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Authority AWO 175059

By W1 NARA Date 1/19/77

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File Nr. 910.12

ROUTINE

FROM

: AGWAR FROM JOINT CHIEFS OF STAFF

TO FOR ACTION

: CG US FORCES OF OCCUPATION AUSTRIA MAIN TO CLARK, USFET MAIN TO MCNARNEY

REF NO

: WX-85965, 30 NOV 1945

BOOK MESSAGE

1. This directive, received from the State, War and Navy Departments, is issued to you as Commander in Chief, US Zone of Occupation, AUSTRIA (GERMANY) and US Member of the Allied Council, AUSTRIA (GERMANY).

You will seek to obtain agreement in the Control Council to the application in the other Zones of Occupation of the policies laid down in this Directive. If, in your judgment, it appears impossible to obtain Quadripartite agreement, you will explore the possibilities of Tripartite agreement applicable to the 3 western zones and make appropriate recommendations to the Joint Chiefs of Staff.

You will proceed with the application of this Directive in your own zone even prior to agreement, provided, however, that restitution of property defined in Paragraphs 2 C and 2 D will be effected only when the return of such property is certified by the appropriate representative of the claimant country to be urgently required for the re-

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-habilitation and reconstruction of said country. The resti-
tution shall not be delayed on the ground that items subject
to restitution are needed to meet the military or civilian
requirements in any zone of occupation provided that in the
case of transportation equipment restitution may be so phased
as not to reduce available transportation below that required
for military deployment and for purposes of the occupation,
including the removal of industrial plant and equipment for
reparation.

ITEMS SUBJECT TO RESTITUTION

2. Without prejudice to the formulation of a
definitive restitution program, the following categories of
property shall, as an interim measure, be subject to resti-
tution in accordance with the provisions of this directive:

A. All currencies of the United Nations
acquired by GERMANY;

B. Works of art and cultural works of
either religious, artistic, documentary, scholastic or his-
toric value including, as well as recognized works of art,
such objects as rare musical instruments, books and manu-
scripts, scientific documents of an historic or cultural na-
ture (and all objects usually found in museums, collections,
libraries, and historic archives, identified as having been
looted or acquired in any way through commercial transactions
or otherwise by Germans from United Nation countries during
German occupation;

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C. Heavy and power-driven industrial and agricultural machinery and equipment, rollingstock, locomotives, barges and other transportation equipment (other than sea-going vessels) and communication and power equipment identified as having been looted or acquired in any way by Germans from United Nations during German occupation:

D. Other goods, valuables (excluding gold, securities, and foreign currencies other than those mentioned in Paragraph 2 A), materials, equipment, livestock and other property found in storage or otherwise in bulk form and identified as having been looted or acquired in any way by Germans from United Nations during German occupation;

E. In the case of property mentioned in C and D above which was produced during the period of occupation, restitution shall be made only if the claimant government submits adequate proof that the property in question was acquired by GERMANY through an act of force.

X PROCEDURES FOR RESTITUTION X

3. Your Government will transmit to you from the governments of the USSR, FRANCE, BELGIUM, LUXEMBOURG, NETHERLANDS, NORWAY, DENMARK, POLAND, CZECHOSLOVAKIA, YUGOSLAVIA and GREECE lists of property claimed to have been taken from their countries during the period of German invasion or occupation. Such lists will include wherever possible all relevant information which will aid in the identification and location of such property.

4. After examination of these lists you will

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Indicate to your Government which of these countries should be invited to send missions into your Zone for the purpose of (A) substantiating claims for the restitution of property mentioned in Paragraphs 2 A and D, (B) receiving information regarding the location of property which has been the subject of restitution claims by their government, (C) identifying and receiving any such property to be restored or distributed in accordance with the provisions of this Directive. You will recommend appropriate time and the size of the mission. After approval, details can be arranged by the respective governments direct with you as Commander in Chief of the United States Zone. You will furnish such missions facilities necessary to the proper discharge of their functions in your Zone.

5. You will take steps to deliver all paper currency of United Nation countries invaded or occupied by GERMANY, now in your Zone, to the government of the country of issue without the necessity of proof that it was looted or otherwise acquired from that country during the period of German invasion or occupation.

6. You will take steps in your Zone to uncover and secure possession of property covered by Paragraphs 2 B, 2 C and 2 D, mentioned in lists submitted by claimant governments, and to restore such property to the government of the country from which it was taken.

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GENERAL PROVISIONS

7. You will require the claimant governments to give receipts for items received by them in accordance with provisions of the Directive. Those receipts shall contain a brief description of the item received and its condition, and waiver of any further claim as reparation or otherwise based upon the removal of the item concerned by the Germans or the exaction of funds used by the Germans to pay for it.

8. You will keep a complete record of items returned or distributed in accordance with the provisions of this Directive; and you will submit to the Control Council and your Government monthly reports on the progress of the restitution program.

9. The cost of administering this program of restitution shall be counted as part of the costs of occupation.

10. Any property subject to restitution uncovered in AUSTRIA and subsequently removed to GERMANY shall be regarded as uncovered in Germany.

11. After final determination of the amount and character of reparations removals, to be made by 2 February 1946, there should be no restitution on any items of equipment of key importance to plants retained in GERMANY as essential to minimum peacetime economy.

NOTE: Any action taken on this message must be submitted to the Commanding General through SGS for approval prior to dispatch.

ACTION : MG(U. S. ZONE)

INFORMATION : SGS MR MURPHY ** AG RECORDS

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