipts 1946-1951/Box 254/File "Receipts for restitution out-shipments 1946-1951," loc. 390/45/22/06, NACP, MD. Accessed on 4 September 2007 at <http://www.ushmm.org/museum/exhibit/online/oad/main3.htm>. Up to that point, a total of 1 380 cases had been shipped. Five hundred cases or about 70 000 books arrived in JCR's New York warehouse. Dr. Blattberg to Dr. Marcus, 8 June 1949, 361/E9/6, AJA, Cincinnati, OH.

¹⁶¹ Bernard Heller to Salo Baron, 24 August 1949, M580/43/5, SSC, Palo Alto, CA.

¹⁶² Bernard Heller to Joshua Starr, 26 May 1949, M580/43/5, SSC, Palo Alto, CA.

Torah Scrolls I perceive a desire on your part to undo, as far as was in your power—a great wrong. You have collaborated in the work of making *some* restitution to the bereaved Jewish people. I see in the completion of this initial operation the first step towards a reconciliation between the greatest victims of Nazism, the Jews and the de-nazified Germans. May this commingling of German and Jewish workers spell the beginning of peace and amity and good will between the peoples we represent. May it betoken an assurance that never again will such misdeeds be allowed to be reenacted.¹⁶³

Heller, Lowenthal, Narkiss, and Shunami would continue to work with these men and women when some were relocated to Wiesbaden. There, the identifiable objects—about 50 000 privately owned volumes, volumes belonging to German Jewish institutions¹⁶⁴ (e.g., the Hermann Cohen Collection), approximately 1 000 rare volumes whose Jewish ownership was questionable,¹⁶⁵ and a handful of reference volumes—would be stored. The working conditions in Wiesbaden were not conducive to JCR's efforts to finish its job quickly and efficiently. Lack of free space, delays resulting from the transportation of the German workers from Frankfurt am Main each day resulted in a few hours of actual labor. Further, payment difficulties added to the issues that had to be confronted.¹⁶⁶

¹⁶³ Heller, "Invisible Spectators," 37.

¹⁶⁴ Bernard Heller's Field Report #9, September 1949, JRSO 923b, CAHJP, Jerusalem. This consisted of about 50 000 volumes including periodical literature: Jüdisch Theologisches Seminar in Breslau, 11 412; Jüdische Gemeinde Berlin, 7 761; Hochschule für das Wissenschaft des Judentums Berlin, 1 270; Israelitische Religionsgemeinde Darmstadt, 1 087; Israelitische Gemeinde Frankfurt, including Philanthropin, 4 832; Hermann Cohen Collection, 5 246; Raphael Kirchheim (1804-1889) Collection incorporated in the former library of the Israelitische Religionschule, Frankfurt a/M, 1 588; Verein Israelitischer Religionslehrer, Frankfurt a/M 1 305; Synagogen Gemeinde Königsberg, 3 857; 8 000 volumes from approximately 600 other Gemeinden and their institutions and societies.

¹⁶⁵ The fate of these rare volumes was later solved. 362 books were not turned over to JCR, while 620 of them were. Of those, 183 went to the Hebrew University Library and 437 went to JCR in New York. E.G. Lowenthal's Field Report #11, November 1949, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁶⁶ Bernard Heller's Field Report #9, September 1949, JRSO 923b, CAHJP, Jerusalem.

VII—JCR: Wiesbaden and Beyond (June–November 1949)

Before serious work could begin in Wiesbaden, Narkiss was asked by the JDC and JCR to return to the Collecting Point in Munich, where a number of paintings, drawings, sculptures, pieces of furniture, and graphic arts had been found, in order to examine them and offer an appraisal of their value. This was to be done before the depot's closure on 31 May 1950.¹⁶⁷ Narkiss found 553 pieces in total. Five to ten of these had an estimated aggregate value of approximately \$80 000. The whole load was considered to be worth between \$100 000 to \$150 000. Ferencz thought that the five most important cases of material should go to New York, while the eleven others would be shipped to the JRSO office in Nürnberg until final disposition could be decided.¹⁶⁸

The packing and shipping of 225 additional cases of ceremonial objects, this time from Wiesbaden, was completed by 8 July 1949. "Operation Narkiss," as it was called, also involved what would become a sensitive and somewhat controversial topic—the decision taken by Kagan and Ferencz to smelt twenty-five small cases of damaged silver ceremonial fragments in Sheffield, England on behalf of the JRSO Nürnberg, without the JCR Board's knowledge.¹⁶⁹ Heller expressed his disagreement with the decision in his field report: "I hated to see them go there for sentimental reasons. I felt at times as if we were consigning

¹⁶⁷ Any material left in Munich was then also moved to Wiesbaden.

¹⁶⁸ Benjamin Ferencz to Eli Rock, 1 June 1949, Geneva IV/32/1B, JDC Archives, Jerusalem.

¹⁶⁹ The proceeds from the smelting amounted to about \$10 000. Memorandum from Hannah Arendt to Salo Baron, 13 September 1949, M580/43/6, SSC, Palo Alto, CA. There was disagreement as to which organization was to get monetary credit for the material. The JRSO's contention was that the objects were beyond repair and thus had no cultural value. Therefore, it fell under the JRSO's jurisdiction. Baron stated in a letter to Roth that the JCR Board was unaware of the staggering number of objects to be smelted and he, more than anyone, regretted their unfortunate outcome. Salo Baron to Cecil Roth, 22 November 1949, A87/64, CZA, Jerusalem.

these damaged holy objects to a sort of crematorium.”¹⁷⁰ In fact, he was so upset by the decision that he made sure to remove some of the pieces that he thought synagogues could use.¹⁷¹ Cecil Roth’s Committee on Restoration of Continental Jewish Museums, Libraries, and Archives also expressed strong disapproval of the smelting. That their organization was likely to be suspected of taking part in the decision was of particular concern.¹⁷² As for the material that remained to be distributed, Narkiss remarked, “It has been extremely difficult to select the ceremonial objects which definitely belong in museums rather than in synagogues.”¹⁷³ The majority of the objects, especially the oldest ones, needed repair and were examples of interesting popular handicraft rather than outstanding creative art. In the end, 10 000 silver ceremonial objects along with 1 000 textile ritual objects were chosen and prepared for shipment. About half of the cases contained ceremonial objects destined, because they were not museum quality, for use in synagogues around the world.¹⁷⁴

Much of the representatives’ time while stationed in Wiesbaden was actually spent traveling and investigating other caches of confiscated Jewish cultural property throughout Germany. Shunami was sent on another mission on behalf of the Hebrew University. This time he traveled to Berlin to examine the estimated 20 000 books located in the basement of the Jüdische Gemeinde, Orianenburger Strasse, to select those titles which were no longer of use to the

¹⁷⁰ Bernard Heller’s Field Report #8, 25 July 1949, JRSO 923b, CAHJP, Jerusalem.

¹⁷¹ Bernard Heller to Salo Baron, undated (Sept./Oct. 1949?), M580/43/5, SSC, Palo Alto, CA.

¹⁷² O. Rabinowicz to Salo Baron, 14 October 1949, M580/43/5, SSC, Palo Alto, CA.

¹⁷³ Two Reports on Ceremonial Objects by M. Narkiss, 19 June 1949 and 10 July 1949, JRSO 923b, CAHJP, Jerusalem.

¹⁷⁴ Bernard Heller’s Field Report #8, 25 July 1949, JRSO 923b, CAHJP, Jerusalem.

community there. He was also to gain access to the Gesamtarchiv der deutschen Juden—the ‘Sorgenkind’ of historians, librarians, and archivists, according to Shunami—and to attempt to transfer it to the Jewish community of Berlin.¹⁷⁵ An agreement was made between Shunami and Jewish representatives of the Gemeinde that they would do everything in their power to get the German authorities to return the Archiv that had been founded in Berlin in 1906.¹⁷⁶ Some time later, Narkiss himself went to Berlin (20-21 July) and recovered 100 items of “artistic value” from the Gemeinde that he then had shipped to Jerusalem.¹⁷⁷ Heller did not appreciate all of this time away from work at the depot. Discussing Shunami’s travels on behalf of the Hebrew University, he writes: “These trips, I find, consume a week of preparation on his part, the length of time that he is away from the collection point, and on his return a week in making out a report about the visit. Thus far, the result of each visit was nil.”¹⁷⁸ Heller argued that they undermined the authority of JCR and its policies:

I am of the view that as long as Mr. Shunami receives remuneration of the JCR, he must abide by the overall plan and the scheduled operations. To unify our work and to have team-play it is essential that the directives shall come from one source. That source, I believe, is the JCR Board which expressed itself through Professor Baron, yourself to me and through me to Mr. Shunami and my other colleagues.¹⁷⁹

¹⁷⁵ S. Shunami’s Report on a Mission to Berlin, 19-21 June 1949, JRSO-NY 923b, CAHJP, Jerusalem. According to Rabbi Steven Schwarzschild, representative of the Gemeinde, the number of 20 000 was an exaggeration. Many of the books were requisitioned to the City Library. The Gesamtarchiv was the ‘problem child’ for many because it was thought to have been lost.

¹⁷⁶ Ibid.

¹⁷⁷ Translation of Letter from Mr. Narkiss to Dr. Starr, 25 July 1949, M580/43/6, SSC, Palo Alto, CA. It is unclear as to who translated the document and for what purpose since Starr did not know the Hebrew language.

¹⁷⁸ Bernard Heller to Hannah Arendt, 11 August 1949, M580/43/5, SSC, Palo Alto, CA.

¹⁷⁹ Ibid.

Although these Jewish representatives were working in Germany on behalf of JCR, their primary allegiance was not always clear. Be that as it may, evidence suggests that the open sharing of information between JCR and the Hebrew University was maintained.

The end of the summer brought with it a change in JCR personnel, both in the United States and Europe. While Heller agreed to stay in Germany until at least the middle of September, Starr had given in his letter of resignation and would be replaced by Hannah Arendt as executive secretary on 1 August 1949. As for his reasons for leaving, Starr hinted at a government posting as well as his inability to make a third trip to Europe on behalf of JCR.¹⁸⁰ In a conversation between Lowenthal and Oskar Rabinowicz of the Jewish Historical Society, it was reported that Starr left over a clash with Baron on the issue of Heller's appointment as field director over Lowenthal.¹⁸¹ His true motives may never be known; Starr committed suicide in December of that year. JCR was also concerned that Lowenthal would leave because of a new job offer back in England. In a letter to Heller, however, he showed an interest in staying on provided that certain terms of his would be met, including a clear definition of his assignment, status, grade, and title; a substantial raise in salary; and a car with his own driver.¹⁸² Lowenthal incorrectly assumed that Arendt would be arriving in Germany as the new field director after Heller's departure, and, as a result, was

¹⁸⁰ Joshua Starr to Moses Leavitt, 25 July 1949, JRSO 923b, CAHJP, Jerusalem.

¹⁸¹ O.K. Rabinowicz to Cecil Roth, 29 September 1949, A87/182, CZA, Jerusalem.

¹⁸² E.G. Lowenthal to Bernard Heller, 19 August 1949, M580/81/20, SSC, Palo Alto, CA.

very much disappointed at his treatment by JCR.¹⁸³ It seems he felt as if his position was indispensable to JCR's cause: "He feels that anyone who has not been involved in the local problems here as long as he has is not qualified to tell him anything about these problems. He does not wish to face the fact that JCR is a temporary agency that was not conceived to be in operation indefinitely."¹⁸⁴ At one point, Cecil Roth became involved on Lowenthal's behalf and argued that his poor treatment reflected the overall lack of credit accorded to British efforts by the "dictatorship established in New York".¹⁸⁵ A summary of his argument was provided in a letter from Rabinowicz to Arendt:

It is very often overlooked that it was our English Committee which started the ball rolling, and that your people in the U.S.A. only arrived on the scene much later, and through a "stroke of luck" were enabled to head the work, in view of the fact that the books were found in the American zone. We are the parent Committee, and we shall continue—even if the work is abandoned by others.¹⁸⁶

Shunami wished to return to Israel by the end of September, but agreed to stay on in Wiesbaden until the end of October with the hope that Lowenthal would continue JCR's work after his departure.¹⁸⁷ Heller, meanwhile, returned to the United States at the end of August, but the circumstances surrounding his departure remain unclear. In one of his reports from Germany, Jerome Michael recorded that he was less than favorably impressed with Heller and doubted

¹⁸³ O.K. Rabinowicz to Cecil Roth, 29 September 1949, A87/182, CZA, Jerusalem. In fact, Arendt went to Germany in her capacity as executive secretary. No new field director was appointed after Heller's departure.

¹⁸⁴ Meir Ben-Horin to Hannah Arendt, 13 July 1950, M580/43/6, SSC, Palo Alto, CA.

¹⁸⁵ O.K. Rabinowicz to Cecil Roth, 7 November 1949, A87/182, CZA, Jerusalem.

¹⁸⁶ O.K. Rabinowicz to Hannah Arendt, 26 October 1949, M580/43/5, SSC, Palo Alto, CA.

¹⁸⁷ Shlomo Shunami to Bernard Heller, 7 September 1949, Arc. 4° 793/288, JNUL, Jerusalem.

whether he was very useful.¹⁸⁸ Later, summarizing a conversation he had with Lowenthal, Rabinowicz stated that Heller left very abruptly a few days after his meeting with Michael without signing any papers or making any arrangements for his position.¹⁸⁹ In Heller's correspondence and later writings, however, there is no hint of any ill feelings towards anyone. In fact, he ends his last field report by thanking JCR's Board and Baron, specifically: "I want to thank the Board and him for the opportunity which was afforded me to share in a great mitzvah and to participate in a venture whose beneficence is bound to redound to all mankind as well as to despoiled Israel."¹⁹⁰

In the meantime, Scholem made a second trip to Germany in September 1949. Among his primary concerns was securing the Gesamtarchiv for Israel and specifically, the Jewish Historical General Archives of the Historical Society of Israel.¹⁹¹ Rabbi Steven Schwarzschild,¹⁹² the Berlin Gemeinde's representative, proved less than forthcoming in negotiations and accused JCR of not having allocated any books to the Berlin Jewish community. Scholem thought it would be in the best interest of JCR to send them prayer books, textbooks, Bibles, and popular books on Judaism—books that were badly needed by the community

¹⁸⁸ Jerome Michael to Hannah Arendt, 20 August 1949, M580/43/5, SSC, Palo Alto, CA.

¹⁸⁹ O.K. Rabinowicz to Cecil Roth, 29 September 1949, A87/182, CZA, Jerusalem.

¹⁹⁰ Bernard Heller's Field Report #9, September 1949, JRSO 923b, CAHJP, Jerusalem.

¹⁹¹ The State archivist, Alex Bein, was also involved in these negotiations. The Historical Society of Israel, *The Jewish Historical General Archives* (Jerusalem: Central Press, 1964), 5.

¹⁹² Steven S. Schwarzschild (1924-1989): Ordained at Hebrew Union College in Cincinnati, OH, Schwarzschild served as rabbi to the Jewish community of Berlin from 1948 to 1950. After his return to the United States, he served a number of congregations before turning his attention to academia, teaching at the University of Washington in St. Louis until his death. For more on his life and writings, see Menachem Kellner, ed., *The Pursuit of the Ideal: Jewish Writings of Steven Schwarzschild* (Albany: State University of New York Press, 1990).

from the institutional collections in Wiesbaden.¹⁹³ In addition to Berlin, Scholem undertook negotiations with the Hamburg State Archives to turn over material originating from Hamburg, Altona, and Wandsbeck to the Hamburg Jewish community.

By early November 1949, Theodore Heinrich, director of the Wiesbaden Depot, provided a summary of what still needed to be accomplished in regard to Jewish cultural property remaining in Wiesbaden. The identifiable but unclaimed books required additional sorting and matching with claims; JCR argued this could not be completed before 31 March 1950, a conservative estimate. If transfer of cultural property from U.S. to German control was to take place, then Heinrich advised that an adequately responsible and technically qualified German agency be established as a necessary precondition.¹⁹⁴ With regard to 1 980 items, mostly paintings, of unidentifiable ownership, JCR asked that any actions be postponed until all the books were liquidated. Further, it was agreed, all potential claims to the property were to be filed first with the Central Filing Agency before they were turned over to JCR for processing.¹⁹⁵

The new year brought with it an official claim by the JRSO for the 45 000 privately owned identifiable items under Law 59 that had not been claimed by individuals owners or returned to them. The remaining 1 400 items were claimed at the Central Filing Agency at Bad Nauheim and JCR made provisions for them

¹⁹³ S. Shunami to Hannah Arendt, 26 September 1949, Arc.4° 793/288, JNUL, Jerusalem.

¹⁹⁴ Theodore Heinrich to Mr. Frank J. Miller, "Preliminary Report on Major Uncompleted Problems on Holdings at Wiesbaden CCP," 3 November 1949, RG 260/Records of the Wiesbaden Central Collecting Point/Restitution Claim Records 1946-1952/Box 125/File "Internal claims case files 1946-1951"/loc.390/45/19/05, NACP, MD.

¹⁹⁵ Ibid.

to be returned.¹⁹⁶ In all cases in which one owner possessed six or more books, JCR agreed to make every effort to locate the former owner or the rightful heirs. The organization would compile lists of all of the names, photo-stat them, and deposit them with the major Jewish organizations and institutions around the world and publicize the list in newspapers. Similar to the Baltic collection arrangement, this property could not be distributed by JCR until a considerable amount of time had passed.¹⁹⁷ With respect to books in lots of five or less, it was agreed that JCR would ensure that books belonging to the same owner would be deposited in one institution and not dispersed. While the fate of the property at the depot seemed under control, JCR's attention turned to what was going on outside its walls.

VIII—Hannah Arendt (December 1949-March 1950)

JCR was well aware that plundered Jewish libraries were incorporated into German institutions or very small German communities who could not use them. Essentially, they were kept for potential monetary gain. The post-war conditions of the German libraries were a serious concern. Large quantities of books, many of them likely previously owned by Jews, had been hidden during the war and were only then being returned; most remained unpacked and risked deterioration. At the Bavarian State Library only 800 000 of its two million book collection was actually on the shelves. Thousands were still in depots or were stored “in the

¹⁹⁶ E.G. Lowenthal's Field Report #14, January 1950, M580/232/5, SSC, Palo Alto, CA.

¹⁹⁷ Hannah Arendt to Theodore Heinrich, 21 January 1950, RG 266/66, USHMM files, Washington, D.C.

cellars.”¹⁹⁸ Some collections, after the close of the war, had been handed over by German institutions to local Jewish individuals or communities consisting of DPs who subsequently left. JCR’s concern remained accessing these materials.

Hannah Arendt, in Germany from the end of 1949 to March 1950, continued the policy that had begun under Scholem and Starr of face-to-face negotiations with officials of German institutions. Her initial forays brought small, but significant results. Eighteen Torah scrolls held at the University of Marburg were turned over to JCR along with 80-100 rabbinics volumes. During this period, negotiations were underway to have the Worms Mahzorim and the Mainz Jewish Community Library released to JCR.¹⁹⁹ Ceremonial and other silver objects originating from the former ‘Museum Jüdischer Altertümer’ (Rothschildmuseum) in Frankfurt a/M were also recovered and transferred to JCR/JRSO.²⁰⁰ Arendt concluded that more archives and ceremonial objects were saved than books largely because the German-Jewish book collections were kept, for the most part, in Berlin and subsequently taken by the Soviets, while objects and archives were preserved in local institutions.²⁰¹ Hans Wilhelm Eppelsheimer,²⁰² trustee of the books that were turned over to the German government of Hesse by the American military authorities, promised Arendt that a certain percentage of the property—books of non-Jewish content that undoubtedly were formerly owned by Jews—would be

¹⁹⁸ Hannah Arendt’s Field Report #12, December 1949, JRSO 923b, CAHJP, Jerusalem.

¹⁹⁹ Memorandum from Hannah Arendt to Salo Baron, 9 November 1949, M580/232/5, SSC, Palo Alto, CA.

²⁰⁰ E.G. Lowenthal’s Field Report #14, January 1950, M580/232/5, SSC, Palo Alto, CA.

²⁰¹ Hannah Arendt, “Report of My Mission to Germany respectfully submitted to the Board of Directors for the meeting on April 12, 1950,” JRSO 923c, CAHJP, Jerusalem.

²⁰² Eppelsheimer’s title was director of the Frankfurt Staats- und Universitätsbibliothek and of several other libraries as well as chairman of the Hessian Direktorenkonferenz.

turned over to JCR.²⁰³ Lowenthal would spend the last three months of 1950 working, for the most part, in Frankfurt to catalogue and distribute this collection.²⁰⁴ More action had to be taken by JCR and Arendt proposed negotiating on an informal and personal basis, not only with German librarians, but with officials in the Bonn government as well.²⁰⁵

Arendt drew up a memorandum that was submitted to the Permanent Conference of the Ministers of Education in the German Federal Republic at their meeting in February 1950.²⁰⁶ It included a copy of JCR's 1945 "Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries" in which half a million books, some 1 200 manuscripts, and a considerable number of incunabula and archival materials are listed as cultural property belonging to German Jews.

Further, Arendt proposed that the following steps be observed: first, an appeal should be made to all state and municipal libraries, university institutes, archives, and museums, to undertake a careful examination of their stocks and to keep the issue of Jewish property in mind when unpacking material returning from wartime relocation points. Second, a decree from the Permanent Länder Conference of Kultus Ministers should be issued to encourage this voluntary action and to request that these institutions in the Western zones submit periodic

²⁰³ Hannah Arendt's Field Report #18, 15 February-10 March 1950, Arc. 4° 793/288, JNUL, Jerusalem. Scholem would later return to Wiesbaden to secure some of those books for Israel. Gershom Scholem to Hannah Arendt [German], 14 September 1950, Arc. 4° 1599/23, JNUL, Jerusalem.

²⁰⁴ 28 000 items would eventually go to JCR and 20 000 items would stay in Frankfurt. E.G. Lowenthal to Hannah Arendt, 8 January 1951, Arc. 4° 793/288, JNUL, Jerusalem.

²⁰⁵ Hannah Arendt to Salo Baron and Werner Senator, 17 October 1949, Arc. 4° 793/288, JNUL, Jerusalem.

²⁰⁶ Hannah Arendt's Field Report #12, December 1949, JRSO 923b, CAHJP, Jerusalem. Copies were also submitted to the Kultusministerien of Baden, Freiburg; Nord Rhein-Westfalen, Dusseldorf; Hessen, Wiesbaden; and Rhineland Pfalz, Koblenz.

reports to be centralized later at the JCR office in the Wiesbaden Landesmuseum.²⁰⁷ Gustav Hofmann, Director General of the Bavarian State Library and President of the German Library society, promised that he would send out a similar appeal. In many ways, the extent of their future activities in Germany was dependent on the outcome of these negotiations.

As for JCR's relationship with the German-Jewish communities, Arendt understood that it was among the most pressing issues. Indeed, the entire logic and justification of a Jewish successor organization was based on the notion that there was no competing legal heir to the destroyed German-Jewish communities. Neither the JRSO nor JCR were convinced that Jews in Germany after the war would remain there permanently or would be able to care for all of the property left to them. Ultimately, they would have to sell it off.²⁰⁸ There was no sense of serious and constant cooperation between the two bodies; JCR considered them as fighting on opposite sides: "...the German Jewish communities frequently show a deplorable tendency to make common cause with the German government against the international Jewish organizations."²⁰⁹ At the same time, Lowenthal was planning to leave his JCR post for a rumoured appointment as Jewish counsel to the new Bonn government. Arendt's concern over Lowenthal's departure

²⁰⁷ Memorandum Concerning Restitution of Jewish Cultural Property Submitted to Herr Minister Dr. A. Hundhammer, Munich, 18 January 1950, M580/232/5, SSC, Palo Alto, CA.

²⁰⁸ The fear of their selling property was raised by Arendt in a letter to Scholem: "Die Gefahr ist, dass an sie zuruekerstattet wird, und sie dann einfach verkaufen." 5 February 1950, Arc. 4° 793/288, JNUL, Jerusalem. In her next report, Arendt relates the story of the Laemmle Klaus collection which was sold through the Mannheim Jewish community—it was never the property of the community, but owned by a special foundation. She argued that a precedent had thus been set and it must be insisted upon that cultural property not be sold. Hannah Arendt's Field Report #15, 10 February 1950, JRSO 923c, CAHJP, Jerusalem. Scholem raised the issue of perhaps suing the Mannheim community for illegally selling off the property. Gershom Scholem to Hannah Arendt [German], 16 February 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²⁰⁹ Hannah Arendt's Field Report #18, 15 February-10 March 1950, Arc. 4° 793/288, JNUL, Jerusalem.

highlighted the conflict with the Jewish communities as well as her conviction that Lowenthal's loyalty could not be shared:

You know by now of the great difficulties and conflicting interests between the communities on one side and JRSO-JCR on the other...What is important for us, is simply the fact that Loewenthal has a definite interest to remain on very good terms with the German-Jewish communities—and this interest quite possibly could come into conflict with the interests of JCR.²¹⁰

Ruth Schreiber, who has written on the post-war German Jewish communities, has accurately argued that any cooperation that post-war communities gave to the international successor groups was based upon their attempt at legitimizing their place in the Jewish world.²¹¹ A good example of this is found in Arendt's dealings with Rabbi Schwarzschild in Berlin (11-18 Feb. 1950). According to Arendt they agreed that JCR would receive the Torah scrolls found in the Western sector of Berlin and the community would only ask that 15% of them be returned in repaired condition so that they could be redistributed in Germany. By bringing the Torahs back and redistributing them, the community itself would be granted some prestige. Schwarzschild also asked Arendt to arrange for rabbinical authorities in the United States and Israel, including the Chief Rabbi of Israel Isaac Herzog, the Jewish Theological Seminary president Louis Finkelstein, Hebrew Union College president Nelson Glueck, and others to write letters to the community

²¹⁰ Memorandum from Hannah Arendt to Salo Baron, 5 February 1950, M580/232/5, SSC, Palo Alto, CA.

²¹¹ Ruth Schreiber, "New Jewish Communities in Germany after World War II and the Successor Organizations in the Western Zones," *The Journal of Israeli History* 18, nos. 2 & 3(1997): 190. This article is based upon the author's doctoral dissertation, "The New Organization of the Jewish Community in Germany, 1945-1952" (Hebrew)(Tel Aviv University, 1995). Ayaka Takei also discusses the post-war conflict between the groups in her doctoral dissertation, "The Jewish People as the Heir."

“...felicitating them on their steadfastness and spirit of sacrifice and what not.”²¹²

With regard to the community library, Schwarzschild and a JCR representative would have to determine which volumes would be given over to JCR. In return JCR would provide for their needs, including funds to be used in the publication of texts and prayer books.²¹³ Similar arrangements were concluded with other Jewish communities in the U.S. zone.

In general, the treatment of Jewish cultural property in Germany was quite negligent, particularly in the east. Funds were limited throughout the country, and Jewish property was being sold illegally on the black market at sickeningly low prices.²¹⁴ This story, as recounted to Arendt by Schwarzschild, draws attention to the conditions under which JCR was attempting to negotiate with German Jewish communities for cultural property:

Schwarzschild told me that he buys everything he can afford to buy and showed me a few nice items, such as a set of *Der Jude* of 1771²¹⁵ (9 vols. The fist [*sic*] missing), a *Kessuva* [Ketubbah] from Padua of 1680 and an illustrated *Pessah Haggadah* (Wolf) 1740. He'd like to have a fund of 1.000 Marks and buy for us certain special items. (To give you an instance of the general conditions he offered me a seder plate from the collection of Paris Rothschild with inlaid Gold mosaic for 350. Marks!) This had been offered to him, but he had not the money. That the plate after all once belonged to M. de Rothschild and still bore his name did not bother anybody.²¹⁶

²¹² Hannah Arendt's "Report on Berlin," 11-18 February 1950, Gershom Scholem Archives 4° 1599/23, JNUL, Jerusalem.

²¹³ Ibid.

²¹⁴ For more on black market activity of Jews in post-war Germany see, Jay Howard Geller, *Jews in Post-Holocaust Germany, 1945-1953* (Cambridge: Cambridge University Press, 2005), 40-41; and Bauer, *Out of the Ashes*, 204, 268.

²¹⁵ A weekly journal published in Leipzig by the convert, Gottfried Selig, between 1768 and 1772 in order to explain Jewish rituals and practice to non-Jews. It was later published as a 9-volume compilation.

²¹⁶ Hannah Arendt's "Report on Berlin," 11-18 February 1950, Arc. 4° 1599/23, JNUL, Jerusalem.

She concluded that the whole ordeal made for a “pretty sad report,” but that “there [was] hardly an alternative left.”²¹⁷

Hannah Arendt did not always use such neutral or dispassionate terms when describing her observations. In describing her reaction to post-war Germany she did not mince words. Both her JCR correspondence as well as articles that appeared in major journals in the United States upon her return in 1950 are written in harsh terms. For example, she had much to say about Philipp Auerbach, the post-war German Jewish leader who established the Bavarian office for Restitution, was a chairperson of the Central Council of Jews in Germany, and who sat on the JRSO’s Board of Directors.²¹⁸ According to Arendt, Auerbach contacted Gustav Hoffmann, President of the Librarians Association in Germany, as well as others and voiced his protest against everything which JCR was undertaking after he had assured Arendt that his help would be forthcoming as long as he was informed of all matters:

Our “friend” Auerbach has moved Hell and High Heaven in Munich, of course behind my back and in the face of solemn promises, to prevent us from doing what we want to do...He has everybody in hand there—partly because he can bribe people, partly because he can blackmail them, and partly because he himself is almost untouchable because he is a Jew and therefore

²¹⁷ Ibid.

²¹⁸ Philipp Auerbach (1906-1952), a Holocaust survivor employed by the Bavarian government as “State Commissioner for Racial, Religious, and Political Persecution.” Once he moved to Munich, he became the leader of the Bavarian Jewish community and was a tireless advocate of restitution to Nazi victims. He firmly believed in the resurgence of Jewish life in post-war Germany. In 1949 he was accused by the Bavarian government of misusing his post by forging documents and misappropriating public money. He was brought to trial and sentenced to two and a half years in prison. He committed suicide two days later, maintaining his innocence until the end. For more on Auerbach see Brenner, *After the Holocaust*, 135-138; Geller, *Jews in Post-Holocaust Germany, 1945-1953*; Constantin Goschler, “Der Fall Philipp Auerbach. Wiedergutmachung in Bayern,” in *Wiedergutmachung in der Bundesrepublik Deutschland*, ed. Ludolf Herbst & Constantin Goschler, 77-98 (Munich: Oldenbourg, 1989); Hagit Lavsky, *New Beginnings: Holocaust Survivors in Bergen-Belsen and the British Zone in Germany, 1945-1950* (Detroit: Wayne State University Press, 2002).

everybody who dares to confront him can be easily marked as an “antisemite.”²¹⁹

Immediately after completing her German trip, Arendt proclaimed in a letter to Scholem that her disgust at the German situation—both Jewish and non-Jewish—was choking her.²²⁰ It is surprising that she makes no mention at all of the situation of German Jews in her 1950 article for *Commentary*, “The Aftermath of Nazi Rule: Report from Germany.” Equally surprising is her open criticism of both German officials and Allied involvement: “Denazification, revival of free enterprise, and federalization are certainly not the cause of present conditions in Germany, but they have helped to conceal and thus to perpetuate moral confusion, economic chaos, social injustice and political impotence.”²²¹ This public expression of disapproval mirrors her private concern, as told to Scholem, that the post-war German situation was suffocating.

²¹⁹ Hannah Arendt to Salo Baron, 2 March 1950, M580/43/6, SSC, Palo Alto, CA. He also posed a problem to the JRSO officials who declared in their 7 July 1950 executive committee meeting: “It was the decision of the Committee that the secretary should send a letter to Dr. Auerbach, stating that his frequent and derogatory attacks on the JRSO had been called to the attention of the Executive Committee, that in the opinion of the latter these were entirely inconsistent with his role as a member of the JRSO Board of Directors and that unless he desisted in future from such actions and submitted any grievances he might have to the Executive Committee instead of to outsiders, serious question would arise as to the propriety of his remaining on the Board of Directors of JRSO.” Repeated in Hannah Arendt to Salo Baron, 14 August 1950, M580/81/20, SSC, Palo Alto, CA.

²²⁰ “...der Ekel an den allgemeinen Zustaenden in Deutschland—juedisch und nicht-juedisch—schnuert mir den Hals zu.” Hannah Arendt to Gershom Scholem [German], 5 February 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²²¹ Hannah Arendt, “The Aftermath of Nazi Rule: Report from Germany,” *Commentary* 10, no. 4 (October 1950): 346. For more on Arendt’s postwar views see Baron, “Hannah Arendt: Personal Reflections,” 58-63; Nancy Berman, “Hannah Arendt: Jewish Cultural Reconstructionist,” (unpublished material: Grace Cohen Grossman’s personal collection); Hannah-Villette Dalby, “German-Jewish Female Intellectuals and the Recovery of German-Jewish Heritage in the 1940s and 1950s,” *Leo Baeck Institute Year Book* 52 (2007): 111-129; Elisabeth Gallas, “Kein Denken ohne Erfahrung: Hannah Arendts Tätigkeit für die *Jewish Cultural Reconstruction*,” (unpublished material, 2007); Kohler, ed., *Within Four Walls*; Jerome Kohn and Ron Feldman, eds., *The Jewish Writings: Hannah Arendt* (New York: Schocken Books, 2007); Natan Sznajder, *Gedächtnisraum Europa: Die Visionen des europäischen Kosmopolitismus. Eine jüdische Perspektive* (Bielefeld: Transcript Verlag, 2008); Natan Sznajder, “Hannah Arendt’s Jewish Cosmopolitanism: Between the Universal and the Particular,” *European Journal of Social Theory* 10, no. 1 (2007): 113-123.

The microfilming of printed material for its preservation and greater accessibility began in the 1930s and grew during the war years.²²² JCR was well aware of this new technology. Before she left Germany, Arendt continued Starr's efforts to secure microfilming facilities to share more broadly the archival and manuscript material that would remain in Germany or go to Israel. She would later proclaim that this would be the most enduring contribution of JCR to Jewish cultural life, especially if Germany was the start of the project and more microfilming would be done in Austria, Italy, and France.²²³ Microfilms of documents related to southern German-Jewish communities (mostly birth, marriage, and death registers of the 19th century) had already been made; Arendt secured photostatic copies of the lists of all films.²²⁴ The cost of the much larger undertaking of microfilming the archives of former German Jewish communities, collections of Hebrew manuscripts found legitimately in German libraries, as well as the catalogues and repositories of the Jewish Divisions of German archives would prove to be an enduring obstacle. It was thought that the greater part of the estimated cost of 75 000DM and an additional \$10 000 might be covered with the cooperation of the institutions that would obtain copies of the microfilms.²²⁵ In addition to making it more widely available it was argued that gaining access to so much material in German institutions might be of considerable help in discovering formerly Jewish owned items that may have found their way there

²²² Kathy Peiss, 378.

²²³ Hannah Arendt to Gershom Scholem, 2 June 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²²⁴ Hannah Arendt's Field Report #18, 15 February-10 March 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²²⁵ Minutes of Special Meeting of the Advisory Committee, 27 March 1950, Arc. 4° 793/288, JNUL, Jerusalem. The total budget, then, would be in the range of \$25 000.

illegitimately.²²⁶ This expanded mission also shows that perhaps scholarly interest was now on equal footing, if not trumping, their primary concern, which was to “save” cultural property. One can argue that JCR was possibly using its cover, as it were, to gain proprietary rights over scholarly material that was legitimately found in German institutions. It also knew that there was a demand for such material among American institutions such as the Jewish Museum, the New York Public Library, and the Jewish Theological Seminary.²²⁷ Simultaneously, the State of Israel and the Hebrew University were organizing their own plan to photograph and microfilm every available Hebrew manuscript. Their representatives agreed not to take independent action with regard to German microfilming. All work on German materials would be done in conjunction with JCR, while materials elsewhere would be left to the Hebrew University and Israel alone.²²⁸ In the end, JCR decided that the Israeli government would be much better qualified to undertake the necessary diplomatic negotiations to gain access to materials and decided to leave the project. The Israeli government commissioned Moshe Catane (1920-1955), former librarian of the Alliance Israelite, and Nehemya Aloni (1906-1983), first director of the Institute of Hebrew Manuscripts from 1950 until 1963,²²⁹ for the microfilming project. Despite withdrawing generally, JCR considered a small-scale microfilming pilot study in Hamburg or on certain Berlin manuscripts, unspecified in the archival material. They did, in fact, receive

²²⁶ Minutes of Special Meeting of the Board of Directors, 12 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²²⁷ Memorandum re. Potential Tasks Remaining in the Future for JCR, 7 April 1950, JRSO 923c, CAHJP, Jerusalem.

²²⁸ Gershom Scholem to Hannah Arendt, 7 June 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²²⁹ By the time the Institute of Hebrew Manuscripts was turned over to the Hebrew University in 1963 it had amassed over 15 000 microfilmed manuscripts from European collections.

permission from the Hamburg State Library for the microfilming of part of the Steinschneider manuscripts.²³⁰ Other German library officials raised concern about the unprecedented nature of the organization's microfilming request, "...a novum to which the library could not 'ohne weiteres' agree," and demanded that certain conditions be met. These included that the Staatsbibliothek itself would do all microfilming and that all distribution and sale of the microfilms would remain subject to Staatsbibliothek approval.²³¹ Further, each collection in each library and archive would have to be dealt with on an individual basis; no common policy could be established.

Arendt's presence in Germany did much to move JCR's work forward. To summarize, the main task of cataloguing and collecting material in Wiesbaden was expected to end by June/July 1950. A few follow-up activities would be required: the owners of the Baltic Collection would still need to be found and the seventeen cases of material from B'nai Brith lodges in Germany needed processing.²³² Further, search for the owners and distribution of the individually owned materials continued. These three collections would be stored in the Paris warehouse of the JDC. Finally, of course, distribution of the material that was sent

²³⁰ Hannah Arendt to Gershom Scholem, 8 August 1950, Arc. 4° 793/288, JNUL, Jerusalem. However, Israel decided that it would only undertake the microfilming of manuscripts and certain rare books, not archives. The Hebrew University thus gave JCR the green light to move ahead with the microfilming of archives. Curt Wormann to Hannah Arendt, 22 April 1951, Arc. 4° 793/288, JNUL, Jerusalem.

²³¹ Meir Ben-Horin to Salo Baron, 20 July 1950, M580/43/6, SSC, Palo Alto, CA.

²³² The JRSO was not the only group making a claim on this material. Mr. Goldman, New York President of World B'nai Brith was claiming it on behalf of his organization while a Mr. Schoyer of London was also claiming it as the trustee of all former lodge property in Germany. Minutes of Special Meeting of the Board of Directors, 5 June 1950, JRSO 923c, CAHJP, Jerusalem.

to the JCR warehouse in New York would be required.²³³ As a result of Arendt's investigations, the JRSO would file claims for new material—ceremonial objects, archives, and books—under Law 59. It was thought that upon their recovery, they could be sent to Wiesbaden where a six-month program, beginning 1 July 1950, would be needed to collect and distribute them.²³⁴ Meir Ben-Horin, a graduate of the Hebrew University who had been working for some time in New York as executive secretary while Arendt was away, would leave for Germany in July 1950 in order to establish the microfilming “pilot study,” follow-up the negotiations as initiated by Arendt, and more or less take charge of all of JCR's activities there.²³⁵

IX—Meir Ben-Horin and E.G. Lowenthal (April 1950-January 1951)

JCR decided in April 1950 that its operations in Wiesbaden would continue until the end of the year with a reduced staff and reduced expenses.²³⁶ Arendt's appeal to German institutions in early 1950 was expected to garner response. It did, though for the most part progress was slow and the institutions not always forthcoming. Copies of the memorandum sent out by Hofmann went unnoticed or received a negative response.²³⁷ However, in a meeting with

²³³ Memorandum re. Potential Tasks Remaining in the Future for JCR, 7 April 1950, JRSO 923c, CAHJP, Jerusalem.

²³⁴ Ibid.

²³⁵ Meir Ben-Horin (1918-1988), U.S. Jewish educator who taught for many years at Boston Hebrew Teachers College and Dropsie College in Philadelphia. A graduate of the Hebrew University, Ben-Horin was useful to JCR for his knowledge of Hebrew and was commissioned years later by Baron to write a history of the organization, but it never came to fruition.

²³⁶ Minutes of Special Meeting of the Board of Directors, 12 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²³⁷ Meir Ben-Horin's Field Report #21, 9 October 1950, Arc. 4° 793/288, JNUL, Jerusalem.

Hofmann's superior, Theo Rittersprach (Bibliotheksreferent in the Kultusministerium), Ben-Horin received the assurance that a decree would be issued in Arendt's name emphasizing the legal requirement to report Jewish cultural property. A similar decree for Bavaria was also considered.²³⁸ Action was halted in Bavaria since these matters fell under the authority of the Bavarian Restitution Office headed by Auerbach who had vetoed JCR's proposals. A more positive arrangement was made with Martin Cremer, Director of the Westdeutsche Bibliothek in Marburg and Referent für Bibliothekswesen in the Hessian Kultusministerium that resulted in the transfer of 3 000 books.²³⁹ However, this case, along with some of the more important claims listed below would take more than a year to resolve and complete.²⁴⁰

- a. 18 cases with approximately 500 ceremonial objects, the remnants of the Jewish Frankfurter Museum Collection.²⁴¹
- b. The non-Jewish Books donated by Prof. Eppelsheimer.²⁴²
- c. The Jewish community archives of Bavaria, held by German state or municipal archives in Bavaria.²⁴³
- d. Ceremonial objects found in Augsburg.²⁴⁴
- e. Several thousand Judaica, held by municipal authorities in Munich.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ A more complete list of pending claims can be found in the Minutes of the Annual Meeting of the Corporation, 21 December 1950, Arc. 4° 793/288/330, JNUL, Jerusalem.

²⁴¹ The Frankfurt Jewish community asked that a direct agreement be made between it and the JRSO. Max Meyer to Jewish Cultural Reconstruction, 9 November 1950, JRSO 923c, CAHJP, Jerusalem. JCR asked Guido Schoenberger of the Jewish Museum, New York, to assess the objects and determine their origin once they were shipped to New York. This will be discussed in further detail in chapter 4. Dr. Guido Schoenberger's Field Report #22, 16 September 1951, 45/54/1743, JDC Archives, New York.

²⁴² These books were too large in number to be brought to the Wiesbaden Collecting Point.

²⁴³ It was reported that the Bavarian material could not be recovered because of Auerbach's opposition to the JRSO and JCR. Meir Ben-Horin's Field Report #21, 9 October 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²⁴⁴ These were held by Rabbi Aaron Ohrenstein in Munich who could not transfer them to JCR without Landesverband (i.e. Auerbach) approval.

- f. 3 000 Judaica and Hebraica originating from the library of the Munich Reichsinstitut zur Erforschung der Judenfrage, held by the Jewish Zentralkomit  in Munich.²⁴⁵
- g. Several thousand books and a considerable amount [not specified] of stray archival material held by the Jewish community in Berlin.
- h. 300 Torah Scrolls held by the Jewish community in Berlin.²⁴⁶
- i. 100 ceremonial objects that had been saved by the Bavarian Heimat Museum in Schnaittach.
- j. 35 ceremonial objects recovered in Gunzenhausen.²⁴⁷
- k. 3 000 books which were turned over by the Westdeutsche Bibliothek in Marburg following the publication of Arendt's memorandum in Hesse.
- l. A collection of paintings formerly belonging to the Jewish Museum in Berlin that had been found in the British zone.²⁴⁸
- m. 20 paintings formerly belonging to one of the Rothschild Old-Age homes.²⁴⁹

As early as 1949, talks had begun on the nature of Jewish property restitution in the British and French zones. The formation of a Trust Corporation in the British Zone and some form of successorship in the French zone were proposed.²⁵⁰ Regarding the Soviet zone, Arendt's previous contact with members of the Socialist party did not yield many promising results.²⁵¹ JCR's members assumed its cooperation in the British and French zones would be indispensable for the disposition of heirless cultural property. Expectedly, Roth's Committee in England did not view this assumption favourably:

²⁴⁵ Munich material was not given over to JCR again due to Auerbach's disapproval.

²⁴⁶ Minutes of the Annual Meeting of the Corporation, 10 December 1951, Geneva IV/32/1b, JDC Archives, Jerusalem.

²⁴⁷ Ibid. Unclear as to who found the objects. It was done after Schoenberger's departure.

²⁴⁸ With the help of Leo Baeck, Franz Landsberger, former Director of the Berlin Jewish Museum, was able to secure fifteen paintings for his new employer, Hebrew Union College in Cincinnati. Nancy Berman, *A Centennial Sampler: One Hundred Years of Collecting at Hebrew Union College* (Los Angeles, CA: Hebrew Union College Skirball Museum, 1976), 7.

²⁴⁹ Ibid.

²⁵⁰ E.G. Lowenthal's Field Report #10, October 1949, Arc. 4° 793/288, JNUL, Jerusalem.

²⁵¹ Hannah Arendt, "Report of My Mission to Germany respectfully submitted to the Board of Directors for the meeting on April 12, 1950," JRSO 923c, CAHJP, Jerusalem.

I haven't the slightest doubt that they [the British Trust Corporation, BTC] (and he) [Norman Bentwich] have forgotten our existence and our pioneer work, and will pass over our heads to JCR. There is only one favourable side to this: JCR would have the continued support of JDC, and I question whether we would have, or whether the CBF [Central British Fund] would give us any financial assistance. However, at the worst we should be able to persuade BTC to recognize JCR only on condition that our representative is put in charge of the work.²⁵²

In January 1950, Arendt went to France to meet with Jerome Jacobson at the JDC office in Paris and to Britain to meet members of the Central British Fund. Her purpose was to investigate restitution developments, since the deadline for filing claims to confiscated property would expire on 30 June 1950 in the British zone and in Berlin. Later, during Ben-Horin's tenure, the Jewish Trust Corporation (JTC) came back with a response that sounded unusually familiar to both JCR and Roth's Committee: "...that it would be better from every point of view if the Jewish cultural bodies interested in this sphere of activities could agree among themselves on the line of approach than present the Jewish Trust Corporation with the invidious task of having to choose between different bodies."²⁵³ The Jewish Trust Corporation's leaders argued that their situation was in no way similar to the relationship established between JCR and the JRSO, most importantly in that it was attempting to become a permanent British Empire-wide trustee for Jewish

²⁵² Cecil Roth to O. Rabinowicz, 30 June 1950, A87/333, CZA, Jerusalem. Roth's Committee submitted a memorandum to the Jewish Trust Committee in London that asked that it be made in charge of the section dealing with literary, art, and cultural treasures and that Lowenthal be appointed as Field Director in the British zone to initiate and organize the same work which he performed in the American zone. Memorandum Submitted by the Committee on Restoration of Continental Jewish Museums, Libraries and Archives to the Jewish Trust Committee, London, 27 June 1950, M580/81/20, SSC, Palo Alto, CA.

²⁵³ Note on Conversation Between Mr. Meir Ben-Horin, Field Director for Western Europe of the Jewish Cultural Reconstruction Inc. and Dr. Kapralik and Dr. Lachs, 11 August 1950, M580/232/5, SSC, Palo Alto, CA. The establishment of the Jewish Trust Corporation has been discussed in chapter 2.

property (i.e., acting on claims by South African Jews) and not just British zone-wide.²⁵⁴ As far as communal property was concerned, the Jewish Trust Corporation's own "Special Committee for Communal Property" would be in charge of its administration and would rest on a 50-50 vote between it and the German communities in the British zone. Since the Jewish Trust Corporation did not want to negotiate with the British government for new demands, the designation of JCR as sole, outside agent for communal cultural property was out of the question.²⁵⁵ Ben-Horin thought that this rejection of JCR also came from a pronounced anti-Americanism and resentment of any control by American Jewish organizations.²⁵⁶ JCR's situation improved, though, once it was acknowledged that having Lowenthal work on behalf of the Jewish Trust Corporation meant that a considerable portion of JCR's experience in the U.S. zone was *ipso facto* at the Jewish Trust Corporation's disposal. Further, Rabinowicz agreed that there was no serious rivalry between Roth's Committee and JCR and would represent JCR's needs and demands before the Jewish Trust Corporation Board.²⁵⁷ What was still needed was an operating procedure that could effectively channel information and instructions from New York to London and Germany. Some time into negotiations, after much effort by Arendt and then Ben-Horin, the thought emerged that perhaps the material in the British zone did not justify the expense that JCR would have to incur. Sephardic archives in Hamburg along with 2 000

²⁵⁴ Meir Ben-Horin to Hannah Arendt, 13 August 1950, M580/43/6, SSC, Palo Alto, CA.

²⁵⁵ Ibid.

²⁵⁶ Meir Ben-Horin to Salo Baron and Hannah Arendt, 17 August 1950, M580/232/5, SSC, Palo Alto, CA.

²⁵⁷ Meir Ben-Horin to Hannah Arendt, 17 August 1950, M580/232/5, SSC, Palo Alto, CA.

kilos of silver, microfilms in Düsseldorf, and ceremonial objects in the museum in Altona were just some of the material present in the British zone, but which Arendt did not think would ever be restituted to JCR.²⁵⁸

Both Lowenthal and Ben-Horin also paid attention to cultural restitution in the Austrian zone. Lowenthal made a trip in June 1950 to investigate the book collection at Tanzenberg, near Klagenfurt, Carinthia as well as to the University Library and the National Library in Vienna. Much of the Tanzenberg collection was restituted immediately after the war by British officials, and what remained—approximately 600 cases or 50 000 books—was kept in a wet cellar in Klagenfurt, its future home as yet unknown. In Vienna it became clear that no consensus had yet been reached as to restitution procedures for cultural property. Restitution to individual claimants was already a part of Austrian law, but the Austrians had not yet dealt with the issue of heirless property.²⁵⁹ The trend appeared to be that heirless Jewish property was incorporated into Austrian libraries although no official decision had been reached.²⁶⁰ Most of the cataloguing was being performed under the most rudimentary conditions and knowledge of the entire operation, handling material with both identifiable and unidentifiable ownership, was being withheld from the public. At that time, all legislation for unclaimed and heirless property was still pending and the deadline for restitution claims was extended until the end of 1951. In his report, Lowenthal left the last word to Otto

²⁵⁸ Hannah Arendt to Meir Ben-Horin, 23 August 1950, Arc. 4° 793/288, JNUL, Jerusalem.

²⁵⁹ Rubin and Schwartz, 390.

²⁶⁰ E.G. Lowenthal's Field Report #20, 17-23 June 1950, JRSO 923c, CAHJP, Jerusalem.

Gleich, head of the Department “Vermögenssicherung” (securing of assets) of the Federal Ministry of Finance:

As regards heirless (“herrenloses”) property, Dr. Gleich expressed the view that this would have to be settled by Austrian law, probably to be sanctioned by the Allies, and that it is contemplated that as far as books are concerned the Austrian libraries would have to benefit from the material. Austrian needs “rank first,” Dr. Gleich pointed out. [Illegible]...Austria is supposed to have been “forced” into World War II.²⁶¹

Indeed, Austrians considered all property to be theirs since it all had belonged to Austrian nationals. Austrian Jews had not been wronged by the Austrian government, but by Germany and the latter should be held responsible for restitution. While Ben-Horin’s trip to Salzburg did not add significantly to JCR’s knowledge of large caches of material that might be of interest to them, he did receive assurance from the president of the Salzburg Gemeinde that manuscript holdings in the Salzburg University library would be investigated and that the transfer of material to JCR, including a few dozen books that were turned over to the Gemeinde from Property Control of the U.S. Allied Control for Austria (USACA), would be explored.²⁶² Ben-Horin recommended that a committee made up of the international Jewish organizations working in Austria—the JDC, the World Jewish Congress, the Jewish Agency, and the American Jewish

²⁶¹ Ibid. For more on postwar restitution in Austria, see Adunka, *Der Raub der Bücher*; Gabriele Anderl & Alexandra Caruso, eds., *NS-Kunstraub in Österreich und die Folgen* (Innsbruck: StudienVerlag, 2005); Gabriele Anderl & Dirk Rupnow, *Die Zentralstelle für jüdische Auswanderung als Beraubungsinstitution*, Veröffentlichungen der Österreichischen Historikerkommission 20, no. 1 (Vienna-Munich: Oldenbourg, 2004); Dehnel, ed., *Jüdischer Buchbesitz als Raubgut*; Helga Embacher, *Die Restitutionsverhandlungen mit Österreich aus der Sicht jüdischer Organisationen und der Israelitischen Kultusgemeinde*, Veröffentlichungen der Österreichischen Historikerkommission, Vol. 27 (Vienna-Munich: Oldenbourg, 2003); Robert Knight, “Restitution and Legitimacy in Post-War Austria, 1945-1953,” *Leo Baeck Institute Year Book* 36 (1991): 413-441; Itamar Levin, *The Fate of Stolen Jewish Properties: The Cases of Austria and the Netherlands*, Policy Study No. 8 (Jerusalem: Institute of the World Jewish Congress, 1997).

²⁶² Meir Ben-Horin to Hannah Arendt, 14 July 1950, M580/43/6, SSC, Palo Alto, CA.

Congress—including JCR, explore the possibility of establishing an Austrian Jewish successor organization for heirless and unclaimed Jewish property. It would be the only Jewish authority to deal with the Allied Commission for Austria as well as the Austrian government.²⁶³

There were certain inconsistencies that presented themselves within JCR policy at this important juncture. New phases had begun in its work (e.g., microfilming, continued searching, potential work in the British and French zones), but at the same time it was looking to wind down its operations in Wiesbaden to minimize its costs because its operating agents, namely the Jewish Agency and the Joint Distribution Committee, sizably reduced JCR's budget. Ben-Horin felt that this contradiction of termination and expansion was having a harmful effect on Lowenthal, in particular, JCR's relations with the American military authorities, as well as German officials who were trying to work with the organization. His written opinion to Arendt warrants citing:

...I now feel that in undertaking this clarification the long-range, historical significance of the JCR function, its complexity and complicatedness, be weighed against the pressure of other national-Jewish commitments. More fully than before I now realize that the successful completion of the JCR-mission depends on numerous factors here that are beyond JCR centre and are independent of JCR staff and board decisions... We cannot prescribe deadlines to Hundhammer, Stein, Heinrich, the directors of partly unpacked libraries, archives, museums, the Jewish communities. We can urge, remind, "follow-up" but not control. We must think in terms of actual material recovered rather than in

²⁶³ Meir Ben-Horin to Hannah Arendt, 5 September 1950, M580/232/5, SSC, Palo Alto, CA. No Jewish successor organization was formed at that time. Shlomo Shunami went back to Austria in 1952 after discovering that between 100 000 and 150 000 books that had been owned by Jews had been discovered in the cellars of a Habsburg palace in Vienna. Shunami was successful in having approximately 80 000 books shipped to Israel. For more on Shunami's efforts in Austria, see Itamar Levin, "Austria: The Evasion of Responsibility," in *The Plunder of Jewish Property during the Holocaust: Confronting European History*, ed. Avi Becker (New York: New York University Press, 2001), 244-257.

terms of reports, negotiations, appeals, decrees, promises, contacts, i.e. in terms of the “pay-off” of all these, and whether and when they pay off is beyond exact prediction. Heinrich, incidentally, reminded me of JCR’s agreement to do a complete job on the restitution of individually-owned books: he insists on the greatest possible care on these matters, and as a world Jewish organization we cannot fail to remember that, although a c a t e g o r y [*sic*], we are still dealing here with i n d i v i d u a l l y-owned [*sic*] books.²⁶⁴

Even Baron did not have a definite answer to such concerns. In a letter to Arendt, he raised his own apprehension over these apparent inconsistencies:

...it would hardly pay to operate a full-fledged JCR office in Germany for the sake of the occasional dribbles which might come through from time to time. Probably five years from now, another attempt might be really worthwhile, if the international situation allows it. On the other hand, I am not sure about it in my own mind, and certainly cannot commit the organization to that policy.²⁶⁵

While he acknowledged that the current situation was unsatisfactory, Baron declared that most German libraries would take years to uncover confiscated Jewish property that they possessed. JCR was also at the mercy of the American military government when it came time to decide when it would end its work in the Wiesbaden Depot. The JCR operation officially closed on 31 January 1951. It asked that all pending claims, shipments, and incoming information be handled through the JRSO office in Nürnberg. To rely on local Jewish communities to deal with these issues or simply to channel information through them, however, was deemed unwise.

²⁶⁴ Meir Ben-Horin to Hannah Arendt, 4 August 1950, M580/232/5, SSC, Palo Alto, CA.

²⁶⁵ Salo Baron to Hannah Arendt, 10 August 1950, M580/232/5, SSC, Palo Alto, CA.

X—Conclusion

It is worth repeating that JCR accomplished an enormous amount of work in all three depots—Offenbach, Munich, and Wiesbaden—in spite of a short timeframe, limited personnel, often-difficult working conditions, budgetary restraints, and inter-organizational as well as inter-personal tensions. Throughout its time in Germany, JCR also sought to expand its mission beyond the depots' walls, outside of the direct influence of the American military government. There, it worked with members of German Jewish communities and high-ranking German officials not only to locate heirless Jewish cultural property, but also to investigate ways to microfilm Jewish material found legitimately in German institutions. The group's work did not end when its office in Wiesbaden closed. As previously noted, new phases that had recently begun were yet to be concluded and the major task of distribution, though mostly occurring in conjunction with shipping material from the depots, was still not complete.

Chapter 4: The Distribution of Heirless Jewish Cultural Property

The exodus of the Jewish population circles from Germany has now been followed by the exodus of their books and cultural goods. This is the impression that one gets if one reads the final report of the Jewish Cultural Reconstruction Incorporated...

--*Die Neue Zeitung*, 9 February 1951¹

Baron and his associates had it all wrong when they decided to assume the name of Jewish Cultural Reconstruction for their organization, since that was not, in effect, what they had in mind.² The organization's Hebrew name, T'kumah le-Tarbut Yisrael—the raising up, as it were, of the culture of Israel—conveys a more precise description of their objective than “reconstruction.” The focus of JCR's work was, in essence, building up and adding to already existing communities rather than reconstructing those that had been destroyed. This had already been outlined by the Commission in the publication of its first tentative list in 1946:

In view of the wholesale destruction of Jewish life and property by Nazis reconstruction of Jewish cultural institutions cannot possibly mean mechanical restoration in their original form or, in all cases, to their previous locations. The Commission intends, in collaboration with other agencies of good will, to devise if necessary some new forms better accommodated to the emergent patterns of postwar Europe. Ultimately it may also seek to help

¹ Translation mine. “Dem Exodus jüdischer Bevölkerungskreise aus Deutschland ist nunmehr der Exodus ihrer Bücher und Kulturgüter gefolgt. Diesen Eindruck erhält man, wenn man den soeben erschienenen Abschlussbericht der „Jewish cultural Reconstruction Incorporation“ liest...” Ernest Landau, “Jüdische Kulturschätze wandern aus,” *Die Neue Zeitung* (9 February 1951): n.p. Grace Cohen Grossman's Personal Collection/Box 3/Publicity, Skirball Museum, Los Angeles, CA.

² Although actual reconstruction of Jewish communities in Europe may have been part of their original mandate as Baron states in a later interview conducted by Grace Cohen Grossman, I argue that this idea was soon abandoned, in large part, once the Commission's research phase was over. Interview with Salo Baron conducted by Grace Cohen Grossman, 3 July 1998, Tape 1.

redistribute the Jewish cultural treasures in accordance with the new needs created by the new situation of world Jewry.³

This cultural expansion, for the most part having taken place in the United States and Israel, was really seen by Baron's group as occurring on a global level. This included Germany, if only temporarily, but excluded Eastern Europe because of Communist control. According to the final distribution list assembled in mid-1952 by Hannah Arendt, Israel received 44% or 191 423 books out of a total of 426 921. The United States collected 37% or 160 886. Great Britain, West Germany, and France shared 9% between them. Switzerland, South Africa, Argentina, Australia, and Brazil were assigned 6% of the total. The remaining 4% was divided among more than twelve other countries including Canada, Morocco, Holland, Bolivia, and Uruguay.⁴ Furthermore, Baron's group was also responsible for the distribution of nearly 8 000 ceremonial objects and more than 1 000 Torah scrolls as listed below:

World Distribution of Books 1 July 1949 to 31 January 1952⁵

Israel	191 423
United States	160 886
Canada	2 031
Belgium	824
France	8 193
Germany	11 814
Great Britain	19 082
Holland	1 813

³ Commission on European Jewish Cultural Reconstruction, "Introductory Statement of Tentative List of Jewish Cultural Treasures in Axis-Occupied Countries," *Jewish Social Studies* 8, no. 1 (1946): 5.

⁴ JCR, Inc., World Distribution of Books 1 July 1949-31 January 1952, July 1952, Geneva IV/32/1B, JDC Archives, Jerusalem. This tally is incomplete due to the archival record being compromised, the disorganized character of the original list, as well as to the nature of the materials being listed. Some of the numbers were compiled based on unopened cases. The total reached here does not correspond exactly to the total reached by Hannah Arendt. There is a surplus of 4 824 books on this list which cannot be accounted for.

⁵ Ibid.

Sweden	696
Switzerland	7 843
South Africa	7 269
Morocco	378 ⁶
Australia	3 307 ⁷
Argentina	5 053
Bolivia	1 281
Brazil	2 463
Chile	1 219
Costa Rica	442
Ecuador	225
Mexico	804
Peru	529
Uruguay	1 670
Venezuela	456
Others	2 044

Total 431 745

World Distribution of Ceremonial Objects and Torah Scrolls⁸

<u>Country</u>	<u>Museum Pieces</u>	<u>Synagogue Pieces</u>	<u>Scrolls</u>
Israel	2 285	976	804 + 87 Fragments & 127 Buried Scrolls
United States	1 326	1 824	110 (unknown number were buried)
Great Britain ⁹	245	66	12 (See Below)
France	125	219	See Below
Germany	31	89	
Western Europe (excl. France & Germany)		129	
Western Europe (incl. France & Germany)			98
South Africa	150	66	
Canada	151 (Museum + Synagogue)		
Argentina	150 (Museum + Synagogue)		
Peru	35 (Museum + Synagogue)		
Total	7 867		1 024

⁶ This figure comes from Appendix II—Wiesbaden, Worldwide Distribution, 1950, Arc. 4° 793/288, JNUL.

⁷ This is the only indication in the extant records of books being sent to Australia. There is no other evidence to indicate that JCR was in contact with any Jewish organization, such as the New South Wales Jewish Board of Deputies, from the country. Neither is there evidence to suggest that distribution was done through Great Britain.

⁸ JCR, Inc., World Distribution of Ceremonial Objects and Torah Scrolls, July 1, 1949 to January 31, 1952, S35/88, CZA, Jerusalem.

⁹ Ibid. 4 208 silver and other scrap metals were disposed of through smelting.

The distribution of the heirless Jewish cultural property was a difficult task. Time and financial constraints forced JCR to distribute material even before their work of sorting and cataloguing had concluded in Germany and prior to the submission of all of the distribution requests.¹⁰ In some cases, German Jewish communities were conducting their own negotiations with other Jewish organizations and private individuals to relinquish cultural property in their possession. The control JCR did have over distribution meant choosing between competing, but legitimate, proposals and claims. The issue was contentious because each group would benefit from receiving materials. JCR functioned, in principle, as an independent third party. At times, however, members of its Board were involved in these arguments as representatives of various organizations. This made objectivity difficult. JCR was itself established as a temporary distributing agent. As a result, it would receive no specific benefit from the material. Indeed, without the financial backing of the JRSO, it would have operated at a complete loss; in 1950 amounts payable added up to more than \$63 000.¹¹ However, because it ultimately had the final say in where the property would go, JCR was responsible for deciding just what Jewish cultural reconstruction meant in this specific context.

For JCR, cultural reconstruction meant giving this heirless Jewish cultural property to vibrant communities—centers of Jewish life where these ritual objects

¹⁰ Ultimately, individual institutions had to petition JCR and its affiliates for material.

¹¹ M. Feiler to F. Grubel and Eli Rock, Audit—Jewish Cultural Reconstruction, Inc., 19 March 1951, A370/1064, CZA, Jerusalem. The only real income came from the charges levied on recovered property during distribution. The expenses, meanwhile, stemmed from the actual recovery of the property, salaries of employees both in New York and overseas, and other administrative costs.

and books would be circulated and used. Growing communities would ensure that Jewish culture would thrive as well. How much material each community would receive was commensurate, in part, to the Jewish population in the community, the long-term stability of the recipient organizations and their ability to care for the material, as well as their respective needs. JCR maintained that the lost cultural life of European Jewry could not be reconstructed; it would be recompensed by its expansion elsewhere. JCR's mission was to provide the cultural tools for this to occur. JCR understood that Jews without cultural objects were a concern since they would be hard pressed to perpetuate culture without them. Conversely, cultural objects without Jews were also a problem since they would not receive adequate care and preservation and ultimately not fall under Jewish ownership. JCR viewed reconstruction on a macro level—all of Jewry was the heir of this material and thus the greatest number of Jews should benefit. In its own words, examining the potential benefits of its efforts: "Jewish scholarship everywhere in the world will have received that heritage of European Jewry to which it can rightly lay claim and many countries, especially in Latin America and Israel, but also the United States, have received new and inspiring sources of learning."¹² Essentially, the question was where the majority of post-war Jewry would be and the simple answer to such a question was America and Israel. However, JCR did not solely represent American and Israeli interests and thus, was not simply "a touching footnote to the passing of the sceptre of Jewish life,"

¹² Jewish Cultural Reconstruction, Inc., 29 November 1950, M580/81/20, SSC, Palo Alto, CA.

as the historian, Robert Liberles, has stated.¹³ For example, Leo Baeck and Max Gruenewald represented the communities of former German Jews; Isaac Lewin, world Orthodox Jewry. Thus, on a micro level, JCR needed to be sensitive to the needs of these communities as well, and sensitive to their expectations of spiritual, physical, and cultural reconstruction. Likewise, although JCR exercised control over general principles and guidelines relating to distribution, oftentimes distribution within a given country was left to their affiliate members, such as the Hebrew University and the Jewish Historical Society of England. Inevitably, then, cultural reconstruction took on decidedly different meanings in a variety of national and ideological contexts.

An understanding of the exact nature of what JCR collected and distributed is paramount in this discussion. Much like postwar European Jewry, the books and ceremonial objects collected in the depots were but a remnant of what once was. No single pre-war collection of books found in Offenbach was preserved in its entirety. One reason for this was that there had been numerous Nazi agencies that had license to loot Jewish libraries during the war and, thus, many of the collections were broken up.¹⁴ Likewise, the ceremonial objects recovered were not from famous art collections of Jewish museums; rather, they came from looted European synagogues and "...b[ore] visible marks of willful destruction."¹⁵ While many of these volumes and items bore the scars of a tragic past, many were unique, including rare books long out of print and some that had

¹³ Liberles, *Salo Wittmayer Baron*, 240.

¹⁴ Recovery and Distribution of Jewish Cultural Treasures Through the JCR, n.d (Sept. 1950?), 361/E10/19, AJA, Cincinnati, OH.

¹⁵ Ibid.

been printed before the war but had not reached the market. Further, the American zone depots contained more than just German Jewish property. Arendt claimed that 75% of the recovered books and almost 85% of the recovered ceremonial objects originated in eastern European countries.¹⁶

I—Distribution of Books

Competing claims over the disposition of heirless books were initiated immediately after the war. The Copenhagen library proposal, discussed in chapter 1, sought to establish a Jewish Studies library from the plundered books in Europe. Its supporters thought that Jewish cultural reconstruction and European cultural reconstruction went hand in hand. In November 1947, Solomon Freehof, the prominent Rabbi of Rodef Shalom Temple in Pittsburgh, offered a different scheme. He argued that all of the books should be shipped to the U.S. to save them from deterioration, since the Jewish community, “cannot expect an Army Sergeant to worry much if some rain drops on the Teshuvos of the Ribash.”¹⁷ Once exported, they were to be sold quickly, and the proceeds given toward the maintenance of the displaced persons. Competition between the Hebrew University and other Jewish institutions would be solved since all who wished to buy books for these institutions could do so.¹⁸ For Freehof, reconstruction meant preserving the books and the people. How the books would be used and by whom was less of an issue.

¹⁶ Hannah Arendt to Dr. Siegfried Moses of Irgun Olej Merkaz Europa, 10 December 1951, Department for the Restitution of German Jewish Property S35/88, CZA, Jerusalem.

¹⁷ Solomon Freehof to Salo Baron, 8 November 1947, M580/43/5, SSC, Palo Alto, CA.

¹⁸ Ibid.

Although neither plan was realized, they illustrate two very different understandings of post-war cultural reconstruction. For the Danish library, reconstruction had to take place in Europe. For Freehof, geography was less significant than preservation—although he clearly saw American Jewry leading the project. The responses that these claims elicited from Judah Magnes of the Hebrew University and from Baron's group were also divergent. Both were immediately criticized and denounced by Magnes.¹⁹ He viewed them as competing claims, a serious threat that might possibly lead to a decrease in the share of property allotted to Israel and the University. Conversely, due to the fact that they rejected all of these proposals, it might be argued that Baron's and JCR's lack of concern stemmed from the group's firm belief that these proposals were ultimately inadequate because they ignored the fact that the books were the inheritance of world Jewry.

Among the constituent members of JCR, the Hebrew University was the only institution to propose a systematic distribution policy. It appeared more than a year before JCR's members finally agreed on an alternate one in 1949. The University's policy was essentially based on two ideas: that the bulk of heirless property should go where the Jews were going and that meant Palestine; and that the Hebrew University, in its negotiations, was not only representing itself, but all institutions of learning and the communities of Palestine.²⁰ It is worthwhile to

¹⁹ Judah Magnes to Rafael Edelman, 22 January 1947, M580/43/5, SSC, Palo Alto, CA; Judah Magnes to Salo Baron, 3 November 1947, M580/42/11, Palo Alto, CA.

²⁰ The Policy of the Hebrew University, 15 January 1948, M580/231/17, SSC, Palo Alto, CA.

outline the three principles as proposed by the University, not only to show what is mentioned, but more importantly, to confirm what is excluded:

1. Books of a general Jewish interest were to go to the National and University Library in Jerusalem, to be held in trust for distribution to the University and other institutions of a religious or cultural character in Palestine.
2. Material of special interest to the Jews in English speaking countries would be distributed there, taking into account the special interests of particular groups, such as the Sephardim, the Jews from Germany, or others.
3. In case of disagreement concerning the distribution of important books or manuscripts, a Board would be constituted representing the Hebrew University, the claimant, and a third person, to be chosen jointly by both sides, and the decision of this Board was to be regarded as final.²¹

Within weeks of receipt, a response was sent to Judah Magnes from Edward Warburg, head of the JDC—one of the two main financial supporters of JCR's work—that criticized the University for ignoring Europe. Warburg wrote:

I feel, however, that since it is inconceivable that Jewish life will disappear from Europe, consideration should be given to some of the books being placed at the disposal of Jewish communities in Europe. Should that not occur and if in the next ten or twenty years Jewish life should die out in Europe, the books thereafter could very well be sent to Jerusalem.²²

Warburg's insistence on including European Jewry in a vision of a post-war Jewish world was not lost on JCR. The organization would not adopt the policy as set out by the Hebrew University since it, like the Danish library and Freehof proposals, failed to see post-war Jewry for what it was—a global entity.

²¹ Ibid.

²² Edward M.M. Warburg to Judah Magnes, 29 January 1948, Arc. 4°793/212IV 1947, JNUL, Jerusalem.

The Hebrew University's most vocal and passionate advocate, Gershom Scholem, viewed the books in a narrow and opportunistic manner. The plundered books of Europe were not a cultural remnant of European Jewry that needed to be rescued entirely by the University. They were property, some of which could be used in building the Hebrew University's library collection and some of which, having no real value, could be sent elsewhere or discarded. The University used the language of cultural reconstruction for the partisan purpose of expanding the scholarly holdings of the University. By the summer of 1948, Scholem had made one trip to Europe, including the Offenbach Archival Depot, and had initiated the transfer of over 50 000 books from Czechoslovakia to the Hebrew University. His matter-of-fact approach to the Offenbach material is apparent in a letter to Joshua Starr, JCR's then executive secretary:

I think it would be infinitely simpler if the books which would represent no cultural or practical value whatsoever outside of Germany would be thrown out by people who have a certain sense of discrimination and who would at any rate be instructed to take whatever seems dubious. This would mean much less than half of the work and the same effect. I cannot imagine any institution of standing that might be interested in about 30% of the Offenbach Depot. I would leave them to the Jewish communities in Germany which after the departure of the DPs will certainly not be in need of scholarly material.²³

Here, Scholem is making a distinction between scholarly and cultural material with priority being given to the former. The fact that he sees no real value in much of the material puts him at odds with JCR's sense of cultural reconstruction occurring on all levels, not just the scholarly, and pertaining to all of world Jewry. Scholem's views are similarly expressed in his response to Simon Federbusch of

²³ Gershom Scholem to Joshua Starr, 30 August 1948, Arc. 4° 793/212IV/1947, JNUL, Jerusalem.

the World Jewish Congress. In December 1947, Federbusch asked that 250 000 books remaining in Czechoslovakia that the Hebrew University had not claimed be used for Jewish communities in Europe. In response, Scholem implied that the University was not overly anxious about the fate of this property: "As far as we are concerned the property may be handed over to any responsible Jewish body which will serve Jewish interests in Europe. We have no specific policy of our own in this respect."²⁴ Scholem simply wanted as much of the academically valuable material as he could get, much in the same way as his involvement in the "manuscript affair" resulted in the most rare documents being shipped to the Hebrew University. Scholem put it in very simple terms: "It always boils down to the simple question of having a man on the spot, in selecting the material in which we are interested. As long as we provide that we are on the right side."²⁵ This theory was put into practice when Scholem visited Germany in late 1950 and was able to secure much of the valuable Frankfurt collection, some 100-150 000 books—mostly non-Jewish and unclaimed private property—that JCR and the Hessian government had agreed to share.²⁶ Scholem had not been as instrumental in these negotiations as he had been in others, but he was in Germany when the collection was being divided and, within JCR's portion, was able to claim all Judaica for the Hebrew University and the entire collection of non-Jewish books, with the exception of periodicals, for Israel.²⁷

²⁴ Gershom Scholem to Simon Federbusch, 12 December 1947, Arc. 4° 793/212III/1947, JNUL, Jerusalem.

²⁵ Gershom Scholem to Curt Wormann, 13 June 1949, Arc. 4° 793/288/JCR, JNUL, Jerusalem.

²⁶ Minutes of Special Meeting of the Board of Directors, 9 October 1950, Arc. 4° 1599/23, JNUL, Jerusalem.

²⁷ Ibid.

Similarly, when JCR prompted the University to establish an allocations committee in Israel similar to the one in the U.S., Scholem made it sound as if the needs of cultural and educational institutions outside of the University were, at best, of no importance and at worst, an imposition: “You cannot avoid them [the Chief Rabbinate, the Vaad ha-Yeshivot, and Agudath Israel] without having trouble. I think we have nothing to lose, but only to gain if after having taken the stuff designated for ourselves, we let them fight it out between [*sic*] themselves.”²⁸ Clearly, Scholem wanted proper remuneration—the books—for the University’s efforts in Europe as well as for its previous and ongoing labors in helping to build the spiritual and cultural homeland of the Jews. It did not concern itself with the needs of religious institutions in Israel, even though many of the books, in fact, came from yeshivot, synagogues, and personal libraries that had been used for spiritual and religious edification. Upon receiving its fair share, the University would relinquish any and all responsibility. When the Ministry of Education and Culture, having its own division dealing with all libraries in Israel, expressed its desire to assume control of the distribution of those books that the Hebrew University would not keep, the University was thrilled to surrender control. Curt Wormann, the University’s rector, stated that such a move would relieve much needed space and personnel.²⁹ Ultimately, the University did not want to be bothered by this burden.

From the time the Hebrew University presented a distribution proposal in January 1948, more than a year would pass before JCR’s work in the American

²⁸ Gershom Scholem to Curt Wormann, 13 June 1949, Arc. 4° 793/288, JNUL, Jerusalem.

²⁹ Curt Wormann to Hannah Arendt, 7 July 1950, M580/43/6, SSC, Palo Alto, CA.

zone of Germany warranted the establishment of an allocations committee to deal with the disposition of heirless Jewish cultural property. By contrast, public and private cultural property whose owners could be located was restituted far more quickly. The Bibliotheca Rosenthaliana in Amsterdam and the Collegio Rabbinico of Rome were restituted within two years of the end of the war by the officers of the MFA&A.³⁰ The delay in JCR's efforts was the result of the fact that, before it could move ahead with its task, it required formal recognition by the American military authorities of its role as cultural agent of the Jewish Restitution Successor Organization (JRSO).

In creating the distribution committee, Baron indicated that it would be impractical to include persons outside of the United States, even though distribution would to be international.³¹ This later caused problems when competition erupted between the Hebrew University and certain JCR Board Members over particular collections. As Scholem reminded Arendt: "...we [Hebrew University] obviously represent public interest which could not and should not be decided upon without consultation with us. We cannot accept decisions of the Advisory Committee in direct contradiction to the decision on

³⁰ Simon Federbusch to the Unione Delle Comunita Israelitiche Italiane, 10 December 1947, 361/E9/13, AJA, Cincinnati, OH. For more on the return of Judaica and Hebraica to Amsterdam and Rome see F.J. Hoogewoud, "The Looting of a Private and Public Library of Judaica and Hebraica in Amsterdam during World War II," in *Jewish Studies in a New Europe*, ed. Ulf Haxen, 379-390 (Copenhagen: European Association of Jewish Studies, 1998); Hoogewoud, "The Nazi Looting of Books and Its 'American Antithesis'"; Stanislao G. Pugliese, "The Books of the Roman Ghetto under the Nazi Occupation," in *The Holocaust and the Book: Destruction and Preservation*, 47-58.

³¹ Minutes of a Special Meeting of the Board of Directors, 11 January 1949, JRSO 923a, CAHJP, Jerusalem.

priorities made in January 1949.”³² Whenever he could, Scholem rebuked JCR for the University’s unwarranted outsider status and expected those friends of the University on JCR’s Board to stand up for its needs and interests.

The allocations committee included some of the foremost American Jewish Studies librarians and scholars of the day: Alexander Marx of the Jewish Theological Seminary, Samuel Belkin of Yeshiva University, Edward Kiev of the Jewish Institute of Religion, and Max Weinreich of YIVO.³³ As part of its general plan for book distribution, the committee established four categories of recipients that would be given priority: (1) the Jewish National and University Library would be entitled to first priority in regard to unique copies of titles its collection lacked; (2) the major Jewish communities remaining in Western Germany would receive allocations for immediate use, consisting primarily of German Judaica; (3) European institutions outside of Germany subsidized by the JDC would receive proper consideration whenever feasible; and (4) remaining allocations would be determined on the basis of questionnaires that would be circulated to Jewish umbrella organizations around the world. In Western Europe, the cultural department of the JDC was put in charge of this task.³⁴ In order to be eligible to receive material, interested institutions would have to submit lists of items which they needed and indicate categories of books in which their individual institutions were deficient. Later, this last group of recipients would come to include non-

³² Gershom Scholem to Hannah Arendt, 10 November 1949, Arc. 4° 793/288, JNUL, Jerusalem.

³³ *Ibid.* The six other members were Joshua Bloch of the New York Public Library, Oskar Fasman of the Hebrew Theological College, Louis Finkelstein of JTS, Nelson Glueck of Hebrew Union College, Abraham Neuman of Dropsie College, and David de Sola Pool of the Union of Sephardic Congregations.

³⁴ *Ibid.*

Jewish libraries with important core collections of Hebraica and Judaica, such as the Columbia University Library. The acceptability of this was established based on American taxpayers' heavy investment in the preservation and listing of the books as well as the fact that often these collections served the Jewish reading public and the needs of Jewish scholars.³⁵ Accordingly, JCR's policy would also be that non-Jewish libraries would only be approached with offers of Jewish books while Jewish libraries would receive books of all kinds.³⁶ It was expected that 80% of the material would be distributed to Israel and Western countries with 20% going elsewhere. The needs of Jews in Eastern Europe were addressed, but it was suggested by the JRSO that those countries already had surpluses. Jewish libraries in Eastern Europe were being nationalized by this time and JCR avoided sending books to Jewish communities where they would be expropriated by the government.³⁷ Apart from that, little mention was made of these communities.

Four procedural guidelines were included in the original proposal: (1) each beneficiary institution had to agree to place duplicate copies in its library at JCR's disposal; (2) no material received from JCR could be sold or otherwise disposed of; (3) each institution had to agree to produce an itemized list indicating author and title within six months of delivery so that JCR could produce a detailed account at the end of its operations; and (4) Any item identified by a claimant as looted property within two years of its delivery to a recipient was to be returned

³⁵ Minutes of a Special Meeting of the Board of Directors, 14 March 1949, JRSO 923a, CAHJP, Jerusalem.

³⁶ Minutes of Special Meeting of the Board of Directors, 21 December 1950, JRSO 923c, CAHJP, Jerusalem.

³⁷ Meeting of the Executive Committee of the JRSO, 8 April 1949, JRSO 923a, CAHJP, Jerusalem.

promptly at the request of JCR.³⁸ At a subsequent meeting, the final point was amended to state that any other item required by JCR for reallocation within two years of its delivery to a recipient had to be returned. However, it was understood that the total number of items requested for reallocation would never exceed ten percent of the original allocation.³⁹ JCR did make some allowances. Columbia University and the New York Public Library, for instance, insisted that they could not accept the policy of returning books to JCR because the cost of making books available to readers prevented their simply giving back volumes. They could not absorb the cost if, at the end, they would have no book to show for it.⁴⁰ In general, the recipient institutions paid freight expenses from Germany. American institutions were spared freight expenses to the United States because JCR itself was responsible for distribution in the country. Its expenses were recovered by charging 30 cents per book and 60 cents per ceremonial object to each recipient.

Criticism over the priorities and procedures of book distribution erupted almost immediately amongst some of JCR's members. Cecil Roth's Commission on Restoration of Continental Jewish Museums, Libraries and Archives decided that the trusteeship of books received should not be limited to a two-year period. It established its own Trust Deed to be signed by recipient organizations.⁴¹ The group was unsuccessful in trying to impose this policy on JCR because Baron's group saw itself as a temporary organization that did not have the financial

³⁸ Minutes of a Special Meeting of the Board of Directors, 11 January 1949, JRSO 923a, CAHJP, Jerusalem.

³⁹ Minutes of a Special Meeting of the Board of Directors, 14 March 1949, JRSO 923a, CAHJP, Jerusalem. See also "Agreement between Jewish Cultural Reconstruction, Inc. and Recipient Libraries," n.d., RG 260/M1947/Roll #9, NACP, MD.

⁴⁰ Isaac Mendelsohn to Hannah Arendt, 23 May 1950, M580/43/5, SSC, Palo Alto, CA.

⁴¹ J.N. Nabarro & Sons, Trust Deed relating to Books and Manuscripts on loan to the Jewish Historical Society of England, 1949, A87/352, CZA, Jerusalem.

support to consider such a lengthy undertaking. Lewin, representing Agudath Israel, made certain that a resolution was appended to the original statement whereby the yeshivot in each country would receive duplicate books in the field of Rabbinics.⁴² Lewin's reasoning was similar to that later used by Agudath Israel in asking for monetary restitution from the JRSO:

Religious Jewry must insist that Torah institutions be granted justified recognition as natural heirs of the unclaimed property of martyred religious Jews and religious institutions. The Torah institutions represent their most appropriate memorial as the source of Israel's specific genius and the guarantors of our survival.⁴³

Other Orthodox Jewish leaders would agree with Agudath's argument that Orthodox Jewry should receive special consideration as the "natural" heirs to this property. In doing so, they were essentially arguing that this property was neither heirless nor belonged to the Jewish people; rather, it belonged to a segment of the Jewish people that they represented. In contrasting this with Scholem's comments, an unbridgeable gap is apparent between the religious community and the academic one over what constituted reconstruction. For the Orthodox, reconstruction meant the perpetuation of religiosity after the Holocaust while for Scholem and the Hebrew University it was, first and foremost, the preservation of an academic and scholarly tradition that would serve as the foundation for a cultural Zionist renewal both in the land of Israel and the Diaspora.⁴⁴

⁴² Ibid.

⁴³ Agudas Israel World Organization to the Jewish Restitution Successor Organization, 15 January 1951, Rosenheim/E34/HIJ, AIA, New York.

⁴⁴ This argument is supported by David Biale's description of Scholem's cultural Zionism as inspired by Ahad Ha-Am. See David Biale, *Gershom Scholem: Kabbalah and Counter-History* (Cambridge & London: Harvard University Press, 1982), 149. Biale writes: "...he saw Zionism as primarily a revolutionary solution to the cultural and spiritual problem of Judaism in a secular world. ... As an educator and scholar, Scholem conceived of his own work as a contribution

Max Gruenewald, who represented German Jewish émigrés on JCR's Board, put forward a similar argument. He asserted that special consideration be given to the establishment of a German Jewish Memorial Library under the auspices of the Jewish Institute of Religion in New York. Simultaneously, a request was put forward by Leo Baeck that the remaining library of the Hochschule für die Wissenschaft des Judentums, where he had taught, be allocated to the Society of Jewish Study in London which he established in 1947. Initially, Gruenewald thought that the promotion of such proposals would help in soliciting financial support for the work of JCR.⁴⁵ Later, he asserted that there was "moral justification" for making an exception, in these two cases, to the principle that no émigré society be granted the right of successor to the property of a body destroyed by the Nazis unless its status as such could be established beyond reasonable doubt.⁴⁶ Gruenewald found support from Baeck who confirmed this justification in a letter to Salo Baron, dated 12 April 1949:

There is a strong feeling amongst them [the Council of Former Jews from Germany], that the former German Jews who constitute an articulate element in the United States, England and South America ought to receive a share in the cultural property, which at one time belonged to their congregations and institutions. Nor is this claim a merely sentimental one. It expresses the fact that their

toward this ideal of cultural renewal." Upon first arriving in Palestine in 1923 until 1927, Scholem worked as librarian of the Hebraica and Judaica department at the Jewish National Library. He even developed a classification system for Judaica, the Scholem system as it is known today, based on the Dewey classification system. Scholem was a bibliophile in every sense of the word: "He saw the assembly of all the written records of Jewish culture in the National Library in Jerusalem as a way of ensuring Jewish continuity, and he devoted himself fervently to that goal." Malachi Beit Arié, "Gershom Scholem as Bibliophile," in *Gershom Scholem: The Man and His Work*, ed. Paul Mendes-Flohr, 120-127 (Albany: State University of New York Press, 1994). See also Daniel Abrams, "Presenting and Representing Gershom Scholem: A Review Essay," *Modern Judaism* 20 (2000): 226-243.

⁴⁵ Minutes of a Special Meeting of the Board of Directors, 7 October 1947, 361/E9/13, AJA, Cincinnati, OH.

⁴⁶ Special Meeting of the Board of Directors, 7 June 1949, JRSO 923a, CAHJP, Jerusalem.

historical bonds still exist, and with them, a deeply felt consciousness of their heritage. It continues to live in their congregations and institutions, which already exist or are in the process of formation.⁴⁷

The most vehement critic of such proposals was Gershom Scholem. He firmly rooted his misgivings in practical terms. He argued that JCR should not allocate books to institutions founded in the post-war period to be used as a nucleus for an entirely new library.⁴⁸ Second, he was concerned that German émigré academics, by nature, were too transitory to ensure JCR of the continued development of their institutions.⁴⁹ Instead, he argued, priority should be given to established institutions of higher learning so as to prevent the scattering of available material and the dispersion of centers of research. For Scholem, the Hebrew University would not only serve as the model for this policy, but its driving force.

In the end, JCR voted against Scholem and tentatively agreed to support the Library proposal provided that the American Federation of Jews from Central Europe and the Jewish Institute of Religion could arrive at an agreement that would ensure longevity, meet budget requirements, and maintain the physical security of the books.⁵⁰ In addition, JCR's Board of Directors agreed to allocate the remnants of the library of the Hochschule to Baeck's Society. However, Scholem need not have worried. The Memorial Library to Germany Jewry did not come to fruition due to the ill health of its major proponent, Eugen Täubler, and

⁴⁷ Leo Baeck to Salo Baron, 12 April 1949, M580/43/6, SSC, Palo Alto, CA.

⁴⁸ Gershom Scholem to Salo Baron, 31 May 1949, Arc. 4°793/288, JNUL, Jerusalem.

⁴⁹ Ibid.

⁵⁰ Minutes of Special Meeting of the Board of Directors, 12 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

the inability of its supporters to agree on the library's purpose.⁵¹ It has been argued that the collapse of this project and others like it was indicative of a lack of understanding of and support for German Jewry from Jewish organizations. Further, the negative attitude in the post-war world to things German included, in part, German Jews themselves and thus, they came away largely empty-handed with regard to receiving their property.⁵² Whatever the case, it is clear that for émigré German Jews in the United States, reconstruction meant a transplanting of German Jewish centers to new geographic homes. In essence, they argued that the fact that they had been forced to flee Germany should not exclude them from access to the tools of cultural life. To the extent that that was possible, JCR agreed and was supportive.

Special notice in JCR's distribution policy was given to institutions whose libraries had been severely damaged by war.⁵³ Physical reconstruction was of utmost importance, as in the case of the rebuilding of the records and collections of the Jewish Historical Society of England that had been destroyed in the air raids of late 1940.⁵⁴ Cecil Roth advocated that the institution have absolute priority for Anglo-Judaica since "it [was] a question of compensation for losses, not merely acquisitiveness."⁵⁵ Likewise, when the Board decided that allocations would be made to non-Jewish libraries, Roth campaigned for the British Museum

⁵¹ Christhard Hoffmann, "The Founding of the Leo Baeck Institute, 1945-1955," in *Preserving the Legacy of German Jewry: A History of the Leo Baeck Institute, 1955-2005*, ed. Christhard Hoffmann (Tübingen: Mohr Siebeck, 2005), 25.

⁵² *Ibid.*, 26.

⁵³ Minutes of a Special Meeting of the Board of Directors, 11 January 1949, JRSO 923a, CAHJP, Jerusalem.

⁵⁴ "Air Raids Destroys Historical Museum," *The New York Times* (30 December 1940): 3.

⁵⁵ Cecil Roth to Oskar Rabinowicz, 7 January 1949, A87/182, CZA, Jerusalem.

to be included in such a list since it, too, "...suffered so greatly at German hands."⁵⁶ In a letter to JCR from the Library of the Alliance Israelite Universelle in Paris, its chief librarian, Paul Klein, argued that not only had the library lost a good portion of its collection during the war, but that the building itself had remained intact and housed the most up-to-date and modern tools. Thus, it could be considered a perfect repository for JCR material.⁵⁷

It was understood by these institutions that compensation for losses would be directed to pre-existing, strong Jewish communities, such as the ones in Britain and France, so as to provide a "third-way" for world Jewry—between America and Israel.⁵⁸ These would continue to grow and would be able to care for the property. In fact, concern over preservation was so central to Roth's committee that a special ruling was included in the Trust Deed whereby the Committee could recall any part of the "Continental Collection," as they called it, from an institution if it was not being treated with due care.⁵⁹ Groups in the United States were not exempt from the requirement of permanence. When Aaron Margalith, librarian of Yeshiva University, placed a request for rabbinical books to be selected for a Kollel of refugee rabbis, JCR deferred allotment until such time as the group would be recognized as part of a permanent organization ready to maintain responsibility for the books.⁶⁰

⁵⁶ Cecil Roth to Oskar Rabinowicz, 3 November 1949, A87/182, CZA, Jerusalem.

⁵⁷ Paul Klein to "Monsieur le Directeur," 2 December 1948, M580/43/7, SSC, Palo Alto, CA. (French)

⁵⁸ This idea of a "third way" is further elaborated upon in David Weinberg's "Between America and Israel: The Quest for a Distinct European Jewish Identity in the Post-War Era," *Jewish Culture and History* 5, no. 1 (Summer 2002): 91-120.

⁵⁹ J.N. Nabbaro & Sons, Trust Deed, 1949, A87/352, CZA, Jerusalem.

⁶⁰ Minutes of Special Meeting of the Advisory Committee, 27 December 1949, M580/231/15, SSC, Palo Alto, CA.

With the closure of the Offenbach Depot scheduled for 31 May 1949, JCR began to distribute heirless books in March. Some 1 400 cases were shipped to various distribution centers around the world: New York for the Americas, Stuttgart for Germany, the JDC office in Paris for Western Europe, the Jewish Historical Society of England in London, the South African Jewish Board of Deputies in Johannesburg, and the Hebrew University in Jerusalem in conjunction with the Ministry for Religious Affairs and the Jewish Agency for Israel.⁶¹ Appeals by various institutions were directed to these organizations, if not to JCR directly.

Unforeseen complications arose almost at once. In hindsight, with so many cities and so many institutions involved it does not seem all that surprising. Shipping the material to these various cities did not always ensure their proper care and distribution. Bernard Heller remarked in a letter to Baron that, while in Stuttgart, he "...was disturbed by the fact that the cases of books that [JCR] sent for distribution to various German Jewish communities were lying in the cellar unopened. At the same time Steven S. Schwarzschild of Berlin bitterly complained...that his community [was] bereft of Judaica."⁶² Heller called for JCR to make sure that all of the shipments be inventoried and allocated to the respective institutions. Its task, he reminded Baron, should not be considered complete just because the books had been shipped.⁶³ Likewise, JCR had to contend with some of its member organizations making public announcements in which they claimed credit for operations which had been carried out by JCR. Not

⁶¹ Wolf Blattberg to Dr. Marcus, 8 June 1949, 361/E9/6, AJA, Cincinnati, OH.

⁶² Bernard Heller to Salo Baron, 27 July 1949, M580/43/5, SSC, Palo Alto, CA.

⁶³ Ibid.

only that, but these organizations were also publicizing statements of policy that deviated from those of JCR. On numerous occasions, letters were written by JCR reprimanding those organizations, such as the Synagogue Council of America (SCA), for example, or persons who presented erroneous, incomplete, and perhaps damaging information to the public at large. It was decided early on that no member organization would have the authority to make public statements without the approval of the Board.⁶⁴ To add to JCR's frustrations, even six months after receiving their allocations, many recipient libraries had not sent JCR the list of books they received as per their original agreement, nor were they prompt with their payments. JCR had a bookplate produced and asked that recipient organizations paste them into each of their volumes "...so that present and future readers may be reminded of those who once cherished them before they became victims of the great Jewish catastrophe."⁶⁵ For various unexplained reasons not all of them complied. When they did, it was done much later than expected with the consequence that not all of the books were properly marked.

Inevitably, competition arose over certain valuable collections or over libraries belonging largely to yeshivot that had multiple branches in different countries. Such was the case with the Mir Yeshiva, with branches in Brooklyn and Jerusalem, and the Slobodka Yeshiva, with branches in Jerusalem and Bnei Brak.⁶⁶ When the committee could not make a decision alone, members of the

⁶⁴ Minutes of the Annual Meeting of the Board of Directors, 17 October 1949, JRSO 923b, CAHJP, Jerusalem.

⁶⁵ Bookplate letter, 13 September 1949, M580/43/6, SSC, Palo Alto, CA.

⁶⁶ Joshua Starr to Curt Wormann, 20 June 1949, Arc. 4° 793/288, JNUL, Jerusalem. In the case of the Slobodka yeshivot, it was decided by the two branches that the volumes in question should be given to the one in Bnei Brak.

JCR Board were asked to vote on response cards. Contrary to earlier analysis, there was never complete consensus as to distribution.⁶⁷ There were always abstentions and dissenting votes, reflecting various members' institutional and ideological persuasions. Although everyone accepted that first priority be given to Israel and the Hebrew University, it did not stop some JCR members from voicing their own concerns once it was felt that Israel's needs had been met. The distribution of the rare books serves as a case in point: both Alexander Marx and Edward Kiev argued that the Hebrew University already possessed copies of 90% of the rare books deposited in Wiesbaden. Consequently, they suggested that the needs of American Jewry be given priority. The books should be shipped first to the United States and the Hebrew University's allotment would be shipped from there.⁶⁸ Arendt later voiced concern about this to Baron: "I am a little afraid that a combination of German Jewish sentiment with general opposition to the Hebrew University might result in impractical solutions."⁶⁹ In the end there were very few conflicting claims between Kiev and the University, but this draws attention to the underlying competition that existed not only among Jewish institutions, but also between the United States and Israel, with certain American Jewish representatives on JCR's Board challenging the organization's own policy of giving priority to the Hebrew University.

Concomitantly with JCR's work, some Jewish communities and persons in Germany took the matter of distribution into their own hands, oftentimes without

⁶⁷ Michael Kurtz claims that there was a "usual consensus approach" in distribution. *America and the Return of Nazi Contraband*, 167.

⁶⁸ Hannah Arendt to Gershom Scholem, 11 October 1949, Arc. 4° 793/288, JNUL, Jerusalem.

⁶⁹ Hannah Arendt to Salo Baron, 9 November 1949, M580/232/5, SSC, Palo Alto, CA.

JCR being informed of their actions until it was too late to intervene. One case in point: Arendt discovered in 1950 that a former DP in Bamberg, Germany, Benjamin Orenstein, had been given ceremonial objects, Torah scrolls, 310 folders of documents dating from 1658-1938, 29 volumes of community archives from 1814-1876, and a number of birth, death, and marriage registers by the Director of the Bamberg State archives in 1946.⁷⁰ JCR tracked Orenstein to Canada; he informed the organization that he had sent all the archives to Israel through the Historical Commission in Munich.⁷¹ There is no evidence to indicate that JCR had any contact with historical commissions in Europe early or later, when the commissions were dissolved and much of their material was transferred to the newly established archive at Kibbutz Beit Lohamei Ha-Getaot (Ghetto Fighters' House), or to the World Zionist Organization's committee for establishing Yad Vashem la-Sho'a ve-la-gevura ("a memorial to the Holocaust and heroism"), the forerunner to Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, established by a 1953 decree in the Israeli Knesset.⁷² Although the Hebrew University and Yad Vashem did work together, to an extent, in organizing the World Convention of Contemporary Holocaust and

⁷⁰ Hannah Arendt to Gershom Scholem, 18 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

⁷¹ The Central Historical Commission in Munich was established in December 1945 by the Central Committee of the Liberated Jews in the American Zone of Germany and was the largest of the historical commissions established not only in Germany, but also in France, Hungary, Slovakia, Italy, Austria, Sweden, and Switzerland. See Ze'ev Mankowitz, *Life Between Memory and Hope: The Survivors of the Holocaust in Occupied Germany* (New York: Cambridge University Press, 2002), 214ff.

⁷² Yad Vashem la-Sho'a ve-la-gevura ("a memorial to the Holocaust and heroism") had been operating, on and off, since 1946 under the auspices and initiative of Mordecai Shenhavi of the Zionist National Institutions. It was shut down in 1951. Shenhavi worked with, among others, the historian and then Cultural and Education minister, Ben Zion Dinur, to secure passage of the Yad Vashem Law in 1953. Ronald Zweig, "Politics of Commemoration," *Jewish Social Studies* 49, no. 2 (Spring 1987): 155-166.

Heroism Research in 1947, they often found themselves competing for national and financial recognition and support within the newly found state.⁷³ It has also been argued that many of the German Jewish faculty members at the Hebrew University did not support the idea of Holocaust research since they had difficulty reconciling their own identification as Jews with their appreciation of their German intellectual heritage.⁷⁴ Upon being informed of the transfer of material to Yad Vashem, Scholem's⁷⁵ expressed disdain for the organization's activities in an April 1950 letter to Arendt captures not only the tension between the Hebrew University and the emerging Holocaust research institute, but also the disorderly environment in which this material was being salvaged:

Yad wa-Shem [*sic*] is a still-born child. It was planned as a central organization which was to establish a memorial to the Jewish dead of the Hitler war. It was to erect also a memorial library and a collection of documents pertaining to the history of the Jews under Hitler. We have been always very skeptical about the whole business and have opposed the extravagant dreams of the initiators. The only thing that has been done was a lot of harm as for instance in the present case. Material which should not have gone to them under no circumstances has been rather irresponsibly given to an institution that has ceased to function. Practically there is now nobody to whom to speak and with whom we could settle the matter of finding where exactly the files are to be found. We will try to clear that mess up with a view to having it transferred to the Historical Archives of the Hebrew University and the Historical Society. I learn that to this very day there are still 12 cases of documents from the Historical Commissie [*sic*] in Haifa Port that have not yet been taken out. The whole thing is preposterous...⁷⁶

⁷³ Boaz Cohen, "The Birth Pangs of Holocaust Research in Israel," *Yad Vashem Studies* (2005): 204.

⁷⁴ Gershom Scholem is among those Hebrew University scholars on Orna Kenan's list that had a common German-educational background. Others included Yitzak Baer, Ben Zion Dinur, and Joseph Klausner. Kenan, "Between History and Memory," 26-31.

⁷⁵ Scholem later became a member of the World Council of Yad Vashem.

⁷⁶ Gershom Scholem to Hannah Arendt, 30 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

Other examples of the uncontrolled dispersion of material abound. A U.S. Government monthly report from the Offenbach Archival Depot stated that the Nürnberg Jewish community, which was about to emigrate to Israel, turned 10 000 books over to the JDC “to do with them as was found best.”⁷⁷ Another situation saw the Mannheim Jewish community initially attempting to sell its thousand volumes to YIVO in order to defray the cost of storage and to help the congregation.⁷⁸ Max Gruenewald wanted a competent team sent over to Germany to try to rescue the books so they could perhaps form the nucleus of the planned Memorial Library. In a 1951 report of the Hebrew Union College Library in Cincinnati, Herbert Zafren, the chief librarian, recorded the gift of Chaplain Henry Tavel who had found a Jewish library in Mannheim and had the Jewish community there turn the entire collection over to him “...in recognition of the services which he had rendered to the Jews in Mannheim.”⁷⁹ He, in turn, gave it to the College, his alma mater. After the collection had been organized, it was determined that half would be integrated into the library while the duplicates would be sold or exchanged.⁸⁰ When Gruenewald ascertained the fate of the Mannheim books he questioned, “why the former owners and supporters of the Library were denied what the Hebrew Union College obtained in so easy a

⁷⁷ Mr. Kiefer to Ms. Hall, “Disposition of Jewish Cultural Property,” 6 October 1948, RG 59/Records Maintained by the Fine Arts & Monuments Adviser 1945-1961 (“Ardelia Hall Collection”)/Lot File 62D-4/Entry 3104A/Box 28/File “Germany—Jewish Property”/loc. 250/52/9/01, NACP, MD.

⁷⁸ Max Gruenewald to Salo Baron, 4 April 1949, M580/43/5, SSC, Palo Alto, CA.

⁷⁹ Max Gruenewald to Saul Kagan, 9 December 1952, Max Gruenewald Collection 7204/4/35, Leo Baeck Institute (LBI), New York.

⁸⁰ Herbert C. Zafren, Report of the Administrative Secretary of the Hebrew Union College Library, 20 September 1951, Klau Library Papers HUC-JIR/G-1/Library Reports 1950-75, AJA, Cincinnati, OH.

fashion.”⁸¹ The query appeared to be answered some two years later when a letter from Chaplain Tavel was sent to Gruenewald:

One of the men [in Mannheim] said to me in conversation, ‘No one will ever look at these books here. We are a dying community. If you will provide the shipping, send them to a place where they will be preserved for study and available for study.’... When I had first met this man, one of his earliest inquiries was about Dr. Leo Baeck. He was delighted that the books were going to the institution with which Dr. Baeck had become associated.⁸²

JCR was not the only organization to which those in Germany turned to care for their property. Even those who considered themselves or their communities to be the ‘natural’ or ‘rightful’ heirs to this property were ultimately at a disadvantage if their representatives were not physically present to identify and claim property.

II—Distribution of Ceremonial Objects

Not long after the policy for book distribution was decided, the allocation committee met to establish how the silver and other ceremonial objects held at the Wiesbaden depot were to be shared. Four additional members were asked to join the committee: Stephen Kayser and Guido Schoenberger of the Jewish Museum in New York, Franz Landsberger of the Hebrew Union College and former curator of the Jewish Museum in Berlin, and Rachel Wischnitzer, former scientific adviser at the Jewish Museum in Berlin. As discussed in the previous chapter, the items at the depot were examined by Mordecai Narkiss of the Bezalel

⁸¹ Max Gruenewald to Saul Kagan, 9 December 1952, AR 7204/4/35, LBI, New York.

⁸² Henry Tavel to Max Gruenewald, 2 April 1954, 7204/7/15, LBI, New York.

Gruenewald followed with a reply a few days later, thanking Tavel for his first-hand account. Max Gruenewald to Henry Tavel, 7 April 1954, 7204/7/15, LBI, New York. In this quote, Tavel is referring to the fact that from 1948 until his death in 1956, Baeck taught intermittently at HUC in Cincinnati.

Museum in 1949 and divided into two categories: those suitable as museum pieces and those appropriate for synagogue use. Bezalel was entitled to right of first refusal for museum objects. The remainder of these would be shared among other established Jewish museums in Tel Aviv, Prague, Budapest, London, New York, and Cincinnati.⁸³ As for synagogue material, the committee recommended that a third should go to synagogues in Israel, a third to the United States, and the rest to be shared by other countries.⁸⁴ If the recipient congregations were to cease functioning, then the property would be returned to the distributing agent for reallocation. As in the case of the books, if after two years no claimant asked for the material to be returned, the congregation would become the owner. However, the objects still could not be sold or exchanged. In the end, JCR retained the right to reallocate certain pieces either because individual claimants came forward or because the object was thought to complete the collection of a museum.⁸⁵ Much of the property was in need of repair; responsibility for that lay with the congregations. Synagogue objects were distributed primarily to congregations of recent immigrants from Central Europe. The Ministry of Religious Affairs would act as distributing agent in Israel, JCR in the Americas, and the JDC would be responsible for all other countries. Later, the Synagogue Council of America would participate as one of the main distributing agents in the U.S.

⁸³ Minutes of Meeting of the Advisory Committee, 6 February 1949, JRSO 923a, CAHJP, Jerusalem. No further documentary evidence indicates that the needs of Jewish museums in Prague or Budapest were met by JCR.

⁸⁴ Ibid.

⁸⁵ Synagogue Council of America, Minutes of Meeting of Committee on Religious Objects, 18 October 1950, Grace Cohen Grossman's Personal Collection/Box 2/Research Foundation for Jewish Immigration, Skirball Museum, Los Angeles, CA.

Lack of archival records prevents a complete survey of the international distribution of books, ceremonial objects, and Torah scrolls by JCR and its affiliated members from being undertaken. Nevertheless, where possible, a country-by-country thumbnail sketch is provided below. This will undoubtedly draw attention to the scope of the project and its corresponding difficulties and triumphs. Special attention is paid to the United States since JCR had the strongest presence in this country, and much of the archival evidence reflects that. JCR did not have the manpower or the financial ability to supervise distribution in every country closely. Instead, it relied heavily on its organizational members to carry out distribution on a national level. JCR's general distribution policies were interpreted, and thus followed, differently in each country, creating varied pictures of what Jewish cultural reconstruction meant.

III—The United States

For the most part, book distribution in the United States was relatively simple and straightforward. Much of the distribution occurred from JCR's Brooklyn depot under the supervision of Severin Rochman and Jack Novak.⁸⁶ JCR sought the support of respected, well-established institutions to help with storage and distribution to individual institutions. For example, except the process of shipping, Torah Umesorah, the National Society for Hebrew Day Schools centered in New York, handled book distribution to yeshivot in the U.S.⁸⁷

⁸⁶ No further information about these two individuals is known.

⁸⁷ Torah Umesorah was officially incorporated in New York State on 6 September 1944. The organization was devoted to establishing Yeshiva Day schools in all Orthodox communities across the U.S. For more on this subject see, Doniel Zvi Kramer, *The Day Schools and Torah*

Yeshiva University agreed to store 100 000 books in its Pollack Graduate Library until allocation was decided upon. While JCR was grateful for Yeshiva University's assistance, conflict arose when it was discovered by Arendt that none of the conditions for receipt of the entire Stuermer collection⁸⁸ to Yeshiva University had been fulfilled: payments had not been made, shelves had not been prepared, and unpacking had not occurred three months after the arrival of the cases.⁸⁹ The delay meant that neither the Jewish Institute of Religion nor the Jewish Theological Seminary could make their small selections from the collection, nor could students make use of its contents.⁹⁰ Moreover, the institution failed in its early press releases to refer to JCR's role in bringing the Stuermer Collection to the U.S.⁹¹ While other institutions were guilty of similar offenses, Yeshiva University was singled out because of the important collection it received.

The first occasion of JCR having to deal with individual claimants in the United States occurred in the spring of 1950, when a wealthy family was able to prove their claim to four hundred volumes.⁹² The question raised by Hannah Arendt to Eli Rock of the JDC was which, if any, of the costs incurred by JCR in

Umesorah: The Seeding of Traditional Judaism in America (New York: Yeshiva University Press, 1984).

⁸⁸ The Streicher/Stuermer collection was composed of Judaica and Hebraica that had been assembled by Julius Streicher, editor of the Nazi newspaper, *Der Stuermer*.

⁸⁹ Hannah Arendt to Samuel Belkin, 2 May 1950, M580/43/6, SSC, Palo Alto, CA.

⁹⁰ Minutes of Special Meeting of the Board of Directors, 21 December 1950, JRSO 923c, CAHJP, Jerusalem.

⁹¹ Jacob I. Dienstag to Hannah Arendt, 16 February 1951, Stuermer/Streicher Collection/Administrative Folder, Yeshiva University Archives, New York.

⁹² No further information about the family is known.

recovering the material should be charged to the owner.⁹³ JCR insisted that charges for transportation and storage be covered by the claimant, but was not sure if a pro-rata administrative cost incurred in recovering the books in Germany should be leveled on the recipient.⁹⁴ Towards the end of 1951, JCR corresponded with more than 450 people, of whom 225 were recognized as rightful claimants of approximately 5 000 books.⁹⁵

JCR closed its New York book depot on 10 August 1951; in May of that year, it began advertising for final allocation demands to be submitted for the 10 000 books that no library in the United States had acquired.⁹⁶ Selling them was out of the question; instead, a small committee was established, on the initiative of the Conference on Jewish Relations, consisting of representation from four scholarly Jewish organizations: the Conference, the American Academy for Jewish Research, YIVO, and the American Jewish Historical Society. Each of the groups advanced \$100 for the preparation of the necessary lists of the remaining books and pamphlets. The handling charge was increased, but these organizations would each have the opportunity to fill lacunae in their libraries. Other volumes were offered to private scholars affiliated with these groups including Baron himself.⁹⁷ By that time, some of the earlier recipient libraries wanted to exchange books that were either duplicates or were not needed by the institution. JCR permitted a free exchange among recipient libraries so long as it was informed of

⁹³ Memorandum re. Meeting with Dr. Hannah Arendt, 7 April 1950, JRSO 923c, CAHJP, Jerusalem.

⁹⁴ Ibid.

⁹⁵ Report for Annual Meeting of the JRSO, 14 November 1951, M580/81/21, SSC, Palo Alto, CA.

⁹⁶ Hannah Arendt to "Friends" of JCR, 8 May 1951, M580/58/9, SSC, Palo Alto, CA.

⁹⁷ Salo Baron to YIVO, 7 December 1951, M580/60/6, SSC, Palo Alto, CA.

the transactions.⁹⁸ No records of such transactions are extant and given the absence of accurate lists supplied by those institutions receiving books, the likelihood is that these institutions did not inform JCR of these later trades.

The distribution of ceremonial objects in the country proved to be somewhat more problematic than books. The squash court and cellar room of the Jewish Museum in New York, under the supervision of the Museum's director, Stephen Kayser, became the storage site for ceremonial objects entering the country.⁹⁹ Before actual distribution began, all objects were catalogued and some were displayed at the Museum. JCR faced a problem in having the ceremonial objects shipped to the United States, because it had not prepared to deal with the issue of customs duties and tariffs to be paid on the property. Applications for individual items needed to go through the Collector of Customs in order to establish whether each receiving institution was on the approved list of those recognized as eligible to collect duty-free merchandise according to Law 1809 of the 1930 Tariff Act.¹⁰⁰ In the case of museums or institutions of higher learning,

⁹⁸ Minutes of Special Meeting of the Board of Directors and Advisory Committee, 10 December 1951, Arc. 4° 793/288, JNUL, Jerusalem.

⁹⁹ This was not the first time that the Jewish Museum of the Jewish Theological Seminary of America played a role in the rescue and safeguarding of Europe's Jewish art treasures. In 1939, the contents of the Danzig Jewish Museum were shipped to the Seminary and remain there to this day. The Mintz collection of Judaica from Warsaw was also housed and exhibited by the Museum in 1939-40. Guido Schoenberger, who had been a curator at the museum of the City of Frankfurt and was associated with the Rothschild Museum, escaped Germany in 1939 and began a long career as cataloguer and research associate for the Jewish Museum. In September 1946, Stephen Kayser (1900-1988), also a refugee, was appointed curator of the Museum and it was in May 1947 that it moved to its present location at 1109 Fifth Avenue, a donation made by Frieda Warburg. Julie Miller and Richard Cohen, "A Collision of Cultures: The Jewish Museum and the Jewish Theological Seminary, 1904-1971," in *Tradition Renewed: A History of the Jewish Theological Seminary, Vol. 2*, ed. Jack Wertheimer, 311-361 (New York: JTS, 1997). Photos of some of the JCR objects that the Museum retained for itself can be found in Stephen Kayser's edited volume, *Jewish Ceremonial Art* (Philadelphia: Jewish Publication Society, 1955).

¹⁰⁰ Hannah Arendt to Louis Finkelstein, 1 May 1950, RG 1, Series F, 1950/86/JCR File, JTSA, New York. No duties were imposed on "...a work of art, imported for exhibition at a fixed place by an institution established for the encouragement of the arts and not intended for sale."

they simply filed new bonds with the New York customs authorities, covering the objects that they received. Those objects destined for synagogues, however, proved a problem, since synagogues were not recognized under Law 1809. Two solutions were put forward: to have the U.S. Army symbolically take the objects out of the country and then to bring them in and turn them over to JCR; and, if that was not possible, to have the bond lifted through Congressional intervention.¹⁰¹ It was later discovered that regalia (objects worn during religious services) were duty-free while ritual items like menoroth, Hanukkah lamps, and candlesticks were not. It was decided for practicality's sake that many of the remaining objects of non-regalia would be exported to countries outside of the United States.¹⁰² On top of the 60 cents that was levied to reimburse JCR on those items distributed within the country, another charge of 40 cents was charged for handling and distribution.

Émigré groups had been asking JCR for some time to give priority to the requests of survivors from the same cities, regions, and countries as the victims. They appealed to JCR on moral and sentimental grounds that went beyond legal definition. As S. Hanover of the Conference of Jewish Immigrant Congregations of Greater New York wrote to Salo Baron:

As we understand, a rather great portion of those objects came from Southern Germany. The majority of our members came from the Congregations of Southern Germany and many of the 'Kle Kaudesh' might have been dedicated by their forefathers. Although we probably have no legal right to claim the above mentioned

Leonard D. DuBoff, Sherri Burr & Michael Murray, *Art Law: Cases & Materials* (Buffalo, NY: William S. Hein & Co., 2004), 24.

¹⁰¹ Memorandum re. Customs—Ceremonial Objects, 22 August 1950, JRSO 923c, CAHJP, Jerusalem.

¹⁰² Hannah Arendt to Salo Baron, 22 September 1950, M580/81/20, SSC, Palo Alto, CA.

objects, we are convinced we are much more entitled to the remnants of our Synagogues than anybody else, together with the Congregations similar to ours in other countries.¹⁰³

JCR's advisory committee did not give blanket approval to Hanover's appeal. A more practical route was taken: he was asked to describe specifically the needs of each affiliated congregation desiring material. Once JCR accepted that priority would be given to Central European immigrant congregations, it was decided that Hanover and the Conference of Jewish Immigrant Congregations together with the American Federation of Jews from Central Europe would act as the distributing agents for cultural objects to these congregations. The Synagogue Council of America (SCA) was asked to distribute cultural objects to remaining synagogues; more than four hundred congregations received objects due to its efforts.¹⁰⁴ In its letters to recipients, the Synagogue Council of America, like so many other institutions, ignored the role of Jewish Cultural Reconstruction and made no mention of it. It was left to Baron to approach Bernard Bamberger of the Synagogue Council of America, requesting that each religious object carry the identification mark as prepared by Jewish Cultural Reconstruction.¹⁰⁵

Despite this issue, JCR and the SCA worked together in qualifying the general distribution policy for ceremonial objects. The concept of permanency was particularly important to JCR and three criteria were adopted regarding it: (1) congregations had to have existed for at least five years at the time of their

¹⁰³ Rabbi Dr. S. Hanover to Salo Baron, 5 May 1949, Grace Cohen Grossman's Personal Collection/Box 2/Research Foundation for Jewish Immigrants File, Skirball Museum, Los Angeles.

¹⁰⁴ Hannah Arendt to Rabbi H.E.L. Freund, 5 October 1950, Grace Cohen Grossman's personal Collection/SCA Coll./Box 2, Skirball Museum, Los Angeles, CA.

¹⁰⁵ Salo Baron to Bernard Bamberger, 8 May 1951, M580/59/1, SSC, Palo Alto, CA.

request; (2) they had to have a permanent address; (3) the congregations had to hold at least Sabbath services throughout the year and had to be affiliated with a recognized denomination.¹⁰⁶ If a recipient congregation was dissolved, the objects were to be returned to the Jewish Museum for reallocation.¹⁰⁷

The number of requests for ceremonial objects that the Synagogue Council of America received “far exceeded” their supply.¹⁰⁸ In addition, the Synagogue Council of America found substantial discrepancies in the number and quality of the ceremonial objects themselves when comparing the original list distributed by Arendt to the objects stored at the Jewish Museum:

The item you call candlesticks is non existent. All the 14 of them are in such bad shape which cannot be sent to anybody. The same applies to the item you call miscellaneous, where the items are so far fetched and so unreasonable in their appearance that it can hardly be sent to anyone. For example, a watch case that has on it engraved a six pointed star is not a religious object in any language or in any country.¹⁰⁹

Although this discrepancy forced the Synagogue Council of America to decrease the number of objects allotted to each congregation, it was still able to complete its task successfully.

Upon receipt, a number of recipient congregations wrote of their appreciation for the ceremonial pieces: “The objects...will always constitute an essential part of the Temple Museum, which will serve as a real cultural stimulation in our community,” wrote Abba Hillel Silver, Rabbi of The Temple in

¹⁰⁶ Synagogue Council of America, Minutes of Meeting of Committee on Religious Objects, 19 December 1950, M580/231/15, SSC, Palo Alto, CA.

¹⁰⁷ Hannah Arendt to Dr. S. Hanover, 19 June 1950, M580/232/5, SSC, Palo Alto, CA.

¹⁰⁸ Minutes of Meeting of Committee on Religious Objects, 9 January 1951, M580/231/15, SSC, Palo Alto, CA.

¹⁰⁹ Rabbi Hirsch Freund to Hannah Arendt, 7 March 1951, Grace Cohen Grossman's Personal Collection/Box 2/JCR corr. SCA dist. of property, Skirball Museum, Los Angeles, CA.

Cleveland, OH.¹¹⁰ A member of Congregation Kehilath Jacob in New York stated, “we shall always honor these valuables and wish to thank you...for your noble deeds in restoring these pieces to the holy purposes for which they once were destined.”¹¹¹ Some congregations expressed interest in holding a public consecration ceremony for the objects. The Synagogue Council of America recommended a sermon composed by Joseph Narot of Temple Israel in Miami, Florida, “A Brand Plucked Out of the Fire,” for public reading in the synagogue on Yom Kippur during the part of the Musaf services in which the death of the martyrs are recalled. The sermon is replete with unanswerable questions:

Who were they that, in some distant land, beheld, touched and revered these selfsame holy vessels? Whose were the eyes that gazed into an ark and lingered there upon the shining decorations? Whose the lives touched by these millennial symbols of our faith? Whose the lips that moved like ours in adoration of the ever living God? And while I knew that to ask these questions is not again to shed tears—it is too late for tears—I also knew that it was to be for us a time for sorrowful reminiscence.¹¹²

Those objects that could not be distributed due to irreparable damage were set aside for burial by the Synagogue Council of America, with Baron present, at the Beth El Cemetery in Paramus, New Jersey on 13 January 1952. The date was chosen for its proximity to the 10th of Teveth, a historic day of mourning and fasting proclaimed as a memorial to Jewish victims of persecutions in all eras.¹¹³

¹¹⁰ Abba Hillel Silver to Salo Baron, 31 August 1950, M580/58/9, SSC, Palo Alto, CA.

¹¹¹ Joseph Cantor to Rabbi Dr. Sigmund Hanover, 18 April 1951, Grace Cohen Grossman’s Personal Collection/Box 2/Research Foundation for Jewish Immigrants, Skirball Museum, Los Angeles, CA.

¹¹² Joseph Narot, “A Brand Plucked Out of the Fire,” *The Reconstructionist* 17, no.11 (5 October 1951): 21-22.

¹¹³ Norman Salit to “Dear friend,” 31 December 1951, Grace Cohen Grossman’s Personal Collection/Box 2/SCA-General, Skirball Museum, Los Angeles, CA.

A tombstone was dedicated ten months later, over the graves of the buried religious objects.¹¹⁴

Distribution of Books from New York Depot, 1 July 1949-31 Jan. 1952¹¹⁵

A. Priority Libraries

American Jewish Historical Society	358
Baltimore Hebrew College	4 552
Brandeis University	11 288
College of Jewish Studies, Chicago/Leaf Library	7 521
Dropsie College, Philadelphia	5 549
Hebrew Teachers College, Boston	7 275
Hebrew Theological College, Chicago	5 847
Hebrew Union College, Cincinnati	9 753 ¹¹⁶
Jewish Community Library of Los Angeles	1 061
Jewish Institute of Religion	9 380
Jewish Theological Seminary	13 275
Mesifita Torah Vodaath, Brooklyn	3 713
Mesifita Rabbi Chaim Berlin, Brooklyn	1 282
Ner Israel Rabbinical College, Baltimore	4 689
Rabbinical College of Telshe, Cleveland	156
Yeshiva University (incl. Stuermer Coll.)	9 407
Yiddish Scientific Institute (YIVO)	11 681 ¹¹⁷

B. Smaller Libraries

B'nai Brith Hillel Foundation	625
Beth Medrash Elyon, Spring Valley, N.Y.	350
Beth Medrash Govoha, Lakewood, N.J.	536
Herzliah, New York	1 014
Jewish Education Committee, New York	37
Jewish Teachers Seminary & Peoples Univ.	1 027

¹¹⁴ Rabbi Meyer Passow to Salo Baron, 10 December 1951, M580/59/1, SSC, Palo Alto, CA.

¹¹⁵ JCR, Inc., Distribution of Books from New York Depot During December, 1950, M580/232/10, SSC, Palo Alto, CA. JCR, Inc. Distribution of Books in the U.S. from July 1, 1949 to Jan. 31, 1952, JCR File, Jewish Museum, New York. This list includes periodicals and newspapers, individual issues, sheets, etc.

¹¹⁶ HUC also received some archival material from Nazi archives and the microfilms of the Worms community and Municipal Archives. Distribution of Books in the U.S. from July 1, 1949 to Jan. 31, 1952, JCR File, Jewish Museum, New York.

¹¹⁷ Ibid. This number is misleading since the total also includes many Yiddish newspapers that were unbound. JCR also received some archival material from the European HIAS offices.

Jewish Welfare Board	236
Lubawitcher Yeshiva/Schneerson Lib., Brooklyn	3 294
Mirrer Yeshiva	410
Yeshiva of Flatbush, Brooklyn	465
Zionist Archives and Library	2 587

C. Non-Jewish Libraries

Columbia University	2 183
College of the City of New York	214
Harvard University	1 920
Iowa University	185
Johns Hopkins University	45
Joint University Religious Section, Nashville, TN.	423
Library of Congress	5 708
New York Public Library	1 624
New York University	2 298
University of Pennsylvania	26
University of Texas	635
Yale University	1 509

D. One Time Allocations

Hebrew Convalescent Home	182
Hebrew Institute of Long Island	63
Jewish Sanitarium & Hospital for Chronic Diseases	100
Jewish Settlement House	47
New York Board of Rabbis	22
Wall Street Synagogue, New York	52
Yeshivoth (through Torah Umesorah)	12 013
Scholarly Organizations	5 318

E. Institutional & Individual Claimants 8 951

Total 160 886

Distribution of Ceremonial Objects, New York Depot, 1950¹¹⁸

A. Jewish Museums

1. The Jewish Museum	211
2. Hebrew Teachers College, Roxbury, Mass.	53
3. B'nai Brith Hillel Foundations, N.Y.C.	65
4. Hebrew Theological College, Chicago	53
5. College of Jewish Studies, Chicago	56
6. Museum of Hebrew Union College, Cincinnati	99
7. The Temple, Cleveland, OH	70
8. Yeshiva University, N.Y.C.	245
9. National Jewish Welfare Board, N.Y.C.	147
10. Bureau of Jewish Education, Buffalo	29

B. Non-Jewish Museums

11. Brooklyn Museum	19
12. New York University	36

C. Synagogues

Immigrant Congregations	637
All Others via Synagogue Council	1 109

Total: 2 829

IV—Israel

Much of the distribution process in Israel occurred outside of JCR's control. Only Hebrew University representatives and Mordecai Narkiss of Bezalel had any long-term correspondence with JCR officials. It is for this reason, mainly, that attention here is only paid to JCR's role in sending the largest collection of

¹¹⁸ Appendix VII: Distribution of Ceremonial Objects from New York Depot, 1950, According to Institutions, post-30 November 1950, JRSO 923c, CAHJP, Jerusalem. The discrepancy between the total number given here and that provided in the world distribution list likely stems from the remaining 321 ceremonial objects being distributed from 1951 to January 1952. A breakdown by institution for that period is not provided.

books and ceremonial objects to Israel.¹¹⁹ Excluding the collections that the University secured for itself through the labors of its own representatives in Europe, the University received many of the JCR-controlled collections, including the Berlin Gemeinde collection,¹²⁰ the former Mapu unit of the Baltic collection to be held in trust for two years,¹²¹ and the Kirchheim collection.¹²² It was thought that the University would be the best place for the Hermann Cohen collection consisting of some 5 200 books in light of the fact that it consisted primarily of books of non-Jewish content, philosophy, and Christian theology.¹²³

Because of pressure applied by the JCR Board to provide detailed information on how the books would be allocated, the Hebrew University took the first steps in constituting an Advisory Board in February 1950. It promised that it would make certain that all institutions would produce lists of received books within six months following their delivery and that it would supervise the pasting of the JCR bookplates.¹²⁴ Many of the central organizations in Israel were invited to send their representatives to select books, including the Histadrut, the Chief

¹¹⁹ Rosalind Duke, in her lecture, "The Jewish National and University Library: Reflections on the Past—Plans for the Future," states that the JNUL distributed 300 000 books to cultural, religious, and educational libraries across Israel. 200 000 books remained as part of the permanent JNUL collection. These numbers derive, in part, from the allotment given by JCR, but the largest portion comes from the over two decades that the library's emissaries spent securing cultural property from Europe.

¹²⁰ Memorandum from Meir Ben-Horin to Members of Board of Directors and Advisory Committee, 13 January 1950, Arc. 4° 793/288, JNUL, Jerusalem.

¹²¹ Minutes of the Annual Meeting of the Corporation, 17 October 1949, Arc. 4° 1599/23, JNUL, Jerusalem. The Mapu unit referred to those books from the Mapu Library in Kovno (Kaunas), Lithuania, that was established in 1908 by a group of Zionists and was named after one of the first Haskalah writers, Avraham Mapu (1808-1867).

¹²² These collections are discussed in chapter 3.

¹²³ Minutes of Advisory Committee Meeting, 19 September 1949, JRSO 923b, CAHJP, Jerusalem.

¹²⁴ C. Wormann to Hannah Arendt, 28 May 1950, Arc. 4° 793/288, JNUL, Jerusalem.

Rabbinate, and the Zionist Archives.¹²⁵ Moreover, the opportunity for libraries to describe their needs was publicized.¹²⁶ Judah Leib Maimon, the first Minister for Religious Affairs in Israel and one of the founders of the religious Zionist party, Mizrahi, made a complaint that there were too many representatives from varying organizations.¹²⁷ He thought that considerable progress could be made if a three-man commission was established with one representative each from the Hebrew University, the Ministry of Education, and the Ministry of Religious Affairs.¹²⁸ According to Curt Wormann of the Hebrew University, fault for delays lay with the Ministry of Education and the Ministry of Religious Affairs, who could not decide on the best way to divide up the books from Germany. In March 1951, the University turned 53 500 books over to the Ministry of Religious Affairs and “[the University] decided to let the two ministries fight the matter out between themselves.”¹²⁹ The idea was even raised at one point to have the JDC assume control over distribution to the yeshivot since JCR could not get the Hebrew University to distinguish between books for itself and those requested for other

¹²⁵ Other invitees included the Municipality of Tel Aviv, the Jewish Agency, the Ministry of Religious Affairs, the Ministry of Education, the Army Cultural Department, the Society for the Advancement of Science in Haifa, and the Association of Local Councils. While most of the organizations were asked to send one representative, the Histadrut and the Municipality of Tel Aviv were asked to send two each. Copy of Part of Letter From Mr. Shunami to Dr. Arendt, 8 February 1950, M580/232/5, SSC, Palo Alto, CA. To satisfy a later request put forth by the JDC, one of its representatives was added to the Advisory Council. C. Wormann to Hannah Arendt, 24 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

¹²⁶ C. Wormann to Hannah Arendt, 12 September 1951, Arc. 4° 793/288/256, JNUL, Jerusalem.

¹²⁷ Rabbi Judah Leib Maimon (1875-1962) established the Chief Rabbinate in Israel alongside Abraham Isaac Kook. In addition, he helped draft Israel's Declaration of Independence and was one of its signatories.

¹²⁸ Hannah Arendt to C. Wormann, 12 February 1951, Arc. 4° 793/288, JNUL, Jerusalem.

¹²⁹ Curt Wormann to Hannah Arendt, 2 March 1951, Arc. 4° 1599/23, JNUL, Jerusalem.

Israeli institutions.¹³⁰ Finally, in September 1951, approximately 7 000 books were transferred to the Ministry of Education for distribution to yeshivot after much prodding from JCR and the JDC.¹³¹ Even though the University was not forthright with its promised bookkeeping, it continued to ask JCR for more books. On numerous occasions, Scholem advised Arendt that they were under increasing pressure from government ministries to give them more and more books.¹³² Instead of giving up some of what it had, it expected that JCR should send more.

While JCR had little control over distribution in Israel, certain actions and statements by its representatives in the United States had, at times, a significant impact on those halfway around the world. Forty percent of the Baltic Collection that had not been returned to individual claimants was to be housed in Israel for the required two-year period. Another forty percent would go to the Americas and twenty percent was allocated to other countries. While Scholem did not dispute this allocation, he took issue with the unwanted publicity that Bernard Heller brought in an interview with the *Yiddish Forward*.¹³³ Scholem's remarks to Arendt highlight not only how political differences traversed geographic lines, but the larger political distinctions between Israel and the United States with respect to relations with the Soviet Union in the period following the war:

Now Dr. Heller has put the Russians who may screen Yiddish newspapers in New York for material interesting to them on the scent. They may come and put us in a very awkward position by claiming books from Russian territory which we are said to hold.

¹³⁰ Hannah Arendt to Salo Baron, 3 December 1949, M580/43/6, SSC, Palo Alto, CA.

¹³¹ Curt Wormann to Hannah Arendt, 12 September 1951, Arc. 4° 793/288/256, JNUL, Jerusalem.

¹³² Gershom Scholem to Hannah Arendt, 29 January 1951, Arc. 4° 793/288/229, JNUL, Jerusalem.

¹³³ H. Firsht, "Die yidishe bikher un religieze zakhen vos men hot gefunen bei di Nazim," (*Yiddish Forverts* (12 February 1950): 8.

The diplomatic position of the United States and Israel with regard to these territories is not the same. Of course we will deny everything if it comes to that. A newspaper can tell a lot of lies. But I think JCR should register its protest at least on behalf of the Hebrew University regarding the indiscretion which Dr. Heller has committed by giving away facts of this kind.¹³⁴

Indeed, with its Baltic-Non-Recognition Policy, the United States did not recognize the incorporation of the Baltic States into the Soviet Union after the war's end. Israel, meanwhile, in its earliest years of existence, courted both sides in the burgeoning Cold War conflict, attempting to maintain a precarious neutral position. The United States and the Soviet Union were the first two countries to recognize the state in May 1948. Diplomatic and financial relations were maintained with both, yet by 1950 Israel was viewed by Moscow as coming more and more under the influence of the West.¹³⁵ To be fair, an earlier letter by Heller suggests he genuinely felt that the Russians would not pose a threat to the fate of the Baltic collection:

Also a rapprochement [*sic*] between Russia and the USA, with a condition that the Baltic cultural property held by the USA be returned to their former domicile, though not impossible, is very improbable. Russia is no fool. They know that if they make such a stipulation the Western countries would require that the cultural treasures now in Russia or in its satellite lands should be restored to their former repositories in the West.¹³⁶

¹³⁴ Gershom Scholem to Hannah Arendt, 30 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

¹³⁵ For more on Israel's relations with the Soviet Union in the early years of the Cold War, see Uri Bialer, *Between East and West: Israel's Foreign Policy Orientation, 1948-1956* (Cambridge: Cambridge University Press, 1990); Arnold Kramer, *The Forgotten Friendship: Israel and the Soviet Bloc, 1947-1953* (Urbana: University of Illinois Press, 1974); Yaacov Ro'i, *Soviet Decision-Making in Practice: The USSR and Israel, 1947-1967* (New Brunswick, NJ: Transaction Books, 1980); Howard M. Sachar, *Israel and Europe: An Appraisal in History* (New York: Vintage Books, 1998).

¹³⁶ Bernard Heller to Salo Baron, 21 June 1949, M580/58/9, SSC, Palo Alto, CA.

Clearly, distribution in Israel occurred in a very different context than in the United States and sensitivity to these contrasts was called for, but not always maintained.

There were delays in distribution of ceremonial objects in Israel that equally remained outside of JCR's control, but with which it was involved. In early 1951, JCR was still receiving letters from Israeli institutions who had no knowledge whatsoever that some of the ceremonial objects arriving in the country were available to synagogues.¹³⁷ JCR pressed Narkiss to hand over the entire collection to the Ministry of Religion. Narkiss felt that the letter had such an accusatory tone to it that he did not reply. In later correspondence, however, he denied all blame, saying that the share allotted to Israel was sent directly to the Jewish Agency with the instructions that it be forwarded to the Ministry of Religions so as to be distributed amongst sixty-two synagogues.¹³⁸ According to him, the cases were, indeed, turned over to the Ministry of Religious Affairs, which then proceeded to bring them to Mt. Zion where they remained.¹³⁹ The Ministry of Religious Affairs was also supposed to act as distributing office for the repaired Torah scrolls that made their way to Israel from Europe and that would be allotted, primarily, for new synagogues in the country.¹⁴⁰

Tensions flared again over the distribution of the Frankfurt Collection, made up largely of objects belonging formerly to the Frankfurt Jewish Museum and the city's synagogues. Guido Schoenberger was sent to Frankfurt on behalf of

¹³⁷ Hannah Arendt to Mordecai Narkiss, 1 February 1951, A370/1064, CZA, Jerusalem.

¹³⁸ M. Narkiss to Eliahu Dobkin of the Executive of the Zionist Organization and Berl Locker, Chairman of the Jewish Agency, 22 August 1951, M580/58/9, SSC, Palo Alto, CA.

¹³⁹ Ibid.

¹⁴⁰ News from World Jewish Congress, 19 July 1949, 361/E9/13, AJA, Cincinnati, OH.

JCR in August and September 1951 to select the ceremonial objects from the collection for distribution to Israel and the United States. Great Britain, to whom JCR designated twenty percent of these objects, waived her claim in favor of Israel with the recommendation that the Tel Aviv Museum receive them.¹⁴¹ Thus, Israel received sixty percent while the remainder went to the U.S. The fact that JCR's Board chose to send an American representative to Frankfurt without consulting with Narkiss greatly roused his ire because this deprived Israel of its prerogative to select works of art and ceremonial objects for itself.¹⁴² Among other things, he argued that Jewish Museums in America were being given priority. This he saw reflected in the minutes of a JCR meeting.¹⁴³ He was correct that a number of points favored American Jewish museums. The Board suggested that the Frankfurt distribution would greatly enhance American museum collections while only adding to what Bezalel already had; Bezalel possessed more than ten times the amount of older Jewish ceremonial objects from the general distribution; Narkiss had previously selected many more museum pieces for Israel whereas the museums in the West had received a disproportionately large share of synagogue quality pieces. For these reasons JCR voted to send the American representative who would pay attention to Israel's needs as well as those of other countries. It should be noted that Ben Halpern of the Jewish Agency, considered one of Israel's supporters, voted for this motion.¹⁴⁴ Narkiss'

¹⁴¹ Oskar Rabinowicz to Hannah Arendt, 23 January 1951, Arc. 4° 793/288/225, JNUL, Jerusalem.

¹⁴² M. Narkiss to Eliahu Dobkin of the Executive of the Zionist Organization and Berl Locker, Chairman of the Jewish Agency, 22 August 1951, M580/58/9, SSC, Palo Alto, CA.

¹⁴³ Disposition of 18 cases containing about 450 ceremonial objects from Frankfort/M [sic], 12 June 1951, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁴⁴ Ibid.

reply to this vote reflects the ongoing tension between giving priority to Israel and Israeli institutions while still remaining cognizant of the larger needs of world Jewry. It is not surprising that Narkiss would emphasize the former over the latter:

We are not of the opinion that the number of visitors to a Museum should be a determining factor in the distribution—though we can proudly state that we have a larger number of visitors than the New York Museum. The main determining factor for the distribution should lie in the nature and the composition of the collections at the various Museums and in the case of the Jerusalem Museum, in the central position that it occupies for the Jewish people.¹⁴⁵

According to Schoenberger's report, he set aside the most important museum pieces for Israel, very few for museums in the United States, and the least important ones he left for possible sale in Germany to cover the JRSO expenses.¹⁴⁶ A proportion of the property was also left to the new Jewish community of Frankfurt and for the City of Frankfurt.¹⁴⁷

V—Great Britain

By October 1949, 104 cases of books had been shipped to England from Germany along with three cases of silver ceremonial objects.¹⁴⁸ By 1952, Great Britain was the recipient of 19 000 volumes and over three hundred ceremonial objects. The Jewish Historical Society, Jews' College, the Wiener Library, and the Society for Jewish Studies were among the first involved in the selection

¹⁴⁵ Narkiss to Dobkin and Locker, 22 August 1951, M580/58/9, SSC, Palo Alto, CA.

¹⁴⁶ Guido Schoenberger, Report of Trip to France and Germany August 8-September 7, 1951, 16 September 1951, 45/54/1743, JDC Archives, New York.

¹⁴⁷ Ibid. The actual breakdown consisted of the following: 172 objects to museum in Israel, 126 to museum in the U.S., 164 synagogue pieces to Israel, 93 objects to the new community of Frankfurt, 15 objects to the City of Frankfurt, and 2 boxes with household silver to the JRSO, Frankfurt.

¹⁴⁸ Minutes of the Meeting of the Committee on Restoration of Continental Jewish Museums, Libraries, and Archives, 13 October 1949, A87/64, CZA, Jerusalem.

process. The Historical Society served as general trustee for both books and ceremonial objects once they were turned over by JCR. Jews' College agreed to store and catalogue the property until distribution had been settled. The scant archival evidence suggests that Roth's committee never considered its allocated share to be commensurate to the amount of Jewish cultural property that had been destroyed during the war in Britain. More so than the number of books distributed to the country, issue was taken with the small percentage of museum objects allotted. Five to seven percent was deemed an entirely inequitable share since so many Jewish museums had been destroyed.¹⁴⁹ Britain received fewer than four percent of the ceremonial objects according to the 1952 world distribution list. Roth's group also asked for one hundred Torah scrolls given the large number of synagogues that were destroyed or which lost substantial property, such as the Western Synagogue that lost thirty of its scrolls.¹⁵⁰ On that issue, Baron advised that each British congregation that suffered wartime losses apply directly to the Paris office of the JDC for consideration in the ultimate distribution, based on both need and war damage.¹⁵¹ In the end, twenty-nine were allotted altogether. Before Yeshiva University received it, Roth's committee argued that the Stuermer Collection be kept *in toto* and given in trust to the Wiener Library, it being the most suitable institution since it specialized in books on antisemitism and National Socialism.¹⁵² However, this request was based on a mistaken notion of

¹⁴⁹ Ibid.

¹⁵⁰ Cecil Roth to Oskar Rabinowicz, 19 October 1949, A87/182, CZA, Jerusalem.

¹⁵¹ Salo Baron to Cecil Roth, 22 November 1949, A87/64, CZA, Jerusalem.

¹⁵² Ibid. Established in 1939 by Alfred Wiener, the Wiener library in London is dedicated to the collection of all materials relating to National Socialism and the Holocaust. See Ben Barkow, *Alfred Wiener and the Making of the Holocaust Library* (London: Valentine Mitchell, 1997).

the nature of the collection that, in fact, consisted almost entirely of rabbinic literature.¹⁵³ The Wiener Library argued that it should be the recipient of those books originally belonging to the library of the Central Union of Jews in Germany [Jüdischer Zentral Verein].¹⁵⁴ Eventually, all six hundred volumes from the remnant of the library were turned over to the Wiener Library along with two hundred antisemitic publications.¹⁵⁵ Roth's committee also complained that among the collection received in London there had been no rare books. They raised the example of the Mocatta Library, which alone had lost hundreds of rare volumes during the war, as a reason to reconsider the allocation.¹⁵⁶ Oftentimes, though, when it was supposed to receive a shipment, the British group renounced its allocation in favor of more going to Israel since it was among the original supporters of having the majority of material allocated to the country. Moreover, with the future establishment of the Jewish Trust Corporation working to salvage heirless Jewish cultural property in the British zone of Germany, JCR assumed that British Jewry would reap more of the benefits than.¹⁵⁷

¹⁵³ Hannah Arendt to Oskar Rabinowicz, 21 October 1949, A87/64, CZA, Jerusalem.

¹⁵⁴ Alfred Wiener to Cecil Roth, 12 July 1949, A87/182, CZA, Jerusalem.

¹⁵⁵ E.G. Lowenthal's Field Report #17, February 1950, Arc. 4° 1599/23, JNUL, Jerusalem.

¹⁵⁶ Cecil Roth and Oskar Rabinowicz to Hannah Arendt, 12 December 1950, M580/81/20, SSC, Palo Alto, CA. The Mocatta Library is named after the Anglo-Jewish philanthropist, Frederic David Mocatta (1828-1905) who had bequeathed his extensive library to the Jewish Historical Society of England. In 1906, the Society turned it over to the University of College London.

¹⁵⁷ Minutes of Special Meeting of the Board of Directors, 9 October 1950, Arc. 4° 1599/23, JNUL, Jerusalem. See discussion in chapter 2.

VI—Continental Europe

JCR used the JDC offices in Paris and Antwerp as storage sites for shipments destined for Israel or other cities in Europe. It also became the holding depot for the 30 000 books of the Baltic Collection as well as those private identifiable collections of six or more books—comprising approximately 15 000 volumes—whose owners could not yet be located. JCR proceeded to publish the names of the owners—eight hundred Jews from Germany and about two hundred names of Jews from the Baltic countries—in Jewish newspapers around the world so as to protect adequately the interests of any rightful claimant whose books were inadvertently included in JCR shipments: “We will restore the books to the claimants upon proof, satisfactory to us, that the claimants are their former owners or the legal successors to their former owners, and are therefore morally entitled thereto.”¹⁵⁸ As part of their claim, each claimant had to provide their full names as well as pre- and post-war addresses, along with a sample of the claimant’s signature, book stamp, or ex libris (book plate).¹⁵⁹ Claims from all over the world poured into JCR’s office in New York and, at the time, it was thought that at least half of the 14 828 books could be restituted.¹⁶⁰

¹⁵⁸ Hannah Arendt to C. Wormann, 26 March 1951, Arc. 4° 793/288, JNUL, Jerusalem. In the letter, Arendt writes that the London *Jewish Chronicle* and *Aufbau* had both agreed to publish the names free of charge. Arendt was asking Wormann if he thought the *Palestine Post* and *Haaretz* would do the same. She provided Wormann with the entire list. Wormann thought that there was no prospect of them being published in Israel due to the “extreme newspaper shortage.” Instead, he suggested that 50 or so copies could be displayed at various places around the country. Wormann to Hannah Arendt, 27 March 1951, Arc. 4° 793/288, JNUL, Jerusalem. Later, he informed Arendt that an announcement was also broadcast by *The Voice of Israel*. C. Wormann to Hannah Arendt, 1 August 1951, Arc. 4° 793/288/254, JNUL, Jerusalem.

¹⁵⁹ Hannah Arendt, Instructions to Claimants as part of letter to C. Wormann, 10 May 1951, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁶⁰ Hannah Arendt, Minutes of a Special Meeting of the Board of Directors, 4 June 1951, Arc. 4° 793/288, JNUL, Jerusalem.

At the same time, the Religious Department of the JDC office in Paris was entrusted with repairing and distributing eight hundred Torah scrolls that found their way to the German depots after the war. East European refugees who were qualified scribes and scholars were enlisted to repair some scrolls and discard others that were disqualified. One hundred and twenty-seven scrolls and eighty-seven Torah fragments were sent to Israel to be buried. Newly constituted congregations in Israel were the largest beneficiaries of those scrolls that could be salvaged. As noted, congregations in Great Britain and Western Europe each received small allotments as well.¹⁶¹

There are limited extant records describing the allocation of books and ceremonial objects by the JDC office in Paris to Jewish communities throughout Europe, Persia, and North Africa. Figures from one list indicate that while the number of books the JDC distributed to these areas was not large in comparison to Israel or that of the U.S., it covered a large geographic expanse. Jewish institutions in Antwerp, Brussels, Paris, Tehran, Rome, Strasbourg, Algiers, and Amsterdam were all listed as recipients of between 4 and 528 books.¹⁶² Special requests were directed to JCR's Board of Directors, as was the case with the Alliance Israelite Universelle's desire that an allocation of books be made to the newly established library building of the Hebrew Normal School in Casablanca.¹⁶³ It should be noted that the World Jewish Congress' Department of

¹⁶¹ Distribution of Torah Scrolls via JDC Paris, 30 November 1950, JRSO 923c, CAHJP, Jerusalem.

¹⁶² Total Distribution of Books Received by JDC Paris, 14 December 1949, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁶³ Memorandum from Hannah Arendt to Members of the Board of Directors and Advisory Committee, 24 April 1950, Arc. 4° 793/288, JNUL, Jerusalem.

Education and Culture had its own book supply program that sent books from the United States to needy Jewish communities, mostly in France, but also including some small shipments to North African countries (Tunisia, Algeria), Italy, and some Far Eastern Jewish communities. This was made possible through cooperation of Jewish schools, libraries, and cultural organizations in the U.S.¹⁶⁴ JCR, then, was not European Jewry's only supplier of books. How ironic, though, that books from Germany were being shipped to the U.S. while at the same time books from the U.S. were being shipped to Europe. To add to the incongruity, a request was put forward to the JDC on behalf of American public affairs officials in Germany who were looking to the JDC and JCR to furnish German libraries with books, pamphlets, journals and other material on Judaism and Jewish life: "We fully share the view of these zealous people that the gap created by the Nazi destruction of pre-Hitler material of this nature must somehow be filled for the sake of the development of a more civilized German attitude to our people."¹⁶⁵

For the most part, JCR dealt directly with Jewish communities in Germany, mostly because it negotiated with them for the materials that they possessed. For instance, JCR was willing to hand over 1 500-2 000 books to Rabbi Freier of Berlin in exchange for the books and documents (Gesamtarchiv) in Oranienburger Strasse.¹⁶⁶ Oftentimes, these negotiations were undertaken with Hebrew University officials as described in the previous chapter. To reiterate,

¹⁶⁴ Wolf Blattberg to Dr. Marcus, Activities of the New York Office of the Cultural Department, 22 September 1950, 361/E10/15, AJA, Cincinnati, OH.

¹⁶⁵ Eugene Hevesi of the AJC to Eli Rock, 18 October 1950, JRSO 923c, CAHJP, Jerusalem.

¹⁶⁶ Hannah Arendt to Gershom Scholem, 24 August 1950, Arc. 4° 793/288, JNUL, Jerusalem.

JCR officials were not unaware of the needs of German Jewry, but still their reflections on the state of affairs were clouded by the notion that any Jewish presence in Germany would only be temporary. Hannah Arendt, for instance, reported that

Countries which received books will hardly need more. The whole Jewish cultural life in Western Europe is based on and carried out by Eastern European refugees. These will certainly leave the countries in a few years... The refugees, on the other hand, as long as they are in Europe need books. And this is especially true for the orthodox people. I talked about this problem also with Rabbi Saul Shapiro of the Orthodox Central Committee: the feeling in these milieus is that JCR recovered books which unquestionably belonged to this category of people and that we have a certain moral obligation to do something to help them.¹⁶⁷

In all, over 10 000 books went to the survivors of Jewish communities remaining in Germany.¹⁶⁸ Though perhaps temporary, it was still a community that needed to be cared for and JCR carried out its obligation.

VII—Scandinavian Countries

The Chief Rabbi of Sweden, Kurt Wilhelm, who represented a number of smaller Jewish communities in Scandinavia, presented his claim to JCR in July 1949. He wrote that the books and ceremonial objects that Stockholm would receive would be used to transform the already existing library and the museum of Jewish folklore into central institutes of Jewish culture in Sweden. The materials would, more importantly, "...rais[e] the religious, cultural and educational standard of the so-called Jewish refugees who live in Sweden in the smaller

¹⁶⁷ Hannah Arendt to Salo Baron, 3 December 1949, M580/43/6, SSC, Palo Alto, CA.

¹⁶⁸ Jewish Cultural Reconstruction, Inc., 29 November 1950, M580/81/20, SSC, Palo Alto, CA.

country places as workers and of those poor victims of Nazi persecution who still today are sheltered in various TB sanatoria in this country.”¹⁶⁹ “Are not these Jews in a sense,” he wrote, “the heirs of what remained from European Jewry?”¹⁷⁰ He also asked that he be made trustee for all of the communities in Norway, Finland, and Denmark. JCR recalled his request some months later when the Breslau Collection in Wiesbaden, a remnant of the original library of the Jüdisch Theologisches Seminar, was turned over to JCR.¹⁷¹ It was proposed, specifically by representatives of the Council for the Protection of Rights and Interests of Jews from Germany, that the collection be offered as a unit to Switzerland, not Sweden, on condition that it be kept intact. However, other members of JCR’s Board questioned whether these Jewish communities—in Sweden, Switzerland, or in any of the other Scandinavian countries—would be able to make adequate use of the scholarly material.¹⁷² Shlomo Shunami of the Hebrew University was emphatic that it would be an “embarrassment of riches” with which they could not cope.¹⁷³ The Hebrew University and its supporters were particularly angry about not having been given priority in selecting volumes from this collection.¹⁷⁴

Scholem was concerned that there would be a showdown over the material and

¹⁶⁹ Kurt Wilhelm to JCR, 28 July 1949, Arc. 4°793/288, JNUL, Jerusalem. Kurt Wilhelm (1900-1965) was a graduate of the Jewish Theological Seminaries in New York and Breslau who made aliyah in 1933. He left Israel in 1948 to take up the position of chief rabbi in Sweden.

¹⁷⁰ Ibid.

¹⁷¹ Part of the Jüdisch Theologisches Seminar library in Breslau ended up in the cellars of the Gestapo in Klodzko (Glatz), Poland and on a railway car at a train station in that same town. Remnants found in Klodzko after the war were turned over to the Jewish Historical Institute in Warsaw. Dov Schidorsky, “Confiscation of Libraries and Assignments to Forced Labor: Two Documents of the Holocaust,” *Libraries and Culture* 33, no. 4 (Fall 1998): 385-386.

¹⁷² Memorandum to Member of the Advisory Committee from Hannah Arendt, 23 October 1949, RG1, Series E/71/JCR File, JTSA, New York.

¹⁷³ Shlomo Shunami to Hannah Arendt, 2 November 1949, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁷⁴ Exchange of Cables between Shlomo Shunami and Gershom Scholem, 28 and 30 October 1949, Arc. 4° 793/288, JNUL, Jerusalem.

enlisted the help of Wolf Blattberg of the World Jewish Congress, among others.¹⁷⁵ In response to Scholem's displeasure, Arendt placed the blame squarely on those German Jews on JCR's Board who "... have some difficulties to reconcile themselves to the fact that we deal only with remnants and that these remnants are not representative of the former collections and do not constitute organic units."¹⁷⁶ She thought he was "100 percent right" that the Breslau collection should remain intact and be sent to Israel.¹⁷⁷

In the end, the Advisory Committee decided to break up the collection and sent 4 500 of the 11 273 volumes to the Hebrew University and the remainder to Switzerland.¹⁷⁸ According to Arendt, the decision was taken because many of the Board members felt that a substantial part of the recovered property should remain in Europe. The material would be incorporated into the Zurich library and made available to scholars in all Western European countries.¹⁷⁹ After the vote had been cast, Cecil Roth received news of the decision and voiced his own protest in a letter to Oskar Rabinowicz that the Mocatta Library was not considered in the distribution: "It seems to me a little curious that there is this

¹⁷⁵ Gershom Scholem to High Salpeter (Executive Vice-President of the American Friends of the Hebrew University), 30 October 1949, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁷⁶ Hannah Arendt to Gershom Scholem, 7 November 1949, Arc. 4° 793/288, JNUL, Jerusalem.

¹⁷⁷ Ibid.

¹⁷⁸ For a more complete account of how remnants of the Breslau library went to Switzerland, see Zsolt Keller, "Jüdische Bücher und der Schweizerische Israelitische Gemeindebund (1930-1950)," *Bulletin der Schweizerischen Gesellschaft für Judaistische Forschung (Beiheft zur Judaica)* 14 (2005): 20-34. My thanks to Elisabeth Gallas for bringing this article to my attention.

¹⁷⁹ Hannah Arendt to Gershom [Gerhard] Scholem, 27 September 1950, Arc. 4° 793/288, JNUL, Jerusalem. In actuality, the books were sent to three main libraries in Zurich, Genf, and Basel. See Keller, 33.

question of ‘allotting’ entire collections to Switzerland &c., but not to those libraries which suffered so tragically.”¹⁸⁰

VIII—Canada

Upon the urging of the Young Men’s Hebrew Association (YMHA) of Montreal in 1949, Joshua Starr first approached the Canadian Jewish Congress (CJC), Canadian Jewry’s national umbrella organization, about receiving books and asked the organization to assemble a list of those institutions that would benefit from such a gift.¹⁸¹ Among the Canadian Jewish Congress’ first acts in this regard was the nomination of the Jewish Public Library of Montreal as a primary recipient. It appears that it was the YMHA of Montreal in 1949 that initially urged the Canadian Jewish Congress to contact JCR, Inc. regarding ceremonial objects. Shortly thereafter, the National Education Committee of the Congress was formed, headed by Lavy Becker. Its responsibilities included finding proper homes for this material.¹⁸² It was decided that the books would be distributed nationally, with priority given to Jewish libraries, the YMHA and Hillel Foundation libraries, yeshivot, synagogues, educational institutions, and some university collections.¹⁸³ Special attention was paid to the needs of the Judaic Studies department of the University of Manitoba and the Dominican Institute of Mediaeval Studies in Montreal. One book, a 1911 publication by Usiel

¹⁸⁰ Cecil Roth to Oskar Rabinowicz, 9 December 1949, A87/182, CZA, Jerusalem.

¹⁸¹ Inter-Office Information (IOI) No. 634, 17 May 1949, CJC National Archives (CJCNA), Montreal.

¹⁸² The Committee included representatives of the Jewish Public Library in Montreal; YMHA; Zionist Organization; Keren Hatarbut; Board of Jewish Ministers; Jewish Community Council; Hillel Foundation, and various schools. I.O.I Memo from Saul Hayes, 10 August 1950, CJCNA, Montreal.

¹⁸³ IOI No. 92, 25 August 1950, CJCNA, Montreal.

Hague on the Jews of China, was presented to the Royal Ontario Museum in Toronto.¹⁸⁴ It was also determined that the Canadian Jewish Congress would absorb the initial cost of \$450 USD for the shipping of these books from New York, to be reimbursed later by the receiving institutions.¹⁸⁵

The Canadian Jewish Congress designed a special bookplate emphasizing that these books were to be kept as a living memorial to those communities in Europe annihilated by the Nazis. The plate read:

eleh ezkarah...[These I will remember]
This book was once the property
of a Jew, victim of the Great Massacre
in Europe. The Nazis who seized
this book eventually destroyed the owner.
It has been recovered by the Jewish
People, and reverently placed in
This institution by the Canadian Jewish
Congress, as a memorial to those who gave
Their lives for the sanctification of the Holy Name
gvulin nisrafin ve'otiot porkhot [scrolls aflame and letters flying up
through the air].¹⁸⁶

Again, reference to JCR was absent. In a 2 November 1950 letter to Samuel Levine, Hannah Arendt asked that the bookplate provided by JCR likewise be placed in all of the books so as to indicate their source. Although she did not object to the Canadian Jewish Congress' special label, out of fairness she thought it necessary that JCR's role be indicated in the books.¹⁸⁷

The various institutions felt honored to receive these treasures. As Abraham L. Feinberg of the Holy Blossom Temple in Toronto wrote: "They have

¹⁸⁴ IOI, No. 1045, 19 January 1951, CJCNA, Montreal.

¹⁸⁵ IOI, No. 969, 29 September 1950, CJCNA, Montreal.

¹⁸⁶ IOI, No. 973, 9 October 1950, CJCNA, Montreal. The Hebrew inscription comes from the High Holiday martyrology. This may have been authored by A.M. Klein.

¹⁸⁷ Hannah Arendt to Samuel Levine, 2 November 1950, M580/58/9, SSC, Palo Alto, CA.

been placed on our library shelves, and will be a lasting reminder of the suffering and sacrifice of their owners.” Joseph Diamond, then Director of the Bureau of Jewish Education in Toronto, wrote: “We shall place these books in a special place of honour in our library so that they may serve as a constant reminder to ourselves of the martyrdom of our people, and as a fitting demonstration of the reverence with which we treat the ‘written word.’”¹⁸⁸

The Canadian Jewish Congress displayed the ceremonial objects for two years at its national headquarters while it served as trustee of the material. Following this period, it was decided that the bulk should be sent, on permanent loan, to newly established synagogues across Canada to support vital Jewish life following the Holocaust. The Congress proposed that a special corner be set-aside in these synagogues where the objects could be displayed with appropriate explanation of their source and significance.¹⁸⁹ Synagogues and Jewish institutions across Canada wrote to the Canadian Jewish Congress requesting material. In 1951, a Jewish community in a suburb of Montreal wrote to the Congress asking to borrow ceremonial objects for their High Holiday services.¹⁹⁰ H. Frank, executive director of the Western division of the Canadian Jewish Congress, wrote to Samuel Levine of CJC’s Eastern division on behalf of Rabbi Arthur Chiel of the Rosh Pina Synagogue in Winnipeg asking for a list of the available articles. He stressed that the ceremonial objects should be made available to other western congregations not only for their intrinsic sentimental value, but also for the prestige that this matter could bring to Congress in these

¹⁸⁸ IOI, No. 1025, 20 December 1950, CJCNA, Montreal.

¹⁸⁹ IOI No. 1984, 26 July 1955, CJCNA, Montreal.

¹⁹⁰ IOI No. 1147, 14 June 1951, CJCNA, Montreal.

various communities.¹⁹¹ G.E. Herman, secretary of Congregation Habonim of Toronto, stated in a letter to the Congress why his congregation was best suited to receive ceremonial objects from Europe: “This Congregation has been established particularly with the aim in view of maintaining the German-Jewish liberal tradition, holding services and conducting education in this manner. Our membership...is almost exclusively composed of refugees from Germany and other central European states, all being victims of the Nazi persecution.”¹⁹² Clearly, at the outset, these congregations were honored to receive these objects and felt a strong historical and religious attachment to them, a reaction similar to recipient congregations in the United States and around the world. In terms of what this property meant to them, they saw it as both a memorial and inspiration for cultural and spiritual edification.

IX—Latin American Countries

The Department of Education and Culture of the World Jewish Congress made sure that the needs of the Jewish communities in Latin America were met. The World Jewish Congress submitted requests for books and ceremonial objects to JCR on behalf of Jewish communities in Mexico, Brazil, Peru, Argentina, Ecuador, Bolivia, Chile, Costa Rica, Curaçao, Uruguay, and Venezuela. In some cases, Hannah Arendt wrote directly to the central Jewish organizations of a country, such as the Zionist Federation of Chile. She advised them of the

¹⁹¹ H. Frank to S. Levine, 26 August 1955, JCR-Box 2, Skirball Museum, Los Angeles.

¹⁹² G.E. Herman to Canadian Jewish Congress, 19 September 1955, JCR-Box 2, Skirball Museum, Los Angeles.

available books¹⁹³ and inquired concerning the nature of their library collections, its greatest needs, and how many readers it served.¹⁹⁴ Others wrote to JCR to appeal for materials. The rabbi of Congregation Mikve Israel, Jessurun Cardozo, in Willemsted, Curaçao based his request on his community's ability to give large numbers of people access:

Thousands of American tourists make cruises to Curaçao to see the oldest synagogue and cemetery (both still in use) of this hemisphere and it is in connection with these facts that plans exist to arrange a permanent exhibition in one of the synagogue buildings. It seems to me, that it would be a wonderful idea to have in this museum some of the historical subjects from Europe you may have available.¹⁹⁵

Many of the communities were very eager to receive the heirless property to enlarge existing libraries and open new ones. The books for them came from the remaining German Jewish institutional collections still in Wiesbaden in early 1950 and were shipped directly from there to avoid additional expense.¹⁹⁶ Argentina received the largest shipment—over 5 000 books, Brazil received 2 500, and the remaining countries shared an additional 6 500 books and over 400 ceremonial objects.¹⁹⁷ Some national Jewish organizations, like the one in Cuba, that were scheduled to receive allotments did not reply to JCR's inquiries, and

¹⁹³ Hannah Arendt to Isidoro Dimant of the Comité Representativo, 20 October 1949, 361/E9/6, AJA, Cincinnati, OH.

¹⁹⁴ Hannah Arendt to Dr. M. Knoll (Secretary General of Union Israelita of Caracas), 7 November 1949, 361/E9/6, AJA, Cincinnati, OH.

¹⁹⁵ Wolf Blattberg to Hannah Arendt, 14 November 1949, 361/E9/6, AJA, Cincinnati, OH.

¹⁹⁶ Memorandum from Meir Ben-Horin to Salo Baron, 27 January 1950, M580/232/5, SSC, Palo Alto, CA. Material that they received included part of the Berlin collection, Hebraica and popular material from the Israelitische Gemeinde collection, Hebraica from the Königsberg collection, and the Verein Israelitischer Religions-Lehrer collection from Frankfurt a.M.

¹⁹⁷ Wolf Blattberg to A. Steinberg, 3 June 1953, 361/E9/14, AJA, Cincinnati, OH. Bolivia received 1281 books; Chile, 1219; Costa Rica, 442; Ecuador, 225; Mexico, 804; Peru, 529; Uruguay, 1670; Venezuela, 456. JCR, Inc. World Distribution of Books July 1, 1949 to January 31, 1952. Geneva IV/32/1B, JDC Archives, Jerusalem.

therefore never received property. Likewise, the Central Jewish Committee in Mexico did not collect its complete share of ceremonial objects since it did not return its signed agreement with JCR nor did it send a check covering the necessary shipping expenses.¹⁹⁸ Despite the lack of cooperation of these groups, the World Jewish Congress considered the distribution of heirless property to Latin American Jewish communities to be a resounding success:

The recipients in Latin America are well aware that they are receiving the books solely because of our intercession. These books and objects, apart from their cultural significance, are of great sentimental value, and may serve as a powerful stimulus to the cultural and spiritual life of the recipient communities. In most of the communities, public celebrations were held upon the arrival of the books, which were placed in rooms specially set aside for them.¹⁹⁹

X—South Africa

There is little archival evidence among JCR's papers dealing specifically with the distribution of books and ceremonial objects to the South African Jewish community. However, Veronica Belling, Jewish Studies Librarian at the University of Cape Town in South Africa, has recently done work on the topic of heirless books discovered at the university. For her, the story began in 1989 when a small collection of forty books was discovered amongst a pile of tattered books set aside for burial at the Pineland Jewish cemetery in Cape Town.²⁰⁰ According to her study, this led to the discovery that these books had been distributed to

¹⁹⁸ Hannah Arendt to Wolf Blattberg, 15 August 1951, 361/E9/14, AJA, Cincinnati, OH.

¹⁹⁹ Wolf Blattberg, Report of the Cultural Department of the WJC, 11 May 1951, 361/E9/1, AJA, Cincinnati, OH.

²⁰⁰ Veronica Belling, "From Cemetery to Cyberspace: The Riddle of the Holocaust Era Collection at the University of Capetown," *Proceedings of the 38th Annual Convention of the Association of Jewish Libraries* (Toronto: 15-18 June, 2003): 1. Accessed on 30 August 2007 at <http://www.jewishlibraries.org/ajlweb/publications/proceedings/proceedings2003/belling.pdf>

South Africa by JCR under the auspices of the South African Jewish Board of Deputies. Indeed, in a letter to Joshua Starr dated 22 February 1949, Harry Abt of the Jewish Board outlined the principal libraries that would benefit from the allotment to South Africa: the Board of Deputies, the Board of Jewish Education, the South African Zionist Federation, Seminary for Hebrew Teachers and Ministers, the Yiddish Cultural Federation, and the communal Jewish libraries in Pretoria, Durban, Springs, Brakpan, and Vereeniging.²⁰¹ Evidence indicates that ceremonial objects were sent as well, some forming the nucleus of what is now the Harry and Friedel Abt Jewish Museum in Johannesburg.²⁰²

From one of Abt's letters to the Synagogue Council of America, it is evident that the major Jewish organizations in various countries were not always aware of how best to distribute the objects: "Did you allocate them to individual Hebrew Congregations, and if so what was the principle adopted? Did you consider the size of the Congregations, their own needs, or did any other factors play a part?"²⁰³ The Synagogue Council of America responded with advice, but pointed out that the unique context of South Africa's Jewish community, of which it could not speak with any authority, would best dictate how to go about distribution.²⁰⁴

The South Africans created their own bookplate similar to the one used by the Canadian Jewish Congress. It read: "This book, once in Jewish ownership,

²⁰¹ Dr. H. Abt to Joshua Starr, 22 February 1949, M580/43/7, SSC, Palo Alto, CA.

²⁰² South African Jewish Board of Deputies, *Report September, 1962 to June, 1965* (Johannesburg, 24-27 June 1965): 13.

²⁰³ Dr. H. Abt to the Secretary of the SCA, 17 March 1952, Grace Cohen Grossman's Personal Collection/Box 2/SCA distribution corr., Skirball Museum, Los Angeles, CA.

²⁰⁴ Rabbi Hirsch E.L. Freund to Dr. H. Abt, 14 May 1949, Grace Cohen Grossman's Personal Collection/Box 2/SCA dist. corr., Skirball Museum, Los Angeles, CA.

then looted by the Nazis, and now restored to Jewish hands, is a silent witness to the martyrdom of the six million Jews who perished *Al Kedushat ha-shem*. May their memory inspire us to keep alight the flame of Jewish learning and Jewish life.”²⁰⁵ Again, no mention was made of the role of JCR. In 1999, when called upon to select books from the old Jewish Museum of the Cape Town Hebrew Congregation, Belling found another 160 books donated by JCR.²⁰⁶ She uncovered several articles dating back to the 1950s that chronicled the receipt of ceremonial objects, but hardly any mention was made of the books. Her theory was “that they were shoved into drawers and promptly forgotten.”²⁰⁷ Her conclusion is that these books needed to be rescued once again as a memorial to those who once owned them as well as to the curiosity of future generations.²⁰⁸ It is an interesting thought that cannot be fully explored here. However, future scholarship can draw parallels between the current fate of the books and ceremonial objects in South Africa with the outcome of material in other countries.

XI—Conclusion

In accepting the shipments of books and cultural objects from JCR and its agents, Jewish communities worldwide, and in the United States more specifically, willingly surrounded themselves with items that were inextricably

²⁰⁵ Belling, “From Cemetery to Cyberspace,” 2.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*, 3.

²⁰⁸ This was the expression used by Hannah Arendt in a letter to Curt Wormann of the Hebrew University describing the need to place the 50 000 JCR bookplates in the material received by Israel, 29 September 1949, Arc. 4° 793/288, JNUL, Jerusalem.

0 tied to the Holocaust. Some put them on display; others put them immediately into circulation. In both cases the connection of these items to the catastrophe in Europe was, more often than not, made known explicitly by way of plaques and bookplates. Thus, those who viewed them in synagogue lobbies or took the books from libraries were immediately confronted with the Holocaust. This “confrontation with catastrophe” on the part of American Jews falls in line with more recent scholarship that seeks to refute the long-held theory of “Holocaust invisibility” in the American Jewish world in the immediate post-war period.²⁰⁹ Ready to confront the Holocaust or not, the circumstances forced the Jewish community to respond. The actions of JCR, the Hebrew University, and their partners, along with the recipients of the property, meant that the Jewish community could claim what was rightfully theirs. Any further delay would have meant losing the material and the cultural benefit it could inspire. Consequently, there was no delay in responding to the tragic events of the Holocaust. Most congregations and institutions in the United States and abroad were honored to have the chance to help preserve the last remaining links in a chain that had largely been destroyed. More than that, JCR committed itself to helping ensure that the last link of the chain from Europe would be used to reinforce those being linked together in the rest of the Jewish world.

Despite the commitment of so many participants, mostly volunteers, to cataloguing, distributing, and housing the materials, these tasks were carried out

²⁰⁹ Hasia Diner, “Post-World-War-II American Jewry and the Confrontation with Catastrophe,” *American Jewish History* 91, nos. 3/4 (2003): 439-467; Diner, *The Beginnings of Remembrance: American Jews and the Holocaust, 1945-1962* (New York: New York University Press, 2009). See also Lawrence Baron, “The Holocaust and American Public Memory, 1945-1960,” *Holocaust and Genocide Studies* 17, no. 1 (Spring 2003): 62-88.

on an emotional and moral battlefield. Jewish law [*halakhah*] has no concept of “heirless” property.²¹⁰ With regard to material plundered from European Jewish communities by the Nazis, the Jewish people as a whole is considered the rightful owner. JCR accepted this. In contrast, the American military authorities imposed the term ‘heirless’ on the Jewish cultural property that by international legal definition was without ownership. In assuming control of distribution, JCR reasserted the claim that all of world Jewry was to benefit from this material. However, world Jewry is not a single body. Each Jewish group, every Jewish community, had its own idea of what was moral, fair, right, and just with regard to receiving their inheritance of cultural items. Not only that, but once they received the property, how they used it or displayed it indicated their very different understandings of what it meant to reconstruct Jewish cultural life after the Holocaust. Sometimes this conformed to JCR’s own idea of how the property should be used by its recipients. But often, practicality and ideology were in conflict. For JCR, it meant having the cultural material reach as many Jewish recipients as possible in communities that could take care of it and use it for cultivating Jewish cultural life. For some, cultural reconstruction needed to occur primarily on a physical level, replacing materials that had been lost and building institutions of learning. For some, cultural reconstruction meant the resumption and perpetuation of a Jewish intellectual life, wherein these books would be the object of study. For others, renewed culture meant the expansion of religious

²¹⁰ Law 400 [Sidra Pinhas]: “And with this approach that we have stated, we can continue going back to the beginning of the generations. You will therefore find no one in Jewry who has no heir.” *Sefer HaHinnuch: The Book of [Mitzvah] Education* Vol. 4: Numbers & Deuteronomy, Part 1, *mitzvoth* 362-490 (Jerusalem: Feldheim, 1992), 177.

institutions where the books would be studied for religious edification. For still others, these books and ceremonial objects could only be viewed as memorials to a world destroyed. Describing the many boxes of heirless books that the Canadian Jewish Congress received from JCR, the Canadian Yiddish writer, J.I. Segal, wrote in 1950:

The brown, old-leather volumes struck me with an almost physical reconstruction of old home, of chapel and of synagogue courtyard. Yet I knew by the presence of these volumes that these realities of old are no more. I knew that it was not the passage of time that had removed those ancient landmarks and holy sites but wickedness corporeal which had pogromically attacked them, assaulted their purities, tore their sanctities and their aura, and left them to shame and mockery on the highroads of mankind...Books with such a history should for ever be kept apart and should not mingle with other books in a library, not out of pride but out of respect to their extraordinary fate.²¹¹

For Segal, these books had to be kept separate from other collections so that their tragic past would be remembered. JCR, on the other hand, fundamentally understood that these books and objects had to be and should be used, read, and perhaps even worn out by use and disposed of since they were considered *living* items that would ultimately serve to perpetuate Jewish cultural life. The cultural heritage built by European Jewry was cut short, but it could best be memorialized by using its tools and continuing to build.

²¹¹ J.I. Segal, "Books in Exile," *Congress Bulletin* (Nov.-Dec. 1950): 13.

Chapter 5: JCR's Operations, 1952-1977: "Not Active, but Alive"

JCR's most intense period of activity lasted only from 1948 to 1951. The corporation continued until 1977, when it was finally dissolved, a fact generally overlooked in previous scholarship.¹ In its last quarter century, JCR's operations were carried out almost exclusively by Baron and Arendt. The productivity and effectiveness of the first few years was never again matched.

While its work of distributing heirless cultural property from the Wiesbaden depot ended in January 1951, Baron was not yet ready to end JCR's efforts. To his mind, much work remained to be done. Through the mid-1950s Baron continued to insist that the organization was relevant and had a role to fill despite having completed its American military government mandate. He sought other projects and activities to help maintain JCR's status and to perpetuate the organization. Despite his efforts, circumstances beyond the organization's control ultimately forced an indefinite suspension of its activities in 1954. By 1951, funds were no longer provided by its previous supporters, the JDC and the Jewish Agency. Additionally, whereas the U.S. government mandate had helped JCR maintain its primacy in matters of cultural property, with the close of the depot, other Jewish institutions began to make efforts in the same arena. Finally, JCR had, to an extent, supported non-European Jewish communities with its distribution policy, but the early 1950s saw a reinvigoration of efforts by major Jewish organizations to directly assist the reconstruction of European Jewish communities to help Nazi victims rebuild what they had lost. Despite these

¹ For example, Robert Liberles incorrectly states that its demise occurred in the late 1960s. Liberles, *Salo Wittmayer Baron*, 240.

changes, some of JCR's loyalists continued to think that maintaining the organization was necessary, for future discoveries of property were inevitable and these, too, would need to be distributed appropriately. However, the absence of funds for operations meant that it could not be sustained solely to fulfill some unidentified future need.

This chapter analyzes JCR's operations from 1952 to 1977. In this period, through the efforts of Baron and Arendt, in particular, JCR became a lobbying organization relying on its name and remaining influence. For all intents and purposes, it had succeeded in meeting the goals for which it had been established, but why Baron would not close JCR down is not entirely clear. Almost certainly part of the issue was ego, but he likewise thought that there was a role to be filled by an organization which had experience working with the American government, German officials, and the various Jewish communities, institutions, and organizations that operated around the world.

Efforts to change the nature of JCR's activities were likewise influenced by a series of developments in the relationship between world Jewry and the West German Government. In 1952, discussions began between the newly created Federal Republic of Germany (West Germany), the State of Israel, and the Conference on Jewish Material Claims Against Germany (the Claims Conference) headed by Nahum Goldmann. These three-way negotiations resulted in agreements on bulk financial settlements. JCR considered these detrimental to its ongoing mission to rescue Jewish cultural property remaining in the collections of German public institutions. It saw itself as an advocate for the owners of such

property—even if this turned out to be the collective “Jewish people”—and urged that special reparations for this material be included in the Hague discussions of 1952. Furthermore, Baron and Arendt, together with Curt Wormann of the Jewish National and University Library, lobbied the West German government to implement a Federal Law forcing its public institutions to disclose the Jewish cultural property in their holdings.

In 1954, JCR seized an opportunity to revive its campaign to microfilm Jewish documents and manuscripts in European libraries and archives. At that time, Baron was appointed head of the Cultural Allocations Committee of the Claims Conference, advising its Board on how best to distribute the financial settlement to Jewish educational and cultural institutions. JCR’s members, primarily academics, considered cultural reconstruction to include collecting and distributing material, but also its preservation and documentation for future use: “It had an impact in real terms, saving books, artworks, historic buildings, and other material objects that do, in fact, speak to the continuities of the past, to individual and communal efforts to create, to invent, and to understand.”² However, neither this opportunity nor the lobbying project proved particularly successful for JCR, since it had ultimately lost its *raison d’être* with the closing of the depots. The end of its leadership position vis-à-vis the American military government had likewise reduced its standing in the rest of the Jewish world. Whatever residual influence remained was not enough to sustain it as an active player in the changing Jewish post-war environment. However, JCR’s final

² Kathy Peiss, 382.

initiatives did serve to bring much needed attention to issues related to cultural property.

I—JCR's 1951 Budget

Between December 1950 and November 1951, the JRSO provided JCR with \$11 930. More than half was specifically targeted for the completion of projects already underway.³ It was expected that after November 1951, monies collected as reimbursements from the groups that had received books and ceremonial objects and who still had to repay the shipping and handling costs could fund any of JCR's future activities. Additionally, JCR held in its accounts some \$11 000 that had remained as a surplus from previous years' activities.⁴ In ending the financial relationship, representatives from JCR, the JDC, and the Jewish Agency agreed that any work remaining in the American zone would be handled through the JRSO office. It was likewise agreed that, should JCR be asked to undertake activities in the British and French zones, the JRSO and the JDC would be prepared to reconsider funding JCR.⁵

Even though operations in the Wiesbaden depot terminated on 31 January 1951, JCR still had a number of 'hangover' projects, as they were called, which needed completion. These projects included distribution of the Frankfurt Collection—items from the Frankfurt Jewish Museum and synagogues in the city

³ JCR's Annual Financial Statement, 1 December 1950-30 November 1951, 45/54/1743, JDC Archives, New York.

⁴ See Appendix B for breakdown.

⁵ Minutes of Discussions between Representatives of the JDC-JAFP and JCR re. Proposed JCR Budget for the Last Half of 1950, 13 June 1950, Geneva IV/32/1B, JDC Archives, Jerusalem.

and surrounding area—and the recovery and distribution of 110 ceremonial objects from the Bavarian Heimatsmuseum in Schnaittach.⁶ In addition, a number of paintings and ceramics had been recovered through the JRSO and needed redistribution, but JCR acted only as an advisor in these cases. In that same year, as a result of a special agreement between the American military government and JCR, efforts were made to return cases of books of identifiable ownership and books from the Baltic collection to individual heirs. JCR's New York office, which dealt exclusively with ceremonial objects, closed in February 1951.⁷ The New York book depot closed on 10 August 1951, but was reopened at the end of October to deal with distribution of some of the Baltic collection books and some 10 000 surplus books and periodicals that remained undistributed.⁸

With the conclusion of JCR's primary tasks a *Committee for the Testimonial Dinner to the Staff of the Jewish Cultural Reconstruction* was established to honor its work. Headed by I. Edward Kiev of the Jewish Institute of Religion, Alexander Marx of the Jewish Theological Seminary, and Herman N. Neuberger of the Ner Israel Rabbinical College in Baltimore, the committee invited those who were "acquainted with the service it [JCR] has rendered to Jewish cultural life in this country" to a dinner in New York City hosted during Hanukkah 1951.⁹ Gershom Scholem, who although invited was unable to attend, sent a tribute:

⁶ Ibid. A list of unresolved cases for 1951 is provided in chapter 3.

⁷ Report for Annual Meeting of the JRSO, 14 November 1951, M580/81/21, SSC, Palo Alto, CA.

⁸ See chapter 4, 267-268.

⁹ "Dear Friend" letter from Kiev, Marx, and Neuberger, 30 October 1951, Louis Finkelstein Collection (RG1), Series G, 1951/Box96/General Files, JTSA, New York.

Our friends to whom we pay homage these [*sic*] evening have faced no easy task and they have fulfilled it in a spirit of disinterested help to all parties concerned. Many diverging interests had to be taken into account, many propositions had to be weighted [*sic*], and necessarily [*sic*] not every demand could be fully met. But as far as we in Israel are concerned—and we certainly were, and had to be, very loud and very insistent claimants [*sic*—I can say thus much that in all our manyfold [*sic*] dealings we have always met with good sense and perfect cooperation on the part of our friends the honored guests of this evening.¹⁰

Although these were, in effect, concluding remarks to honour a completed project, the dinner marked the beginning of a new course of action for JCR, which required that it change its focus.

II—A Temporary Hiatus?

In late 1951, Baron reported to the JCR Board that there were “justifiable hopes” that more heirless cultural property might be revealed and recovered in Germany. Recognizing that such hopes did not justify significant financial outlay, Baron decided to close JCR’s offices. Given the likelihood of these new discoveries, he hoped that JCR would be reactivated in two or three years. For the interim, he announced, “We cannot keep the organization active, but we must keep it alive.”¹¹ Baron proposed that beginning 1 January 1952, the officers of JCR remain in their elected positions. Arendt was formally appointed as secretary of the JCR Board and Max Gruenewald moved from the position of secretary to Vice-President of the organization. Along with Baron and David Rosenstein,

¹⁰ Gershom Scholem to Edward Kiev, 18 December 1951, Arc. 4° 793/288, JNUL, Jerusalem.

¹¹ Minutes of the Annual Meeting of the Corporation, 10 December 1951, Geneva IV/32/1B, JDC Archives, Jerusalem.

treasurer of JCR and the Conference on Jewish Relations as well as Baron's long-time friend, Arendt was elected as a JCR representative to the JRSO Board of Directors.¹² JCR's Board agreed that regular meetings were no longer needed; Baron suggested that small committees working on specific projects would be more effective.¹³ From then on, JCR's activities were carried out primarily by Baron and Arendt.

III—Working for a Federal Law in Germany

Even while materials were still being distributed, JCR had begun to lobby for a German ministerial decree that would require its public institutions to disclose any Jewish cultural property held in their collections and encouraged the continued search for these materials. Legislation of this sort had not been passed on any significant scale when JCR's primary activities in Europe came to an end. Baron considered this JCR's unfinished work and the project was continued beyond 1951 without a budget from the JDC and the Jewish Agency. In so doing, Baron took it upon himself to decide when JCR's mission would be complete. This work, however, was undertaken in a very different political climate than in the immediate post-war period.

In October 1951, leading Jewish groups from Israel and around the world met at the Waldorf-Astoria Hotel in New York City and agreed to enter into negotiations with the Germans regarding general reparations to the Jewish people. A number of contributing factors helped to make these negotiations and their

¹² Ibid.

¹³ Meeting of Board of Directors and Advisory Committee, 10 December 1951, Arc. 4° 793/288, JNUL, Jerusalem.

resolution possible. First, the need for long-term aid to Holocaust survivors encouraged the Jewish groups to act together. Further, Jewish groups did not want Germany to continue to benefit from unrestituted Jewish property and saw monetary reparations as one way to settle this issue. Finally, and perhaps most significantly, the Federal Republic was willing to assume moral and financial culpability for Nazi crimes.¹⁴ The primary outcome of the October meetings was the establishment of the Claims Conference, headed by Nahum Goldmann, president of the World Jewish Congress and co-chairman of the Jewish Agency. It has been argued that the previous work of the JRSO and, by extension, JCR, did much to move the efforts of the Claims Conference from talk to action.¹⁵ Appointing the executive secretary of the JRSO, Saul Kagan, as the executive secretary of the Claims Conference ensured a smooth transition. The Claims conference then moved to submit a global reparations claim against Germany for the loss of all Jewish assets that could never be properly restituted and sought to settle individual claims for restitution and indemnification.¹⁶ The establishment of the Claims Conference and the negotiations with West Germany offered Baron the occasion to resurrect the issue of reparations-in-kind with the hope that these might be considered in the final settlements. The idea of reparations-in-kind had been dropped by JCR in talks with the State Department and General Clay in 1946 since the American Government did not want to give the impression of wanting to rob Germany of legitimately acquired property. However, since the American government was no longer a direct player in reparations negotiations,

¹⁴ Zweig, *German Reparations*, 17-18.

¹⁵ *Ibid.*, 31.

¹⁶ *Ibid.*, 35.

the issue could be given due attention. In letters to Goldmann and leaders of the Israeli delegation, Baron argued that money could not compensate for the thousands of manuscripts, incunabula, and items of Judaica and Hebraica that had been lost; only by replacing them with similar objects could the wrong be righted.¹⁷

On behalf of the Government of Israel and acting without Baron's knowledge, Gershom Scholem submitted more specific claims to the Israeli delegation, which, like the Claims Conference, negotiated with the West Germans in Wassenaar, a suburb of the Hague.¹⁸ Scholem's demand for reparations-in-kind for lost Jewish cultural property included German scientific literature published between 1933 and 1952 as selected by the Hebrew University and National Library; contemporary German books and journals to be published during the decade to follow; 100-200 Hebrew manuscripts, including specifically the Munich Talmud; microfilmed copies of all Hebrew manuscripts in German collections; microfilmed copies of all archival material relating to the history of the Jews; and finally, the formal implementation of a federal law (rather than just Länder decrees) requiring the restitution of Jewish cultural properties.¹⁹ The memo was distributed far more broadly than Scholem expected. Word of Baron's displeasure with the memo reached Scholem. Baron was particularly upset that Scholem had acted out of concert. In his response, Scholem claimed ignorance of the entire

¹⁷ Salo Baron to Nahum Goldmann, 21 March 1952, M580/59/1, SSC, Palo Alto, CA. A memo from Gershom Scholem possibly to Curt Wormann suggests that Baron was also sending the letter to Israeli delegates, 6 April 1952, Arc. 4° 1599/23, JNUL, Jerusalem.

¹⁸ Gershom Scholem to Salo Baron, 12 June 1952, M580/59/1, SSC, Palo Alto, CA.

¹⁹ Hannah Arendt to Salo Baron, 24 April 1952, M580/59/1, SSC, Palo Alto, CA. Gershom Scholem's Hebrew letter to the Israeli delegation can be found in Curt Wormann's letter to Georg Landauer, 17 August 1952, S35/88, CZA, Jerusalem.

situation: “Although I am in a position to know what is needed for Israel in the field of books, archivalia and manuscripts, I cannot and do not pretend to know what is politically the best way to achieve it and I quite agree that there may be better ways to get what we need...”²⁰ Despite both men’s efforts, the proposals received little consideration in the Hague discussions.

Claims Conference leaders were concerned that the demands put forth by Scholem and Baron might be used as a pretext by the Germans to reject the much larger claims of the global settlement. At a meeting in Nürnberg in May 1952 attended by Curt Wormann, Hannah Arendt, Ben Ferencz and Ernst Katzenstein both of the JRSO, and Samuel Dallob of the JDC, an agreement was reached between JCR, the Israeli delegation, and the Claims Conference that requests for restitution-in-kind for Jewish cultural property would only be made after the larger Jewish claims had been settled. Consequently, JCR could engage in solely informal and exploratory discussions with German Länder officials so that conflicting demands could be avoided.²¹ Still, Arendt wrote to Saul Kagan immediately following the meeting suggesting that a gesture of good will on the part of the Germans with regard to cultural “Belange” (interests) could still be included among earlier rather than later requests.²² Moreover, the apprehension of the Claims Conference leadership did not stop JCR and Hebrew University

²⁰ Scholem to Baron, 12 June 1952, M580/59/1, SSC, Palo Alto, CA.

²¹ Memorandum of Meeting, Nürnberg, 12 May 1952, M580/23/17, SSC, Palo Alto, CA.

²² Hannah Arendt to Saul Kagan, 14 May 1952, M580/81/21, SSC, Palo Alto, CA.

representatives from continuing to press West Germany for legislation regarding the disclosure of Jewish cultural property.²³

Even though they knew full well that cultural property was under the legal jurisdiction of the German Länder, JCR and Hebrew University representatives perpetually insisted that the issuance of a federal law by the Bonn government was a worthwhile goal that could complement and shore up regulations implemented at the state level. Not only would legislation of this type strengthen future Länder decrees, but it would also unite the entire project in the Bundesrepublik. Consequently, it was understood that it could also serve as a precedent in the admittedly unlikely case of complete zonal reunification in Germany.²⁴ Arendt became more and more convinced in her dealings with librarians and officials in West Germany that considerable Jewish cultural property was finding its way into libraries in the Eastern zone; a federal law could serve to protect such material.²⁵ Delay in the enactment of a federal law led Arendt and Baron to accept that a *Rahmengesetz* (general outline of a law providing guidelines for specific elaboration) could help meet their needs.²⁶ From April to August 1952, Arendt, Baron, and Wormann cooperatively carried on negotiations with various politicians and Jewish leaders in Germany lobbying for a federal law. They also met with the chief librarians of numerous Länder to petition them to follow the Hessian example of legislatively promoting searches

²³ See the letter from Jerome J. Jacobson of the JDC to Ben Ferencz, 19 May 1952, S35/88, CZA, Jerusalem.

²⁴ Hannah Arendt to Salo Baron, 2 September 1952, M580/59/1, SSC, Palo Alto, CA.

²⁵ Arendt to Ben Ferencz, 26 July 1952, M580/59/1, SSC, Palo Alto, CA.

²⁶ Hannah Arendt to Salo Baron, 14 May 1952, M580/59/1, SSC, Palo Alto, CA.

for Jewish cultural material in the public collections.²⁷ Arendt used the specific case of the 3 000 Yiddish books returned to JCR by the Westdeutsche Bibliothek in Marburg [Land Hesse] in 1951 as justification for pursuing negotiations with municipal and Länder organizations.²⁸ Scholem followed up these negotiations with a trip to West Germany in September and October 1952. Financed by JCR, his time was largely spent negotiating with Jewish communities for the transfer of books to Israel and to gather first-hand information about the condition and location of Jewish treasures in the Eastern zone of Germany.²⁹ This trip was Scholem's fourth to Germany since the war's end. He characterized it in much the same way as he had described the previous three: "...among the most difficult and bitter [time] I have ever experienced."³⁰ In a letter to a German publisher he specified that he was not yet ready to address the German public at large; he would only speak to German individuals.³¹ Despite the emotional hardship, Scholem appears to have deemed his work in Germany significant.

Wormann met with leaders in Berlin; Arendt in Stuttgart. As a result, numerous German leaders made promises regarding Länder decrees. Arendt followed up the conversations with the necessary correspondence. For example, after Wormann met with Joachim Tiburtius, Minister of Public Education in West

²⁷ These trips were largely financed by a small budget of Deutschmarks granted by the JRSO to JCR.

²⁸ Arendt to Herbert S. Schoenfeldt of the JRSO, 10 December 1952, M580/59/1, SSC, Palo Alto, CA.

²⁹ Memo concerning Professor Scholem's activities in Germany on behalf of JCR in 1952, August 1952, Arc. 4° 1599/23, JNUL, Jerusalem.

³⁰ Scholem to Hans-Geert Falkenberg, a German writer, editor, and producer who had asked Scholem to contribute to his publication, 1952, reproduced in Anthony David Skinner, trans. & ed., *Gershom Scholem: A Life in Letters, 1914-1982* (Cambridge: Harvard University Press, 2002), 365.

³¹ *Ibid.*

Berlin (Christian Democratic Union) and Fritz Moser, advisor for libraries and archives in the Education ministry in West Berlin and received positive assurances of cooperation (In the words of Tiburtius, “We shall not permit Hessen to do better than Berlin”),³² letters were sent by Arendt thanking them for their support and encouraging them to follow through on the proposed course of action.³³ Having already secured the support of Gustav Hofmann, President of the German Libraries Association and director of the Bavarian State Library, and Hans Eppelsheimer, director of the Frankfurt State and University Library and chairman of the Hessian Conference of Library Directors, Arendt understood that keeping the chief librarians of the various Länder informed of JCR’s actions was crucial since they were the first to be consulted by the Kultusministerien, or state ministries. With that in mind, she attended the annual meeting of the Librarians’ Association in Mainz in June 1952, where she made new contacts—for example, Luise von Schwartzkoppen of the University Library of the Free University in Berlin—and acquired information regarding Jewish treasures in the Russian zone.³⁴ Her report to Baron in September 1952 is replete with accounts of her trips to numerous cities across Western Germany and the names of newly formed

³² “Wir werden uns doch nicht von Hessen übertreffen lassen.” Hannah Arendt’s translation. Arendt to Salo Baron, 2 September 1952, M580/59/1, SSC, Palo Alto, CA.

³³ Arendt to Tiburtius (German), 7 June 1952, S35/88, CZA, Jerusalem; Arendt to Moser (German), 7 June 1952, M580/59/1, SSC, Palo Alto, CA. Similar letters were sent to Christmann of the Kultusministerium in Stuttgart and to Schlösser of the Baden-Württemberg state chancellery, 12 June 1952, M580/59/1, SSC, Palo Alto, CA.

³⁴ Arendt to Salo Baron, 2 September 1952, M580/59/1, SSC, Palo Alto, CA. She also recounts her time at the conference in a letter to her husband, Heinrich Blücher, 6 June 1952, in Kohler, ed., *Within Four Walls*, 183.

acquaintances who could potentially help them in their search.³⁵ Only in a private letter to her husband, Heinrich Blücher, did Arendt admit that she continued her work for Baron's sake and not because she truly believed the end justified the means:

Well, Baron will be happy and satisfied. Please believe me, I don't get worked up about all these things at all anymore. I simply wish that [Jewish Cultural Reconstruction] would finally come to an end; but all my efforts *to put the organization to sleep* just keep resulting in new possibilities.³⁶

The methods Arendt employed at that time to put JCR "to sleep" remain somewhat unclear. In correspondence with Ben Ferencz of the JRSO, she actively pushed for the Länder decrees to be included in the Hague discussions; perhaps this was a way of delegating some of the work that kept her in West Germany for weeks at a time. Her reports to Baron, meanwhile, were always friendly and upbeat, never alluding to unhappiness regarding her work on behalf of JCR. Her intellectual pursuits—separate from JCR—were keeping her busy in Europe as well. Her book, *The Origins of Totalitarianism* was published the year before; she had recently received a Guggenheim fellowship, and was spending much time in Paris conducting research. Only some years later did Arendt express her wish to end her involvement with JCR to Baron.³⁷

Baron and Arendt did not limit their efforts to Länder in the American zone. If a federal law could not be established, it was even more imperative that by-laws be issued by as many Länder as possible, including those in the British

³⁵ Arendt did not have as much success with her dealings in Munich which, in an 18 May 1952 letter to her husband, she referred to as a "dump full of intrigue, corruption, etc." Kohler, ed., *Within Four Walls*, 174.

³⁶ *Ibid.*, 191.

³⁷ See below, 319.

and French zones. The results of their efforts to enlist cooperation in the two other zones were not encouraging. Arendt reported that Charles Kapralik of the Jewish Trust Corporation in the British Zone did not realize the importance of the cultural property and was not particularly eager to act.³⁸ That he did not realize the importance may have been solely Arendt's judgment of him. Given that relatively few cultural and religious objects taken from individual Jews or the Jewish communities had been previously discovered in the British Zone, Kapralik likely did not think it feasible to expend more money on these activities. Furthermore, it is possible that he did not see benefit in pushing for such decrees, since the JTC had already approached museums, libraries, and local authorities and "found them all willing to co-operate."³⁹ At least according to Ben Ferencz, the Jewish successor arrangement in the French zone, meanwhile, was still too disorganized to be effective.⁴⁰ His conclusion can be corroborated by the fact that the French Branch of the Jewish Trust Corporation was only formally appointed the successor organization in the French zone in March 1952. Its first office opened in Mainz in July of that same year.⁴¹

Following Arendt and Wormann's negotiations with the above mentioned West German library and state officials, Baron visited Bernhard von Tieschowitz of the *Auswärtiges Amt* (German Foreign Office) who was in charge of internal restitution relating to cultural and art objects, Carl Gussone of the Ministry of the Interior, and Ernst Burkhart, head of the Ständige Konferenz der Kultusminister

³⁸ Arendt to Ben Ferencz, 26 July 1952, M580/59/1, SSC, Palo Alto, CA.

³⁹ Kapralik, *Reclaiming the Nazi Loot: The History of the Work of the Jewish Trust Corporation for Germany* (London: Jewish Trust Corporation, 1962), 88.

⁴⁰ Ben Ferencz to Hannah Arendt, 30 July 1952, M580/59/1, SSC, Palo Alto, CA.

⁴¹ Kapralik, *Reclaiming the Nazi Loot*, 124.

der Länder (Permanent Conference of the Ministers of Public Worship and Education). Similar efforts were made to convey to all three the importance of uncovering cultural treasures left unpacked and uncatalogued in German libraries. Baron hoped that the Bonn government could send a letter to the individual Länder recommending that attention be paid to this matter and that they would report their findings at regular intervals to the Foreign Office and to JCR.⁴² Although stress was placed on the fact-finding component of their project, the issue of how these books could be returned to their owners was briefly touched upon. Comparable to JCR's previous dealings with locating owners of books in the Baltic Collection, Baron proposed that lists of the finds be published from time to time to allow owners to come forward. He surmised, though, that much of the property was communal.⁴³

For both Arendt and Baron, these travels and negotiations were not those of an "active" JCR, but were evidence of the need to sustain the group until it could be, or needed to be, fully resuscitated. Arendt reported at the annual meeting of the JRSO in December 1952, a year after Baron suspended the work of JCR, that negotiations had been successful in Hesse and were continuing in Bavaria and Baden-Württemberg.⁴⁴ Because these negotiations did not bring immediate results, viz., the disclosure and return of property, Arendt reiterated Baron's conclusion that JCR could not dissolve, but merely suspend its activities

⁴² Memorandum re. notes on Baron's trip, 22 August 1952, M580/81/21, SSC, Palo Alto, CA. Follow-up letters were again issued after the meetings. See Baron to Carl Gussone (German), 21 August 1952, M580/59/1, SSC, Palo Alto, CA.; Baron to Ernst Burkhart (German), 22 August 1952, M580/81/21, SSC, Palo Alto, CA.

⁴³ Ibid.

⁴⁴ Minutes of the JRSO meeting, 26 December 1952, M580/81/21, SSC, Palo Alto, CA.

“in anticipation of possible future developments.”⁴⁵ Two years later, in April 1954, Baron reported that decrees had, in fact, been granted in all Länder in the American zone with the exception of Berlin.⁴⁶ For all of Baron’s enthusiasm, Länder decrees were not federal laws, as Scholem had previously highlighted in his recommendations to the Israeli delegation at the Hague discussions. The decrees did not inspire the disclosure of significant amounts of cultural material for JCR to redistribute.⁴⁷ The limited materials that were found were shipped to Israel.⁴⁸ Sending the material to Israel was most practical since it and the Hebrew University, more specifically, had assumed the mantle of leadership in searching for heirless Jewish cultural property in Europe. While a study of these efforts, financed in part by the JRSO,⁴⁹ is beyond the scope of this project, it should be mentioned that Baron never questioned this new leadership position of the Hebrew University. Most likely the absence of protest resulted from the fact that unlike JCR, the Hebrew University and the Israeli government had funds and logistical support to carry out these projects. With the end of the American military mandate and the cessation of JDC and Jewish Agency funding, Baron could not have raised a challenge to the new Israeli leadership even if he had so desired.

⁴⁵ Ibid.

⁴⁶ Minutes of Meeting of Board of Directors, 5 April 1954, 361/E9/14, AJA, Cincinnati, OH.

⁴⁷ Only through the repeated trips of Hebrew University faculty to Europe in the decades following the decrees were further discoveries of Jewish cultural property made in the libraries of Germany and elsewhere. See, for example, Shlomo Shunami’s discussion of his travels and discoveries, “Out of the Story of the Rescuing of Jewish Books from Europe,” 113-118.

⁴⁸ Minutes of Meeting of Board of Directors, 5 April 1954, 361/E9/14, AJA, Cincinnati, OH.

⁴⁹ See, for example, the memorandum to Shlomo Shunami outlining the budget that the JRSO had made available to the Hebrew University for the collection of Jewish books in Vienna and for future trips to Germany and Poland, 17 October 1962, JRSO 923D, CAHJP, Jerusalem.

IV—Jewish Cultural Reconstruction and the Claims Conference

While JCR was pursuing its negotiations in Germany, the Claims Conference and the State of Israel continued meeting with German representatives at Wassenaar concerning large-scale reparations. After protracted discussions and back-door diplomacy on the part of Nahum Goldmann and others, the Bonn government, Israel, and the Claims Conference signed the Luxembourg Agreements on 10 September 1952, which stipulated, in part, that the Federal Republic of Germany would pay 3 billion DM in goods and services to the State of Israel and 450 million DM to the Claims Conference to be "...used for the relief, rehabilitation, and resettlement of Jewish victims of National-Socialist persecution...who at the time of the conclusion of the present Agreement were living outside of Israel."⁵⁰ In the words of one of the Agreement's chief architects, Nahum Goldmann,

It [the Agreement] established a precedent. Here for the first time a mighty nation had declared itself ready to make partial restitution for the wrong it had done a weaker people, and it had done this in response to an ethical imperative and the pressure of public opinion and out of its respect for moral law, not because of the force of a victor's military power. This agreement is one of the few great victories for moral principles in modern times.⁵¹

The question of how best to administer the funds it received—an approximate annual income of \$10 million—was next on the Claims Conference's agenda. As expected, debates arose among its constituent members over which group could best allocate the resources. As a result, it was decided that all member organizations would apply to the Board of Directors for funds and it

⁵⁰ Protocol II of the Luxembourg Agreement as reproduced in Zweig, *German Reparations*, 224.

⁵¹ Goldmann, *The Autobiography of Nahum Goldmann*, 276.

would make the final allocation.⁵² The Claims Conference reserved approximately 10% of its income for a cultural allocations program that served “the cultural rehabilitation of Jewish victims of Nazi persecution and the restoration of cultural treasures destroyed by the Nazis.”⁵³ In light of Baron’s “great experience” with international Jewish cultural affairs, Goldmann asked that he head the Advisory Committee on Cultural Applications. Others invited to serve on the committee included scholars in the U.S. and Europe: Samuel Belkin and Nelson Glueck from the U.S., and Leo Baeck and Raphael Edelman from Europe, among others.⁵⁴ According to Zweig, Baron initially intended that his committee involve between seventy and one hundred scholars, but Goldmann restricted Baron to a dozen members. The shortened list comprised only American scholars, but was eventually expanded to include twelve Americans and nine Europeans.⁵⁵ Although Zweig prefers to interpret Baron’s first list of Americans as a sign of his Americentrism, it is equally plausible that the decision was made for no more than practical and logistical considerations. It seems most likely that Baron’s intention in including as many as one hundred scholars would have made room for the participation of significant numbers of Europeans.

Under a very tight three-month deadline before the Board of Directors of the Claims Conference was to vote on actual allocations, Baron’s committee set to

⁵² Zweig, *German Reparations*, 85.

⁵³ Goldmann to Baron, 4 December 1953, M580/56/11, SSC, Palo Alto, CA.

⁵⁴ *Ibid.* Others on the list of invitees were: Israel Efros, Hayim Fineman (with Meyer Brown acting as his observer), Louis Finkelstein, Oscar Handlin, Samuel Niger, Abraham Neuman, Jacob Pat, Abram Sachar, Israel Brodie, Edmund Fleg, Leo Hersh, Israel Jefroykin, Jacob Kaplan, Eli Munk, and Aaron Steinberg. Leo Jung was later cited on the list of those attending allocation meetings, as was Saul Kagan who acted as the Claims Conference representative.

⁵⁵ Zweig, *German Reparations*, 106-107.

work wading through the numerous grants that were submitted for funding. The committee was asked to distribute a budget of approximately \$900 000 for 1954. Baron went on record describing the allocation as “grossly inadequate” and suggested that it “severely handicapped” the work of the committee.⁵⁶ Three sub-committees were established—education, salvage and research, and publications—with 40% of the funds going to each of the education and research/publications committees and the remaining 20% allotted for the rescue of cultural treasures.

Baron relied heavily on his experiences as executive director of JCR in his work for the Claims Conference. The minutes of the cultural committee’s meetings include numerous references to JCR and the lessons Baron learned from his role with the corporation. From his previous experience he understood that matters involving distribution required open and frequent communication with Board members regardless of where they were geographically:

Prof. Baron stated that he realized that the administrative machinery would be made more cumbersome by consultations with the European members, but that he nonetheless felt it to be important. He stated that similar experience was had in the functioning of Jewish Cultural Reconstruction, where a great deal of the voting was done by mail...Prof. Baron stated that he had personally given a great deal of thought to these problems in the past, when Jewish Cultural Reconstruction was faced with the problem of distribution of books and art objects.⁵⁷

At least at the beginning of discussions, he showed sensitivity to maintaining close contact with the committee’s European members and even

⁵⁶ Minutes of Advisory Committee on Cultural Applications Meeting (28 December 1953), 31 December 1953, M580/57/1, SSC, Palo Alto, CA.

⁵⁷ Ibid.

traveled to Paris and London to meet with them.⁵⁸ However, when it came time to discuss geographic distribution, Baron argued that consideration should be given to organizations that functioned on a worldwide basis, since in cultural matters, “the Jewish heritage as a whole was to be reconstructed.”⁵⁹ In focusing the committee’s attention on the need to benefit World Jewry with the funding allocations, Baron, in essence, drew attention to the fact that American Jewish institutions would also need access to the funds. These funds could not be used solely to benefit Jewish communities in Europe (as part of the Global settlement Israel received separate funds), but also those communities where the survivors settled after the war. He thus re-asserted the centrality of American Jewry in the reconstruction efforts. It is not surprising that these words strongly echoed those used in JCR’s discussions over distribution of Jewish cultural material just a few years before. Both in these and those discussions, though, Baron’s Americocentric leanings were couched in his emphasis on “worldwide” distribution of “Jewish heritage.”

With regard to Baron’s Americocentrism in this matter, he had turned his own scholarly attention in the 1940s and 1950s to American Jewish history.⁶⁰ Between 1953 and 1955, while working for the Claims Conference, Baron served as president of the American Jewish Historical Society. In 1955, Baron looked

⁵⁸ Baron gives a report of his European meeting at the Meeting of the Cultural Advisory Committee, 22 February 1954, M580/57/3, SSC, Palo Alto, CA.

⁵⁹ Minutes of the Meeting of the Cultural Advisory Committee Meeting, 9 March 1954, M580/57/1, SSC, Palo Alto, CA.

⁶⁰ Liberles, *Salo Wittmayer Baron*, 242. For more on Baron’s interest in American Jewish History, see Jeffrey Gurock, “Jacob Rader Marcus, Salo Baron, and the Public’s Need to Know American Jewish History,” *American Jewish Archives Journal* 50, nos. 1 & 2 (1998): 23-27 and Baron’s *Steeled by Adversity: Essays and Addresses on American Jewish Life*, ed. Jeannette Meisel Baron (Philadelphia: Jewish Publication Society, 1971).

back on his participation in the committee and suggested that it was fraught with tension. In particular, he was torn between the fact that huge amounts of money could be directed to the benefit of European Jewry but only limited resources could be garnered for projects in the United States.⁶¹ In his roles as historian, communal leader, and strong supporter of the centrality of American Jewry in the post-war Jewish world, he argued that more money should be allotted to financing cultural projects in the United States; the focus on relief and other activities for Jews abroad was to the detriment of Jewish cultural growth on U.S. soil.⁶² His opinion proved problematic in his work with the Claims Conference and the European members of the committee.⁶³ The issue of Americentrism had proved troublesome for the Claims Conference as early as the formation of the Board of Directors in mid-1953.⁶⁴

However, Americentrism was hardly the only problem facing the committee. In many cases, including Baron's, the members of the committee served organizations that stood to benefit from its allocations.⁶⁵ Baron took the opportunity as head of the committee to try to use its funds to help revive JCR. Despite a clear conflict of interest, and with Arendt's help, Baron submitted an application to the sub-committee on rescue of cultural treasures for \$213 000 over a three-year period to microfilm Hebrew manuscripts and other Jewish documents

⁶¹ Baron, "Are the Jews Still the People of the Book?", lecture given 14 January 1955, reprinted in *Steeled by Adversity*, 514.

⁶² *Ibid.*, 514.

⁶³ Zweig, *German Reparations*, 106-109.

⁶⁴ *Ibid.*, 99.

⁶⁵ *Ibid.*, 107.

in European libraries and archives.⁶⁶ This was more than double the amount of funding (\$81 696.60) that JCR received from the JRSO between 1947 and 1952. It was the second largest request for funds—behind YIVO’s request for \$219 000—submitted by the seven American and ten European organizations that had applied for funding for the salvaging of cultural treasures.⁶⁷ The figure was arrived at based on the need to cover the travel expenses and salaries of three experts, the cost of microfilming, and clerical expenditures.⁶⁸ The recommendation of the sub-committee was to allocate \$60 000 a year to JCR for 1954, 1955, and 1956. Given Baron’s role in the allocations committee, it seems unlikely that JCR’s request could have been refused outright. It should be highlighted that Baron’s application was made without the knowledge of JCR’s Board of Directors. Baron only called an annual general meeting and a meeting of the Board on 5 April 1954—three months after the original request was made—in order to inform JCR’s members of its activities as well as to plan and organize the microfilming project.⁶⁹ Given the shortness of the deadlines for application, it seems unlikely that Baron’s goal in bypassing his own Board was due to a deliberate or sinister motive.

⁶⁶ Applications in the Field of Salvage of Cultural Treasures in the United States, 18 February 1954, M580/57/1, SSC, Palo Alto, CA.

⁶⁷ Ibid. Applications were also received from Histadruth Ivrit of America (\$75 000); Koheleth Torah Literature Reconstruction Fund (\$156 200); Conference on Jewish Relations (\$12 500); Congress for Jewish Culture (\$30 000); New Americans Organization: Newark (\$10 000); the Wiener Library (\$30 800); the Committee of Jews from Czechoslovakia (\$10 000); Central Jewish Library in Geneva, Switzerland (\$6 500); Royal Library in Copenhagen (\$1 500); Israelitische Kultusgemeinde in Vienna (\$5 040); Consistoire Central de France (\$130 960); Association Culturelle Sephardite de Paris (\$5 720); Executive Council of Australian Jewry (\$2 250); Jewish Museum of Paris (\$35 000); Centre de Documentation Juive Contemporaine, Paris (\$12 500).

⁶⁸ Ibid.

⁶⁹ Notice of Annual Meeting to be Followed by Meeting of the Board of Directors, 10 March 1954, 361/E9/14, AJA, Cincinnati, OH.

A major obstacle that confronted JCR in its efforts to microfilm material was the duplication of work performed by other Jewish institutions. Its goals, as stated in the April 1954 meeting, were quite sizeable: “while we wish to include the whole world in our project, we must first start with Europe and may later decide to expand the work.”⁷⁰ JCR was certainly aware that the Israel Ministry of Education,⁷¹ Yad Vashem, YIVO, as well as the National Archives in Jerusalem were all undertaking their own microfilming projects on the European continent. Consequently, JCR’s Board adopted a resolution stipulating that its project should be undertaken in cooperation with all of these other organizations, and sent letters to the various organizations to begin coordination.⁷² The archival evidence has not preserved any dissenting voices among the organization’s members at the time calling for JCR to abandon its plans due to the fear of duplication of work. However, the need for the above-mentioned resolution is indicative of its members’ concern.

Before JCR and the other applicants for funding were informed of the allocations results, Nahum Goldmann officially disbanded the Cultural Allocations committee in late March 1954.⁷³ It was reported that conflicts of interest were interfering with the scholars’ ability to allocate proper funding: “Sometimes, a group is assigned a sum beyond [its] need by virtue of that group’s

⁷⁰ Minutes of Meeting of Board of Directors, 5 April 1954, 361/E9/14, AJA, Cincinnati, OH.

⁷¹ See Benjamin Richler, “Microfilming Hebrew Manuscripts in Eastern Europe,” in *Judaica in the Slavic Realm, Slavica in the Judaic Realm: Repositories, Collections, Projects, Publications*, ed. Zachary Baker (New York: Haworth Press, 2003), 61-62. See also the memoirs of Nehemiah Allony, *Ketav-yad shel Mosheh Rabenu* (Jerusalem, 1992).

⁷² Alex Bein of the Zionist Central Archives to Hannah Arendt, 3 May 1954, M580/59/1, SSC, Palo Alto, CA.

⁷³ Zweig, *German Reparations*, 111.

ability to muster the strength for its position.”⁷⁴ Since the agreement with the German government required the submission of detailed accounting and reports on the allocations, the Claims Conference could not afford to allow these conflicts of interest to remain.⁷⁵ The group feared that the government could renege on the agreement and Goldmann may have concluded that there was a risk that these types of problems might encourage the Germans to withhold settlement funds.⁷⁶ One might also say that Baron failed to avert the pursuing of private interests by his committee members and also, presumably, failed to keep good enough relations with Goldmann to preserve his committee.

In June 1954, the Claims Conference Board of Directors overruled the sub-committee’s recommendation concerning JCR and the group received no funding.⁷⁷ According to the official rejection letter from Judah Shapiro, director of the Department for Cultural and Educational Reconstruction, the Claims Conference decided that it should place more funding emphasis on aiding refugee scholars and their economic self-sufficiency. Moreover, JCR was encouraged both to cooperate with Yad Vashem, which had been awarded partial funding for microfilming, and to submit a revised application for the following year.⁷⁸

⁷⁴ Judah Shapiro to Executive Committee, 17 March 1954, as reprinted in Zweig, *German Reparations*, 109. This particular document could not be found during a recent search of the collection.

⁷⁵ Zweig, *German Reparations*, 90.

⁷⁶ *Ibid.*, 89.

⁷⁷ Memorandum to the Members of the Board of Directors, 22 June 1954, Coll. #1, Records 1924- , Leaf Library Series, Chicago Jewish Archives, Chicago, IL.

⁷⁸ Memorandum to the Members of the Board of Directors, 22 June 1954, Coll. #1, Records 1924- , Leaf Library Series, Chicago Jewish Archives, Chicago, IL.

After JCR and its constituent members took a vote for re-application,⁷⁹ a new revised fifteen-page proposal was drawn up by Hannah Arendt to submit to Judah Shapiro before the 15 September 1954 deadline. The budget was reduced to \$60 000/year and unlike the previous request, it specified that microfilming would only be conducted on those manuscripts dating from the Middle Ages to 1933 on the assumption that Yad Vashem and YIVO's work would only cover the period after 1933.⁸⁰ Furthermore, JCR would undertake to microfilm only those Hebrew manuscripts not microfilmed by the Israel Ministry of Education as well as Jewish manuscripts in languages other than Hebrew such as Yiddish, Ladino, Arabic, and European languages.⁸¹

Baron's position as former head of the Cultural Allocations Committee and JCR's attempts at avoiding microfilming duplication were not enough to secure funding from the Claims Conference in 1955 or thereafter. In 1955, ninety-seven organizations "using refugee talent and aiding Nazi victims through cultural and educational projects in nineteen countries," received funding.⁸² JCR was not one of them.⁸³ At least for the first years of its work, the Claims Conference was

⁷⁹ Agudath Israel, the American Jewish Committee, the Board of Deputies of British Jews, the Commission on European Jewish Cultural Reconstruction, the Hebrew University, the American Federation of Jews from Central Europe, and the World Jewish Congress were all in favour of re-applying. Max Gruenewald used the occasion to question the large amount of money that the Claims Conference allotted for the erection of the Memorial of the Unknown Jewish Martyr in Paris. The Anglo-Jewish Association and Cecil Roth's Committee on Restoration of Continental Jewish Museums, Archives, and Libraries were opposed. In his reply, Oskar Rabinowicz suggested that a joint application with other organizations doing similar work be submitted instead. Bertha Gruner to Salo Baron, 28 July 1954, M580/231/18, SSC, Palo Alto, CA.

⁸⁰ Hannah Arendt to Judah Shapiro, 10 September 1954, 361/E9/14, AJA, Cincinnati, OH.

⁸¹ Ibid.

⁸² "Conference on Jewish Material Claims Against Germany," *American Jewish Year Book* 57 (1956): 544.

⁸³ The Council for the Protection of the Rights and Interests of the Jews from Germany had also applied for cultural funding and was subsequently denied. It had four projects in mind:

adamant that a program of “restoration of individuals to scholarly work and economic self-sufficiency” was to be the priority.⁸⁴ JCR’s request for funds did not meet this requirement.

JCR’s application for funds was refused again in 1956.⁸⁵ This time, the Claims Conference cited limited funds for its deferral, pointing out that the microfilming of the Arolsen Archives⁸⁶ would be completed in 1956 so that there was hope that additional funds would be available for the following year. That Yad Vashem was undertaking much of the same microfilming work was again highlighted. According to the available archival evidence, JCR made no more formal requests for funding after 1956.

V: JCR, 1954-1977

The annual meeting of JCR in April 1954 was its last. Only limited correspondence relating to JCR business after 1954 is preserved and as a result, only a partial discussion of its activities is possible. Thirty-four cartons of German Judaica, Hebraica, periodicals in German, Hebrew and Yiddish, along with pamphlets in Yiddish and German that had been held in storage were turned over

the creation of the Leo Baeck Institute; money for cultural institutions; a chair in the history of Western and Central European Jewry at the Hebrew University; and support for the Wiener Library. For more, see Hoffmann, “The Founding of the Leo Baeck Institute, 1945-1955,” 39.

⁸⁴ Memorandum to the Members of the Board of Directors, 22 June 1954, Coll. #1, Records 1924- , Leaf Library Series, Chicago Jewish Archives, Chicago, IL.

⁸⁵ Judah Shapiro to Hannah Arendt, 20 January 1956, M580/44/1, SSC, Palo Alto, CA.

⁸⁶ This, in fact, might be in reference to the Bad Arolsen Archives, which under the Bonn agreement of 1955 were turned over to the International Tracing Service (ITS), an arm of the International Committee of the Red Cross (ICRC). With all eleven member states of the International Committee of the ITS ratifying the 2006 amendment protocol on 28 November 2007, the Bad Arolsen Archives have officially been opened to researchers. The Archives contains material on forced labour, concentration camps, ghettos, and incarceration sites, and includes transportation lists along with medical records of Nazi victims and death books.

to the Leo Baeck Institute (LBI) in early 1957.⁸⁷ The Institute was the first and only organization to offer JCR a proposal to deal with its remaining property.⁸⁸ There is no archival evidence to suggest that JCR ever put out a call to other Jewish organizations asking if they would like to receive its materials. A conversation had taken place between Baron, Arendt, and Max Kreutzberger in which Kreutzberger had proposed that LBI assume possession of the remaining property.⁸⁹ Max Gruenewald formally submitted a request to the JCR Board. Unlike conditions observed by earlier recipient libraries, the Leo Baeck Institute did not have to pay transportation and handling charges and it was immediately entitled to exchange material with other libraries. It was agreed by JCR that after eighteen months it would be permitted to sell material to booksellers.⁹⁰ Thereafter, Baron and Arendt occasionally received letters from individuals or institutions relating to Jewish cultural property. Baron hinted in response to one that, although the organization was quiescent, they were still collecting information and welcomed news of discoveries of caches of cultural property looted by the Nazis.⁹¹ Five years after it ended its major distribution activities,

⁸⁷ Arendt's Memorandum to the Board of Directors, 31 January 1954, M580/232/3, SSC, Palo Alto, CA. In 14 August 2008 email correspondence with Frank Mecklenburg, chief archivist and director of research at the LBI in New York, and Steven Lowenstein, formerly of the LBI-NY office, both stated that there was no indication that the LBI received the material from JCR.

⁸⁸ Hannah Arendt to the Board of Directors re. Application for the Leo Baeck Institute, Inc., 31 January 1957, M580/232/3, SSC, Palo Alto, CA.

⁸⁹ The conversation is mentioned in Max Gruenewald's formal request to Baron, 10 January 1957, M580/44/2, SSC, Palo Alto, CA. Max Kreutzberger (1900-1978): director of the New York branch of LBI beginning in 1955. Before that, he was chairman of the JRSO and a Jewish Agency representative. For more on Kreutzberger and Gruenewald, see Ruth Nattermann, "Diversity within Unity: The LBI's 'Community of Founders,'" in *Preserving the Legacy of Germany Jewry*, 89-91.

⁹⁰ Ibid.

⁹¹ Baron to Hans Lamm, 25 April 1957, M580/44/1, SSC, Palo Alto, CA. See also Baron to Arendt, 17 February 1957, M580/44/1, SSC, Palo Alto, CA.

organizations were still writing to request cultural property.⁹² By 1959, Arendt had mimeographed a postcard that served as a final reply for all correspondence stating unequivocally that JCR had suspended its activities in 1954 and therefore could not be of service.⁹³

Arendt and Baron understood that the organization could not go on indefinitely. Baron conceded that there were certain loose ends that kept him from definitively taking any final action. He had hoped that JCR's remaining funds could be used to help defray the cost of publication of the catalogue of Hebrew manuscripts held in Jerusalem, but he had been excluded from the process.⁹⁴

Arendt admitted that she was "uncomfortable" being the one to continue writing letters and signing her name on behalf of the organization; consequently, she proposed that she resign as secretary of JCR and that they "save the organization from its state in limbo, between life and death, and bury it with all due honors."⁹⁵

A few years later, Baron contacted JCR's Board of Directors asking them to vote on the distribution of the organization's remaining funds. Baron suggested that \$3 000 of the remaining \$5 000 be allotted to the Conference on Jewish Social Studies, controlled by Baron, and its publication of the index to the first twenty-five volumes of *Jewish Social Studies*. In Baron's opinion, the inclusion of the JCR's four tentative lists would make it invaluable and more available to future

⁹² Rudolph J. Adler of the Euclid Jewish Center to Baron, 15 October 1957, M580/44/1, SSC, Palo Alto, CA.

⁹³ Arendt to Mrs. Shapiro, 2 February 1959, Org., 1943-1976, n.d.—JCR and Successor Org. 1954-1970, LC, Washington D.C (accessed on 19 April 2007 at <http://memory.loc.gov/mss/mharendt/02/022240/0017d.gif>).

⁹⁴ Baron to Hannah Arendt, 28 September 1962, M580/83/1, SSC, Palo Alto, CA. A *List of Manuscripts, Books, Documents and Art Objects Acquired in Europe After the Second World War* was published in 1960 by the Ministry of Education and Culture. The two-year gap between the publication and Baron's letter to Arendt remains unexplained.

⁹⁵ Arendt to Salo Baron, 17 September 1962, M580/83/1, SSC, Palo Alto, CA.

researchers.⁹⁶ Baron further proposed that any interest that JCR's bank account accrued should be given over to the Conference on Jewish Social Studies since its office space and resources had been used by JCR during its period of intense activities. The unspent funds were to be kept in the bank on the off chance that renewed activity of the organization was needed.⁹⁷

The organization formally dissolved in 1977. It is not clear as to why Baron chose to wait more than another decade to effectively shut down the organization. Perhaps the impetus in the late 1970s was Hannah Arendt's passing in 1975, which occurred while she was dining with Baron and his wife, Jeannette.⁹⁸ Whatever the reason, in 1977, Baron gathered one-third of the directors of the corporation and the majority of the members of JCR at the office of Tenzer, Greenblatt, Fallon, and Kaplan to officially dissolve the organization.⁹⁹ In a 1988 interview, Baron went on record stating that he thought JCR had closed its doors prematurely.¹⁰⁰ With the advent, just a few years prior, of *glasnost* (openness) and *perestroika* (economic restructuring) in the Soviet Union, perhaps Baron was alluding to the opportunities that the collapse of the Soviet Union would bring to the search for hidden Jewish cultural property.

⁹⁶ Baron and Arendt to the Board of Directors, 23 March 1966, Arc. 4° 1599/23, JNUL, Jerusalem. Baron was one of the founders of the Conference on Jewish Social Studies in 1936 and served as its President from 1941-1954 and then again from 1963-1967.

⁹⁷ Ibid.

⁹⁸ Baron, "Hannah Arendt: Personal Reflections," 63. Special meetings of the Board of Directors and JCR's members were held on 6 December 1976 and 24 February 1977 to appoint Bernard H. Goldstein as secretary, authorize dissolution of the organization, and make a final cash contribution to the Conference on Jewish Social Studies. Unfortunately, those minutes have not been preserved.

⁹⁹ Michael E. Feldman to Baron and Goldstein, 9 November 1977, M580/233/1, SSC, Palo Alto, CA.

¹⁰⁰ Grace Cohen Grossman interview with Baron, 4 July 1988, tape 7.

VI: Conclusion

The only real significant accomplishment that JCR had in its later years was in securing decrees from Länder in the American zone regarding future discoveries of heirless Jewish cultural property in public institutions. It was not effective in lobbying for a Federal Law, nor could it find funding for its prodigious microfilming project. As head of the Cultural Allocations Committee, Baron saw the financial possibility to complete a project that he understood as being part and parcel of JCR's mandate of reconstruction. It was not the specific mandate that it had with the American military government to assume trusteeship over heirless Jewish property found in the American zone, but a higher mandate of reconstruction that included microfilming manuscripts and negotiating with officials in West Germany. Some may argue that scholarly ego played a role in Baron's reluctance to end JCR's activities. While that may have been the case, in part, his activities during this period on behalf of JCR and other communal organizations suggest that he considered himself, as did others, to be a leader both on the American Jewish scene and in the larger realm of world Jewish reconstruction after WWII. However, JCR no longer worked in a world of books, archives, and ceremonial objects. More and more, the world was becoming political, concerned with large amounts of money; a world in which JCR's authority, with the expert knowledge of its scholars, proved inconsequential.

Conclusion

I—Summary of Findings

This institutional history of JCR provides a window from which to view and evaluate Jewish understandings of cultural reconstruction in the immediate post-Holocaust world; the relationship between Jewish organizations and U.S. government agencies; the evolution of reparation and restitution claims made on behalf of the Jewish people; and finally, how international Jewish institutions related to each other in that time of increased need and upheaval. This study adds to the existing historiography in that it directs special attention to the role of Jewish academics in post-war Jewish reconstruction, particularly with regard to issues beyond the immediate plight of DPs. It also brings to the fore an area of restitution that has received only limited scholarly attention. While much has been written about looted art and large-scale monetary reparations, this work has taken as its focus the return of Jewish cultural property, especially books. This study also brings an international perspective to discussions of the post-war period; while it treats the growing centers of world Jewry, the United States and Israel, it also explores effects of the Holocaust on world Jewry and attempts to reconstitute these communities in liberated Europe and elsewhere.

The Holocaust was an unprecedented calamity for European Jewry. As a matter of necessity the Jewish response built upon previous models, yet at the same time, the response also had to be reshaped to take into account this new and unique situation. Major American Jewish organizations established research

institutes, in part, to better prepare themselves for the rebuilding of European Jewish communities that was inevitably to take place in the post-war period. Salo Baron's Commission on European Jewish Cultural Reconstruction grew out of such a need. Its tentative lists of pre-war European Jewish life, published in the journal *Jewish Social Studies*, came to be highly valued by the American military government working in Germany. Once the devastation of the Holocaust was recognized and it was acknowledged that the preparations made for communal reconstruction would not be adequate or even possible to implement, a different approach was required. To put it bluntly, what remained in Europe was confiscated Jewish property and too few Jews to make retaining the material in Germany and Eastern Europe advisable or practical. For the American military and Jewish community leaders in the United States, Israel, and Great Britain, the question became how best to care for and administer this property and which organization(s) would become the trustee of such material.

The mobilization of eminent Jewish Studies scholars and their reasons for involvement in the distribution of Jewish cultural property, in particular, is a revealing and highly engaging topic because for the first time scholars of the calibre of Baron, Gershom Scholem, and others moved from the realm of academia and entered the world of politics and the Jewish "civil service"—they assumed the role of communal activists. In the case of preserving cultural objects and books—sometimes even heroically as was the case with Lucy Schildkret (Dawidowicz) of YIVO—these people were the best suited to preserve this kind of material since as historians they had a vested interest in preserving artifacts so

that history could be written. For Hannah Arendt, in particular, a spotlight on her work for JCR might lead to a possible revision of her image among those Jews who were unhappy with her later coverage of the Eichmann trial in 1960.¹ It must be remembered that these scholars were not a homogeneous group and great disagreement ensued when it came time to deciding which institution was best suited to act as trustee for this property. The Holocaust shifted the centers of world Jewry to Israel and the United States although Jewish communities around the world—outside of Europe—were growing as well. The ideological and political beliefs of these scholars played a decisive role—it was not only about saving as much property as they could. Their inability to unite on this issue from the very beginning ultimately threatened the entire cultural restitution project as administered by the American military government in Germany.

Baron's group—which established JCR, Inc. in 1947—was ultimately selected for several reasons. Perhaps the most important part of its name was “Inc.”—the American military government considered JCR to be both representative of world Jewry and, more importantly, an authentically American organization.² In addition to support from key players in the American government, JCR benefited from the fact that it did not ally itself with one institution in particular. It was an independent organization that sought hard to portray itself as representative of all of world Jewry in this matter.

¹ For a thorough discussion of Jewish responses to Arendt's work, see Richard I. Cohen, “A Generation's Response to *Eichmann in Jerusalem*,” in *Hannah Arendt in Jerusalem*, ed. Steven E. Aschheim, 253-277 (Berkeley: University of California Press, 2001).

² My thanks to Ronald Zweig for raising this important issue during my Center for Jewish History lecture, 24 October 2007.

It must be remembered that JCR laid claim to only one small portion of the European Jewish property. Since the American military government declared its interest in working with only one representative Jewish organization in its zone, a larger Jewish trusteeship that dealt with all of Jewish property needed to be established before JCR began its work. The second chapter of this thesis examined the negotiations that eventually led to the founding of the Jewish Restitution Successor Organization (JRSO), the establishment of JCR as its cultural agent, and earning the recognition of the American military government. With respect to the historiographical discourse on Jewish influence in Washington, or lack thereof, as well as the context of the Holocaust with its questions of Allied guilt for not having done more, it becomes clear that this association could only be successful insofar as the American government wanted it to be successful. That does not mean that at various points in time Jewish groups did not exercise a certain amount of influence over the negotiations. What must be kept in mind is the sheer complexity and involvedness of the negotiations between various organizations' members, and representatives of different levels of government—both American and German. These discussions did not take place during one day's talk in a room amongst three people. These negotiations were protracted; they occurred over days, months, some times even years and engaged numerous individuals. What finally brought about concrete results was a combination of Jewish persistence concerning the ethical and moral nature of this issue and the unwavering support of General Lucius D. Clay.

JCR worked in less than ideal conditions in the American zone of Germany, yet it was still able to fulfill its mandate of collecting and distributing heirless Jewish cultural property by the time the American zonal depots closed in 1951. Mismanagement, misappropriation and malfeasance by various persons in a post-war environment, where such behaviour was all too commonplace, had to be properly dealt with by JCR's employees. Needless to say, it did not make their job any easier. JCR's workers also took it upon themselves to expand their mission to include searching for looted Jewish cultural property outside of the zonal depots, microfilming Jewish archives and manuscripts found legitimately in German public institutions, and attempting to establish its authority in the British and French zones. The evidence uncovered in the third chapter reveals as much about JCR's understanding of cultural reconstruction—tying in to the subsequent chapter—as it does about the state of affairs in immediate post-war Germany and the ways in which groups interacted with one another—American military government officials with Jewish organizational members, and international Jewish institutional affiliates with German Jews who remained in the country. The divisions and allegiances were not always clear-cut.

JCR's work in Germany and its distribution of the cultural property were not as compartmentalized as the dissertation's chapter divisions suggest. Distribution of the property occurred mostly in tandem with the work being done in the American zone. The debates that raged within JCR over which Jewish communities should get the bulk of cultural property and exactly what that cultural property would be were reflective of larger debates going on in the

Jewish world over the redistribution of Jewish resources and the rehabilitation of European Jewish communities after WWII. First and foremost, the organization's aim was to save the Jews' cultural patrimony on behalf of the Jewish people by maintaining the books and ceremonial objects as living memorials—to be used in synagogues, libraries, and museums around the world. In the end, JCR initiated a distribution policy that was wide and cooperative in scope, yet not without its controversies.

With the completion of its work in the zonal depots in Germany, JCR's leadership, especially Baron, found it difficult to formally end its activities. Its financial backing had been pulled and its mandate as determined by the American military government had been fulfilled. Still, Baron thought that there was more to do: Judaica and Hebraica in German institutions needed to be microfilmed, and federal West German legislation that would guarantee that plundered Jewish cultural property would continue to be sought out, safeguarded, and returned needed to be secured. An invitation by Nahum Goldmann to head the Cultural Allocations Committee of the Claims Conference was, to Baron's mind, a means of renewing his plans. However, the changing political landscape that prioritized a different kind of reconstruction and reparation, and a falling out with the Claims Conference leadership dashed his hopes. With that, the work of JCR effectively came to an end.

Could JCR have done things differently? Was its work successful?³

Should the cultural property now be returned to reconstituted Jewish communities

³ Michael Kurtz raises this question in a number of his publications. Most recently in *America and the Return of Nazi Contraband*, 172-173.

in Europe?⁴ These questions are not new; scholars who have previously examined the work of JCR have already posed these questions. Kurtz has argued that it was only partially successful insofar as much internal loot remained in German private and institutional hands. Furthermore, the strained relations with the German-Jewish communities over the claim to this heirless material, the failed attempts at securing West German legislation, and the cultural property that was lost in the eastern zone due to the onset of the cold war were all disappointments. Both Kurtz and Lipman suggest that the time is now ripe for some of the material to be returned to revitalized European Jewish communities since it would benefit those who return the property as much as it would those who receive it. As Kurtz offers: “Though it will never be possible to return every item stolen or rectify every evil that was perpetrated, good will come from the effort to try. Each item restituted or historical wrong faced is an act of remembrance that will, hopefully, help prevent another Holocaust.”⁵ Rena Lipman writes:

In the context of Europe...these objects make an even stronger statement about the dead, the departed and those remaining. They testify to the former existence of a world that was interrupted, and can be the link that will tie the memory of the past to the creation of modern European Jewish national identities in the future.⁶

Yes, JCR’s work was successful in that it completed its mandate by finding caretakers for “heirless” property – it was given new homes, new owners, new communities in which they could be used to perpetuate Jewish life and culture. Was its work somewhat compromised by the limitations imposed upon it

⁴ This question has already been posed by Rena Lipman in her article, “Jewish Cultural Reconstruction Reconsidered.”

⁵ Kurtz, *America and the Return of Nazi Contraband*, 173.

⁶ Lipman, “Jewish Cultural Reconstruction Reconsidered,” last page.

by the American military government, the post-war German context, the strained relations with the German-Jewish communities, and as a result of the ideological divisions within its own membership? Of course, but no organization works in ideal conditions—not now and certainly not sixty years ago in the wake of the Holocaust. Should the fact that a given JCR book can no longer be located in a library or that a particular JCR ceremonial object is collecting dust in the basement of a synagogue serve as proof that JCR did not do a good job? The likelihood is that these items had longer cultural lives than they would have had they stayed where they were found.

Institutions that had received cultural property from JCR and the JRSO in the post-war period have, in recent years, been following the lead of the American Association of Museums (AAM) by making their Holocaust-era holdings available online for the sake of transparency. The Library of Congress, which received 5 708 books, pamphlets, periodicals, and newspapers from JCR, implemented the Holocaust-Era Judaic Heritage Library—a virtual library with a full bibliographic record for each of the items. The Israel Museum has also posted its holdings online as the JRSO Inventory of Looted Works; an exhibit recently closed at the Museum that had been drawn from the 1200 pieces of looted art in its collection: “Following the complete cataloguing and online posting of the Museum’s JRSO holdings, the exhibition provide[d] yet another platform for the Museum’s ongoing efforts to make these works visible and to promote the possibility that they might one day still be reclaimed.”⁷ Some institutions have

⁷ Steinberg, *Orphaned Art*, 4. The online inventory can be found at <http://www.imj.org.il/Imagine/irso/index.asp>.

chosen not to take formal steps to actively look for the owners of heirless books that form part of their collections or even to identify which books they are. Sidney Verba, director of the Harvard University Libraries, has stated that the books in the stacks for borrowers are exactly where they belong: “I think it’s great that [these books] came to these libraries because they’re preserved and available to people.”⁸

In recent months JCR’s efforts have again being scrutinized. A number of articles appearing in the Israeli newspaper *Haaretz* and other publications have reported declarations made by an Israeli governmental body, The Company for Locating and Retrieving Assets of Holocaust Victims, that it plans to claim those books, ceremonial items, and objets d’art given by JCR to the State of Israel, to locate potential heirs, and/or to sell them off to fund and support Holocaust survivors and Holocaust remembrance.⁹ While there is no doubt that Holocaust survivors must be supported, the JCR understood that the destruction of a people also meant the destruction of its culture and one must wonder if selling off its cultural patrimony now is an appropriate means of supporting the remaining survivors. A more compelling point with regard to this dissertation is that such action undermines the work of JCR whose mission it was to place this heirless

⁸ Andrew S. Holbrook, “Harvard Books to Remain on Widener Shelves,” *The Harvard Crimson* (19 January 2001), accessed on 7 March 2008 at <http://www.thecrimson.com>.

⁹ See articles by Amiram Barkat, “State asks Israel Museum to return 400 works of art,” *Haaretz* (2 February 2007), accessed on 15 May 2007 at <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=821072>; “Remnants of pre-Holocaust Judaism on their way to rightful heirs,” *Haaretz* (13 April 2007), accessed on 26 April 2007 at <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=848015>; Marilyn Henry, “The Restitution Law of Unintended Consequences,” (13 April 2007), accessed on 27 October at <http://www.forward.com/articles/the-restitution-law-of-unintended-consequences/#>; Matti Friedman, “Looted Holocaust-era art pits Israeli institutions against each other,” (15 April 2007), accessed on 5 October 2007 at <http://signonsandiego.com>; Lauren Gelfond Feldinger, “Government-backed company claims all Nazi loot from Museums,” (18 April 2007), accessed on 5 October 2007 at <http://www.theartnewspaper.com/article01.asp?id=615>.

cultural property into the hands of growing communities so that cultural (re)construction could continue.

II—Areas for Future Research

This is by no means an exhaustive study of Jewish organizational activities in the immediate post-war period. However, this institutional history of JCR provides new insights into these efforts but also highlights areas in need of further study. A history of JCR's member organizations, with particular attention paid to the Hebrew University, and their leaders' views on the collection and distribution of Jewish cultural property needs to be written as does a thorough study of Jewish groups and their interactions with the American military government in Germany. A country-by-country study of JCR's distribution policy can be further examined to provide important insight into how or if these communities, in fact, reconstructed culture. A study of long-term communal cultural reconstruction and what exactly that means is a logical next step. An insider has already written a history of the Jewish Trust Corporation (JTC), but an objective analysis of its activities in the British and French zones using the available archival sources should be undertaken. Of course, the plunder of important works of art, archival materials, and libraries, by the Russians after the end of WWII requires closer examination. What Jewish cultural materials remain in the former eastern zone of Germany is an open question. For now, this study of JCR can serve as the jumping off point and a model for future research on these important and neglected topics.

The history of JCR, Inc. can also serve as a model for future discussions of cultural genocide and the means by which minority groups can lay claim to the tools of their culture. Raphael Lemkin, who coined the term “genocide,” was the first in the post-war period to suggest that despoliation involving the desecration and destruction of cultural symbols including books, objects of art, and religious relics, was a primary method and technique of genocide.¹⁰ Since then, UNESCO’s Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation—established in 1978 as an inter-governmental, non-binding body—has failed to adequately address the topic of the cultural property of a minority that has been plundered or looted by its own state as, for example, the cultural destruction of Tibetans by the Chinese or Taliban destruction of Buddhist culture in Afghanistan. On many levels the work of JCR and the context in which it occurred was unique. That being said, though, a thorough study of its activities necessarily begs the question of how cultural patrimony, particularly of minority groups, should be protected and who speaks for those whose cultural heritage is being lost forever.

¹⁰ See the pertinent pages in John Cooper’s *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008).

Appendix A

**BY-LAWS
of**

JEWISH CULTURAL RECONSTRUCTION, INC.

Article I

Membership

Section 1. The Initial members of the corporation shall be:

THE AMERICAN JEWISH COMMITTEE

THE AMERICAN JEWISH CONFERENCE

THE COMMISSION ON EUROPEAN JEWISH CULTURAL
RECONSTRUCTION

THE COUNCIL FOR THE PROTECTION OF THE RIGHTS AND
INTERESTS OF JEWS FROM GERMANY

THE HEBREW UNIVERSITY

THE SYNAGOGUE COUNCIL OF AMERICA

THE WORLD JEWISH CONGRESS

Section 2. Upon resolution adopted by the membership or by the Board of Directors of the Corporation other organizations which are representatives of the surviving Jewish communities of Germany and Austria and of the countries occupied by Germany during World War II or which are interested in the activities or purposes of the Corporation may be invited to become members of the Corporation.

Section 3. Each member of the Corporation shall elect or otherwise designate representatives in the number fixed from time to time by resolution of the membership or of the Board of Directors of the Corporation to act for such member at any annual or special meeting of the Corporation or on other appropriate occasions. The duly designated and accredited representatives of the membership of the Corporation, when assembled as provided by these by-laws, shall have and may exercise all the powers, rights and privileges of members of the Corporation. Until the membership or the Board of Directors of the Corporation shall by resolution otherwise provide, each of the members of the Corporation shall elect or otherwise designate two persons to represent it at any

annual or special meeting of the Corporation or on other appropriate occasions. Each representative of each member of the Corporation shall be entitled to one (1) vote.

Section 4. No dues or other fees shall be required of any member of the Corporation.

Section 5. Any member may withdraw from the Corporation by giving written notice of its resignation to the Secretary.

Article II

Meetings

Section 1. There shall be an annual meeting of the Corporation on the first day of May in each year for election of members of the Board of Directors and for receiving the annual reports of officers, directors and committees and the transaction of other business. If the day designated falls upon a Saturday, Sunday or holiday, Jewish or legal, the meeting shall be held on the next succeeding secular day not a holiday. Notice of such meeting shall be mailed by the secretary to each member not less than ten (10) and not more than thirty (30) days before the time appointed for the meeting.

Section 2. Special meetings of the Corporation may be called by the Board of Directors at its discretion. Notice of any special meeting shall be given in the same manner as in the case of an annual meeting.

Section 3. A member of the Corporation shall be deemed to be present at any meeting at which it is represented in person or by proxy by one (1) representative. The presence of one-third (1/3) of the members of the Corporation, or if one-third be nine (9) or more, of not less than nine (9), shall be necessary to constitute a quorum for the transaction of business at any annual or special meeting, except at special meetings for the election of directors as provided in Sections 22 and 23 of the General Corporation Law, but a lesser number may adjourn any meeting to some future time not more than thirty (30) days later, and the Secretary shall thereupon mail notice of the adjournment at least three (3) days before the adjourned meeting to each member entitled to vote who was absent when the meeting adjourned.

Section 4. Except as herein otherwise provided, all questions considered at any meeting of the members of the Corporation shall be decided by majority vote of the representatives of members present in person or by proxy.

Section 5. Each representative of a member of the Corporation entitled to vote at any meeting thereof may vote by proxy. Proxies shall be in writing and revocable at the pleasure of the representative executing the same. Unless the

duration of the proxy is specified, it shall be invalid after eleven (11) months from the date of execution.

Article III

Directors

Section 1. The Corporation shall be managed by a board of directors consisting of not less than fourteen (14) nor more than forty-two (42) directors. Members of the Board of Directors shall, upon their election, immediately enter upon the performance of their duties and shall continue in office until their successors shall be duly elected and qualify.

Section 2. Within the limits stated in the preceding section, the members of the Corporation shall determine at each annual meeting the number of directors to be elected at the meeting. Each member of the Corporation shall be entitled to nominate for the directorate of the Corporation as many persons as it is entitled to have represent it at meetings of the Corporation, and its nominees in that number shall be elected directors by the members of the Corporation.

Section 3. If authorized by resolution of the members adopted at any annual or special meeting, the Board of Directors may, within the limits stated in Section 1 of this Article III, vote to increase the number of directors and to elect additional directors to fill the additional places so created. If any vacancy shall occur in the Board of Directors by death, resignation or otherwise, such vacancy shall be filled by the Board of Directors upon the nomination of the member who nominated the director whose office has become vacant. Each person elected a director by the Board of Directors shall hold office until the next annual meeting of the members, or until his successor shall have been chosen at a special meeting of the members.

Section 4. The Board of Directors shall have power to hold meetings at such times and places as it may deem proper; to appoint an Executive Committee to function between meetings of the Board of Directors and to appoint committees on particular subjects from the members of the Board or from other persons; to solicit and receive contributions for the purposes of the Corporation; to audit bills and disburse the funds of the Corporation; to employ agents and to fix their compensation; and to devise and carry into execution such other measures as it may deem proper and expedient to promote the objectives of the Corporation.

Section 5. Regular meetings of the Board of Directors shall be held following the annual meeting of the members and at such other times as may be fixed by the Board. Notice of each meeting shall be mailed by the secretary to each director at least ten (10) days before the time appointed for the meeting. The President, Chairman or the Secretary or any two (2) directors may issue a call for

a special meeting of the Board and only five (5) days notice shall be required for such special meeting.

Section 6. Notwithstanding the provisions of the foregoing section, a meeting of the Board of Directors may be held at any time and at any place and any action may be taken thereat, if notice of such meeting be waived in writing by every director.

Section 7. One-third (1/3) of the members of the Board of Directors, but not less than four (4) directors, shall constitute a quorum for the transaction of business. If a quorum is not present, a lesser number may adjourn the meeting to a day not more than ten (10) days later.

Article IV

Officers

Section 1. The officers of the Corporation shall be a President, two (2) or more Vice-Presidents, a Secretary, a Treasurer, and a Chairman of the Board of Directors. The Board of Directors may, if they deem it desirable, create the offices of Assistant Secretary and Assistant Treasurer.

Section 2. The Board of Directors shall elect all officers for a term of one (1) year. The President shall be elected from the Board of Directors but the other officers need not be directors of the Corporation.

Section 3. The duties and powers of the officers of the Corporation shall be as follows:

PRESIDENT

The President shall preside at the meetings of the Corporation. He shall report to the members at each annual meeting and at such other times as he shall deem proper on the activities of the Corporation. He shall perform such other duties as are incident to the office of President, and as may be authorized by the Board of Directors.

VICE-PRESIDENTS

In case of the death or absence of the President, or of his inability to act from any cause, one of the Vice-Presidents, in the order of their seniority, shall perform the duties of the office of President.

SECRETARY

The Secretary shall give notice of and attend all meetings of the Corporation and of the Board of Directors and keep a record thereof. He shall conduct all correspondence and carry into execution all orders, votes and resolutions not otherwise committed. He shall prepare under the direction of the Board of Directors an annual report of the activities of the Corporation. He shall be the keeper of the seal of the Corporation. In case of absence or disability of the Secretary, the President may appoint a secretary pro tem.

TREASURER

The Treasurer shall keep an account of all moneys received and expended for the purposes of the Corporation. He shall deposit all sums received in a bank approved by the Board of Directors.

CHAIRMAN OF THE BOARD

The Chairman of the Board of Directors shall preside at all meetings of the Board and of its Executive Committee.

Section 4. All vacancies in any office shall be filled by the Board of Directors for the unexpired term. All officers shall hold office until their successors shall have been elected and shall qualify.

Section 5. The officers shall receive no salary or compensation for their services as officers, but may be employed as salaried agents of the Corporation.

Article V

Amendments

These By-Laws may be amended, repealed or altered in whole or in part by a two-thirds (2/3) vote at any duly organized meeting of the members of the Corporation; and between meetings of the members, by a two-thirds (2/3) vote at any duly organized meeting of the Board of Directors. Provided, however, that the notice of any meeting of the members or of the Board at which an amendment of the By-Laws is to be considered shall set forth the proposed amendment or amendments thereof.

Appendix B

Sheet No.4

JEWISH CULTURAL RECONSTRUCTION, INC. FINANCIAL REPORT -- OCTOBER 1947 - MARCH 1952

	<u>10/1947- 12/1948</u>	<u>1/1949- 6/1949</u>	<u>7/1949- 11/1950</u>	<u>12/1950- 11/1951</u>	<u>12/1951- 3/1952</u>	<u>Total</u>	
<u>Receipts</u>							
JRSO	10,000.00	21,000.00	38,766.60	11,930.00		81,696.60	
Reimbursement							
from Individuals		92.65		1,439.70	30.40	1,562.75	
from Institutions		38.60	14,455.98	16,241.13	1,740.92	32,476.63	
Refund on Shipments			3,423.18			3,423.18	
Reimbursement on							
Shipments Abroad				807.18	44.00	851.18	
Reimbursement from							
Scholarly Orgns.				300.00	615.62	915.62	
TOTAL RECEIPTS	<u>10,000.00</u>	<u>21,131.25</u>	<u>56,645.76</u>	<u>30,718.01</u>	<u>2,430.94</u>	<u>120,925.96</u>	\$120,925.96
<u>Disbursements</u>							
A. <u>New York</u>							
1. Headquarters	6,441.73	5,015.11	16,552.28	11,514.22	3,641.65	43,164.99	
2. Recovery & Distribution		6,645.01	19,024.72	13,117.53	1,730.69	40,517.95	
3. Indiv. Claim. & Baltic Collec.				1,377.64	1,576.37	2,954.01	
4. Insurance			907.75		318.08	1,225.83	
5. Miscellaneous	20.84	92.20		100.00	300.00	513.04	
B. <u>Overseas</u>							
1. Salaries			12,255.10	1,202.65		13,457.75	
2. Living Cost Allowance & Office	878.00	4,308.43	3,456.75	330.72		4,665.47	
3. Traveling Exp.	886.00		3,279.55	82.05		4,308.43	
TOTAL DISBURSEMENTS	<u>8,226.57</u>	<u>16,060.75</u>	<u>55,476.15</u>	<u>27,724.81</u>	<u>7,566.79</u>	<u>115,055.07</u>	<u>115,055.07</u>
BALANCE MARCH 15, 1952							\$ 5,870.89

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College Park, Maryland

National Archives and Records Administration (NARA)

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Jerusalem, Israel

American Jewish Joint Distribution Committee

- Geneva IV/32

Central Archives for the History of the Jewish People

- JRSO (923 a-d)
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Israel State Archives

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Los Angeles, California

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American Jewish Joint Distribution Committee

- Commission on Jewish Cultural Reconstruction (45/54/1569)
- Jewish Cultural Reconstruction, Inc. (45/54/1743-1746)
- YIVO (45/54/2081-2083)

Jewish Museum, New York

- Franz Landsberger Papers

Jewish Theological Seminary Archives

- Louis Finkelstein Collection (RG1 Series C-H)
- Alexander Marx files

Leo Baeck Institute

- Max Gruenewald Collection (AR 7204)

Yeshiva University Archives

- Stuermer/Streicher Collection

Stanford, California

Stanford University, Special Collections

- Salo Baron Papers (M580)
- *Jewish Social Studies* (M670)

Washington, D.C.

Library of Congress

- Hannah Arendt Papers, Manuscript Division (MSS11056)
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United States Holocaust Memorial Museum

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Interview with Saul Kagan, 5 December 2006

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