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The Founding Meeting of the Claims Conference and its Record

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Abstract: While the history of the Claims Conference has been documented, little is known about the meeting that established the organization over 70 years ago. This study examines the founding of the Claims Conference using its first record, the transcript of the meeting that took place at the Waldorf Astoria Hotel in New York City, on October 25–26, 1951. Many historical accounts about the Claims Conference offer cursory descriptions of its inception without examining the full scope of the debate underlying its founding. A few attempts in recent years have addressed this gap but a need for a more comprehensive analysis remains. This study explores the inaugural meeting through the lens of the organizations that took part in the conference and demonstrates the important role they played in shaping the outcome of the conference. By examining the transcript of that meeting in greater detail, this study contributes to a deeper understanding of the Claims Conference’s origin and of its subsequent history.

Keywords: Holocaust; German reparations; Israel; claims conference compensation

List of Abbreviations

a.n.	Author’s note (meaning, my own addition into a citation)
CCA	Claims Conference Archive
JDC	American Jewish Joint Distribution Committee
JRSO	Jewish Restitution Successor Organization

1 Introduction and Methodological Remarks

The Conference on Jewish Material Claims Against Germany, better known as the Claims Conference, was founded over 73 years ago, in October 1951, in New York.

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While its decades-long fight to secure compensation for Jewish Nazi victims has been documented, little continues to be known about the organization's origin.¹ Historians of the Claims Conference have considered the birth of the organization as a precursor to the negotiations with West Germany that culminated in the historic Luxembourg Agreement, without giving much attention to its founding (see Dawidowicz 1953, 475; Sagi 1986, 76). This realization is striking considering the existence of a transcript that recorded the establishment of the Claims Conference during a meeting of the major international Jewish organizations and the Government of Israel to discuss German reparations.² That gathering, as Gregg Rickman notes, "was supposed to be a short meeting simply to endorse Israel's decision [to pursue reparations] but it turned into a very real debate on the issue" (2007, 154). Similarly, Benjamin Ferencz, who attended the event (see below), recalled decades later that what was scheduled as a meeting to discuss reparations "soon turned into a battleground" (Ferencz, Bazyler, and Nelson 2020, 129). What animated that debate and how was it resolved? These questions have led a few scholars in recent years to research the transcript and explore the controversy surrounding the meeting (Zweig 2009, 236–240; Blumenthal 2021, 53–55; Tovy 2023, 118). Their studies scrutinize the views held by the organizers of the conference and the statements made by a few leading organizations regarding the manner in which reparations should be sought. What is still missing from these accounts, however, is an assessment of the breadth of perspectives offered by the organizations and their collective impact on the outcome of the conference.

This article provides an analysis of the inaugural meeting through the prism of the Jewish organizations depicted in the transcript. In addition to reviewing the statements made by the organizations, I seek to explore how their views influenced the conference on the question of seeking Holocaust compensation separate from Israel's demand. Considering the outsized influence of Dr. Nahum Goldmann and Ambassador Abba Eban in setting the direction of the conference, the role of the organizations has received little scrutiny. Yet, as I show, the organizations played a major part in shaping the decision to negotiate compensation and the entity formed to pursue their claims. They also helped turn Goldmann and Eban's speeches into concrete resolutions and influenced the language of the proclamation that concluded the conference. Without recovering the organizations' input, it is difficult to appreciate more fully the significance of the meeting and the debate that led to the establishment of the Claims Conference.

¹ For histories of the Claims Conference, see Sagi 1986; Zweig 2001; Henry 2007; Blumenthal 2021.

² See "Conference on Jewish Claims Against Germany Held at the Waldorf Astoria Hotel, New York City, On October 25-26, 1951," Claims Conference Archive (CCA), file 16600 (henceforth Meeting transcript).

The almost three hundred-page-long transcript of the founding meeting is the key source on which I base my study. It contains a verbatim recording of all the speeches given by the delegates at the plenary sessions, including the final remarks delivered before the press. The transcript also records the experts' views as well as the exchanges between the delegates made in the general assembly. For all its rich information, however, there is a glaring gap in the transcript regarding the meeting of the Committee on Resolutions. This meeting occurred between two plenary sessions with the goal of deciding whether additional German compensation should be sought by the organizations. The absence from the transcript of an account detailing this consequential meeting is unfortunate. However, as I discuss later, the transcript contains the first draft of the proclamation issued by the Resolutions Committee (read by Goldmann to the plenary) and the subsequent requests made by the organizations to amend its text. Having the original draft of the statement and its subsequent revision goes a long way toward salvaging the integrity of the transcript and its coverage of the founding meeting.

The following study is not an exhaustive investigation of the founding meeting of the Claims Conference. Due to space limitations, a comparison of the Claims Conference account with other participant recollections of the meeting was not possible. Similarly, such constraints have prevented an analysis of subthemes running through the transcript. The evocation of the Holocaust in support of a particular approach to reparations is one such important subtheme that, sadly, remained beyond the goal of this research.³

2 The Meeting of Major Jewish Organizations: A Brief Historical Context

Before examining the conference in the transcript, the following brief historical observations may help contextualize it. As others have noted, seeking compensation for damages caused by the Holocaust was hardly new in 1951. Jewish and non-Jewish circles had discussed this issue even before the end of the Second World War.⁴ Soon after the war, the Occupying Powers introduced basic statutes to enact restitution and compensation in their respective zones, and a few German states (*Länder*) issued additional measures as well. Military Law 59, promulgated by the U.S. Office for Military Government in the American Zone in 1947, stipulated that identifiable Jewish heirless or unclaimed property should be claimed by a successor organization

3 See here the recent journal issue edited by Regula Ludi and Daniel Siemens (2023) and articles therein.

4 Other studies document this history. See Sagi 1986; Zweig 2001; Balabkins 1971; Goschler 2004.

for the benefit of Holocaust survivors and not revert to the German states (as was customary).⁵ Yet even this law, considered the most liberal by comparison, provided only limited justice. It made no provisions for Jewish heirless property that no longer had records or other forms of identification and which, consequently, would have unfairly accrued to the states.

On March 12, 1951, the State of Israel submitted a (second) formal note to the four Occupying Powers claiming three billion Deutsche Marks (approx. \$1.5 billion) as reparation from Germany for incurring the cost of absorbing 500,000 refugees, victims of Nazism. The Allies (the Soviet Union ignored the note) were sympathetic but encouraged Israel to approach the Federal Republic directly. In the absence of diplomatic relations, communication between Germany and Israel occurred outside official channels. In one such secret meeting in Paris in April 1951, Chancellor Konrad Adenauer learned from David Horowitz, director of Israel's finance ministry, that Israel demanded an official acknowledgement of German responsibility for the Nazi crimes, followed by an undertaking to make amends, before the two countries could formally meet. Adenauer showed himself in favor of reparations (*Wiedergutmachung*, a term denoting "making good again" or "restoring to the previous state") but made no concrete promises.⁶ Germany's Social Democrats had been the most vocal advocates for reparations to the Jewish people, but such calls fueled an antisemitic backlash (Goschler 1997, 231–249; Stern 1997, 199–229). Nevertheless, in early summer of 1951, Noah Barou, chairman of the British Section of the World Jewish Congress, made the acquaintance of Herbert Blankenhorn, a close adviser to Adenauer, who agreed to persuade the chancellor to issue an official statement in support of Holocaust reparations.⁷ Barou and Blankenhorn, together with Dr. Nahum Goldmann, co-chairman of the Jewish Agency for Palestine and president of the World Jewish Congress, worked on a statement for the chancellor, and Adenauer revised it further with Jewish input.

On September 27, 1951, under no pressure from the Allies but fully cognizant of the political benefit to his country, Adenauer acknowledged before the German Parliament (Bundestag) that "unspeakable crimes were perpetrated in the name of the German people which impose upon them the obligation to make moral and material amends, both as regards the individual damage which Jews have suffered and as regards Jewish property for which there are no longer individual

5 A Jewish successor organization operated in each of the three Western zones. The Jewish Restitution Successor Organization (JRSO) emerged in 1948 to claim heirless and unclaimed property in the American zone. For more on its early start, see Kagan 1991, 53–54.

6 The Claims Conference resisted adopting the term, preferring to speak of "compensation" (from the Hebrew word *shilumim*), since no indemnity, however large, can ever "make good" the crimes of the Holocaust.

7 Other Jewish leaders in Germany contributed to this behind-the-scenes communication with Adenauer, but space prohibits a fuller discussion. See Rosensaft and Rosensaft 2001, 25–26.

claimants.” He further added that “The Federal Government is prepared jointly with representatives of Jewry and the state of Israel, which has admitted so many homeless Jewish refugees, to bring about a solution of the material reparation problem...”⁸ German and American Jewish organizations received the declaration well (Geller 2005, 227; Shafir 1999, 169–171). Israel’s government, on the other hand, was more reserved, offering only to “study it further” before responding. Public opinion in Israel was strongly anti-German and opposition to accepting reparations from Germany was widespread. However, the absorption of half a million refugee victims of the Nazis, which almost doubled the country’s total population, severely strained Israel’s economy. It therefore desperately needed the injection of capital and goods that reparations could provide (Segev 1991, 189–210).

After the Allies’ lukewarm response to its March note, the Israeli government sought the backing of the organized Jewish world before potentially engaging in talks with Germany. Plans to gather the main Jewish organizations from the West at a conference to offer joint public support for its claim preceded Adenauer’s declaration (Zweig 2009, 236). The timing of the declaration, which opened a door to a settlement, made some Israeli officials question the need for the conference. The chancellor’s wish to meet with Israel *and* the “representatives of [world] Jewry” made the case for holding the conference, if only to coordinate on a common response. The efforts of some Jewish organizations to settle unresolved Jewish heirless and unclaimed property in Germany by lump-sum compensation from the Federal Government made coordination with Israel all the more necessary (Shafir 1999, 163; Tovy 2023, 112). The Israeli government insisted that the organizations only seek legislative improvements in the field of indemnification, fearing Germany’s objection to satisfying two global claims (Sagi 1989, 108; Tovy 2023, 115–117). Prompted by Moshe Sharett, Israel’s foreign minister, Dr. Goldmann convened the meeting under the auspices of the Jewish Agency for Palestine, whose American section he chaired. The stated goal of the conference was to give “public support to Israel’s claim against Germany...and to discuss ways and means how best to organize such support in the future” (cited in Zweig 2009, 236; see also Goldmann 1969, 255; Sharett 2011, 89–90).⁹

8 “Attitude Toward Jews. Declaration of the Federal Republic of Germany as Pronounced by Chancellor Konrad Adenauer before the Parliament in Bonn Sept. 27,” CCA, file 7027, p. 34.

9 Jewish press also carried the announcement, “Jewish Agency Calls Two Day Conference To Discuss Germany’s Offer,” Daily News Bulletin of the Jewish Telegraphic Agency, vol. 18, no. 192, pp. 1–2, October 4, 1951.

3 The First Plenary Session: General Remarks

The meeting occurred on October 25–26, 1951, at the Waldorf Astoria hotel in New York City. The transcript lists the 22 organizations (and their respective delegates) attending the event: Agudath Israel World Organization, Alliance Israélite Universelle, American Jewish Committee (AJ Committee), American Jewish Congress (AJ Congress), American Zionist Council, Anglo-Jewish Association (AJA), B'nai B'rith, Board of Deputies of British Jews, World Jewish Congress British Section (WJC-BS), Canadian Jewish Congress (CJC), Conseil Représentatif des Juifs de France, Council for the Protection of the Rights and Interests of Jews from Germany, Delegacion de Asociaciones Israelitas Argentinas, Executive Council of Australian Jewry, Jewish Agency for Palestine (JA), Jewish Labor Committee, Jewish War Veterans of the United States of America, South African Board of Deputies, Synagogue Council of America, and the World Jewish Congress (WJC). American Jewish Joint Distribution Committee (JDC) and the Council of Jewish Federations and Welfare Funds participated only as observers. Each organization sent one or two delegates, and some also sent an advisor. Additionally, Benjamin Ferencz, Gottlieb Hammer, Georg Landauer, Eli Rock, and Seymour Rubin attended the conference as experts in the field of restitution. Ambassador Abba Eban, the most senior Israeli diplomat in the U.S., led the Israeli delegation made up of five members, including Esther Herlitz, one of only two women who attended the conference in an official capacity (the other being Judith E. Epstein, vice-chair of the American Zionist Council). Overall, there were just under 60 official delegates.¹⁰

Goldmann opened the meeting by saying that each organization was a “co-sponsor” of the conference and that the conference was “informal” in nature. “I want to say from the start, that it is a very informal conference; we prepared it very quietly; we will have it in a quiet way....”¹¹ Agreements, he added, will result not from voting but from unanimous decisions, as a result of a “frank discussion of the problems involved.”¹² The emphasis on consultation was fitting considering the significant differences – ideological, religious, linguistic, and geographical – that

¹⁰ A disturbance occurred just as the meeting was about to begin. According to Sagi, protesters “burst into the conference room carrying banners and posters, svastikas and slogans of condemnation” (1986, 76). Zweig describes the group as “Revisionist youth against negotiations” (2009, 237). Goldmann acknowledged the incident at the conclusion of the conference (Meeting transcript, p. 259).

¹¹ Meeting transcript, p. 5; see also p. 28. In saying “we prepared it” Goldmann admitted that aspects of the conference had been decided in advance. According to Sharett (2011, 90) and Zweig (2009, 236), a series of planning meetings occurred in October in New York with the participation of the JA, B'nai B'rith, AJ Committee, and Israel.

¹² Meeting transcript, p. 8. Recognizing “that with all the differences of opinion, ideologically, the nuances, the emotional approach,” Goldmann believed that “with goodwill and with method of frank discussion but with tolerance one to another and keeping the interests of the totality of the Jewish

existed among the organizations and which were soon to emerge. To encourage open dialogue, deliberations remained behind closed doors, with only occasional statements released to the press.¹³

The conference, Goldmann further remarked, occurred “on the initiative, or at the suggestion of the Government of Israel.”¹⁴ He added nothing else about his role, or that of others, in encouraging it. Most of the organizations invited were based in the United States, Great Britain, and France, countries which Goldmann hoped would “play a role in presenting or in influencing (however you will call it) the West German Government to do something on this [reparation] question.”¹⁵ There were, however, a few noticeable organizations with a stake in the matter, like the Central Council of Jews in Germany (Zentralrat der Juden in Deutschland), who had not been invited.¹⁶ Their absence was raised a few times throughout the meeting and led to the establishment of a principle that the conference may elect to invite other organizations to join its ranks in the future, should this bolster its success.¹⁷

3.1 The Conference’s Purpose

Sensitive to the negative views of reparations that prevailed in the Jewish world, Goldmann pointed out that the conference did not seek to “settle and regulate the relations between the Jewish people and Germany.”¹⁸ Those assembled did not “have the authority to do that” and besides, the matter of reconciliation would “take years, decades, generations, to attempt.”¹⁹ The emotion reverberated in Goldmann’s words:

people and of Israel in our minds we will be able to reach agreement, not by vote binding but voluntary agreement...,” p. 28.

¹³ Meeting transcript, p. 6. Goldmann’s characterization of the conference as a “private meeting” reoccurs in his opening remarks, see p. 12.

¹⁴ Meeting transcript, p. 6. In his autobiography, Goldmann revealed that he called the conference because he “realized that Israel would not be able to negotiate with Germany alone” (1969, 255). Roth, too, claims that Israel was in a difficult position to initiate direct negotiations with Germany and needed Goldmann to mobilize the Jewish Diaspora to function as intermediaries (1977, 17).

¹⁵ Meeting transcript, p. 6.

¹⁶ Noah Barou, who met with some of the Central Council’s leaders before arriving in New York for the conference, conveyed their frustration, see Meeting transcript, pp. 225–226. The Central Council joined the Claims Conference in December 1951 but had a rough start, threatening to pull out several times to pursue unilateral negotiations with the German government over allocation of the reparation funds, cf. Geller 2005, 230, 240–241, 248.

¹⁷ Meeting transcript, pp. 204–205, 223–224, 226.

¹⁸ Meeting transcript, p. 8.

¹⁹ Meeting transcript, p. 8.

After what the Germans have done to the Jewish people, it would be insulting to the memory of the six million killed by the Nazis and insulting to the dignity and self-respect of the Jewish generation of today, to begin to discuss (less than a decade after Auschwitz, Bergen-Belsen, etcetera,) any kind of historical normalcy between the German people and the Jewish people, settling accounts, forgetting, forgiving, and all that. I stress and underline this....²⁰

The conference, then, was about “the Jewish Claims on Germany.” These claims, Goldmann clarified, were not those advanced by the Government of Israel in its March 1951 note, but were claims “in addition to the claims of Israel.”²¹ He delineated four such claims: claims of individuals, heirless property claims, indemnification claims (requiring legislation to be homogenized across all West German states), and the “big claims of the Jewish people.”²² The “big claims of the Jewish people” referred to a global sum that Goldmann and others insisted that Germany owed the Jewry for the vast amount of property confiscated by the Nazis that could never be returned due to missing survivors and records. As mentioned, Israeli government officials were against the presentation of a second global claim by the organizations for fear that it could undermine Germany’s ability to satisfy Israel’s. At the beginning of October 1951, Sharett had characterized the notion of presenting Germany with two claims as a “disgrace...and also not a wise or worthwhile move” (Tovy 2023, 117). Even so, Goldmann presented the Jewish claim adding that the “time has come when living Jewish organizations should take counsel together with the Government of Israel, in order, first of all to establish the nature of the claims, and the best methods how to get at least a partial satisfaction to those claims.” The time was ripe because, with the onset of the Cold War and Germany’s rapid economic recovery, the pendulum had swung in Germany’s favor. Although “rather late,” Goldmann still believed it was possible to “pursue this policy of getting back something.”²³ A stronger incentive for the meeting was “the statement of Mr. Adenauer.” Goldmann insisted on not “psychoanalyz[ing] the motives of the statement,” making the point that, while there were obvious reasons (from self-interest to foreign policy), he did not know Adenauer sufficiently well to speculate. True, the two men had never met in person, but they had been in contact through intermediaries while drafting the declaration (Goldmann 1969, 255–256; Goschler 2004, 386; Reinhartz and Friesel 2009, 21; Segev 1991, 203–204).²⁴ Such an admittance most certainly would have fed allegations in the Jewish press (one printed just a day before the conference) that the two

²⁰ Meeting transcript, p. 8.

²¹ Meeting transcript, p. 11.

²² Meeting transcript, p. 11.

²³ Meeting transcript, p. 13.

²⁴ Barou reported that it took almost three months to agree on Adenauer’s text. They exchanged multiple drafts during this time, cf. Roth 1977, 16.

leaders had already met privately in Bonn to “settle” the scores – something Goldmann vehemently denied.²⁵

For Goldmann, Adenauer’s declaration acknowledged Germany’s responsibility for the Holocaust and expressed German readiness to make amends for it. The chancellor’s statement “establishes the responsibility of the German people for the crimes committed by the Nazis...and it ends by saying that Germany is ready to speak to the representatives of [world] Jewry...and [of] the State of Israel as to how...to bring about an arrangement which would at least restore or restitute some of the part of what has been taken away from the Jews, and to the Jew and to Israel.”²⁶ Turning next to the delicate issue of Jewish readiness to negotiate with Germany, he said “There is now a big controversy going on: Should Jews be ready to talk to the Germans on these claims or not?” He strongly favored that they show themselves ready to do so, provided Germany was not making “a ridiculous offer.”²⁷ Aware that some in the audience may still find this position problematic regardless of the compensation size, Goldmann acknowledged both the emotional difficulty as well as the necessity of direct negotiations. The speech’s slightly inarticulate flow underscores that dilemma:

In all frankness, I don’t see for the life of me any moral validity, I don’t accept it though I understand it, that it is an insult to Jewish self-respect, to sit down with German representatives and discuss restitution, reparation, and so forth, discuss material restitution to the Jewish people or to Israel. I say I understand the emotions, and the motives, it is no pleasure for any of us to sit down and discuss with Germany’s representatives – I have not discussed it with any one of them, but suppose there would be a time when some of us may have to do it, I don’t think that it is an especially great privilege or pleasure for any of us to do it...But on the other hand, to say that it is an insult, and a betrayal of Jewish honor, is I say an emotionally understandable thing but neither logically politically or morally...of any validity.²⁸

There was no substitute for holding direct talks with Germany, for him, since “in this business there won’t be any *shabbos goim*.” By using this Hebrew expression common among Orthodox Jews in Eastern Europe (meaning the use of a non-Jewish person to assist during Shabbat) he expressed his conviction that the Allies will not

²⁵ Meeting transcript, p. 14.

²⁶ Meeting transcript, pp. 14–15.

²⁷ Meeting transcript, p. 15. In 1949, Adenauer offered Israel DM 10 million in goods as remedy for the Nazi wrongs. The offer was immediately rejected because, for one thing, it lacked official recognition of responsibility, cf. Goldmann 1969, 254. See also anonymous study “Jewry and Germany. Reconciliation of Interest, the Approach to Reparations. A Survey of Developments, 1949–1952,” Wiener Library (Jewish Central Information Office) publication, March 1952, p. 9, in CCA, file 7027, digital page numbers 52–69.

²⁸ Meeting transcript, p. 17. Joseph Sprinzak, president of the Israeli Parliament, claimed just before the convocation of the conference that Jewish honor precluded any acceptance of restitution from Germany. Goldmann attacked that view in his remarks, cf. Goldmann 1969, 256.

negotiate Israel's claim (as confirmed in their response to Israel's note). The idea that the "Western Powers will take over this *shlichut*, this mission, and will negotiate with the Germans on behalf of Israel or the Jewish people...is today a very naïve assumption."²⁹ Therefore, he concluded, "if we mean business and want to get something out, I mean seriously, in large terms...then I am afraid it may be inevitable, under certain conditions to talk directly to the Germans."³⁰ Moreover, some Jewish organizations were already negotiating with German (state-level) officials about restitution issues, and "you cannot achieve such agreements without talking," exclaimed Goldmann.³¹ "Why is it allowed to speak to the Prime Minister of Bavaria, but forbidden to speak to the Finance Minister of the West German Republic? Why is it allowed for the JRSO for years to have negotiations and sign agreements with German *Länder*, and...not [be] allowed to speak with...Chancellor of the Western German Republic?"³²

The remaining task for the conference was, then, to decide who should negotiate with Germany for the Jewish claims. Israel alone? Or Israel and a body representing the Diaspora Jewry? As far as he was concerned, Goldmann wanted representatives of Israel and of the organizations to negotiate directly with Germany, and favored the idea of keeping a fraction of whatever was obtained for assisting Jewish refugees outside Israel, but it was for the conference to decide.³³ Before actual negotiations could occur, Germany first had to accept that reparations did not imply Jewish forgiveness or readiness to normalize relations and then provide assurance that it understood the "magnitude of the problem." Adenauer's declaration did not yet satisfy these two conditions, so the conference at this point only needed to decide if it was willing to negotiate with Germany in principle.³⁴ Summoning the audience to unity, he concluded by saying that should those who oppose negotiations with Germany consider it an "*averah*" [a transgression] to seek reparations, then "let us all share the *averah*..."³⁵

3.2 Israel's Position

Ambassador Eban, speaking immediately after Goldmann, began by saying his government "welcomed the action of the Jewish organizations of the free world...in

²⁹ Meeting transcript, p. 18.

³⁰ Meeting transcript, p. 18.

³¹ Meeting transcript, p. 21.

³² Meeting transcript, pp. 21–22.

³³ Meeting transcript, p. 23.

³⁴ Meeting transcript, pp. 26–27.

³⁵ Meeting transcript, p. 29.

assembling together...for a common discussion of Jewish claims against Germany.” The conference, he continued, “arises directly from the initiative which the Government of Israel took in March 1951, in deciding to approach the four Occupation Powers with a request to support Israel’s claim for collective indemnification” (for text of Israel’s note, see Sharett 2011, 61–66).³⁶ Recalling the memory of the Jews murdered in the Holocaust, Eban rejected the notion that in dealing with Germany, Israel was oblivious to the Nazis’ heinous crimes or that reparations implied normalization of relations with Germany.³⁷ Remarking on Germany’s economic rehabilitation and imminent readmittance into world forums so soon after the Holocaust, the ambassador claimed that it was an “intolerable distortion of human justice, if Germany, having slain its victims, having occupied their possessions, were not called upon to make indemnification for the benefit of their survivors, some five hundred thousand of whom have found sanctuary in within Israel’s shores.”³⁸ Israel’s material claim, in view of the large number of Holocaust survivors seeking refuge there, stood at USD 1.5 billion (DM three billion), without counting the value of Jewish property confiscated by Germany, which was estimated at six or more billion dollars. “In the name of our common Jewish solidarity, in the name of Jewish security and Jewish honor,” he concluded, “Israel now solemnly invites Jews everywhere, to rally unreservedly to the support of this claim...”³⁹

Regarding Adenauer’s statement, Eban affirmed that it “acknowledged that unspeakable crimes, involving direct German responsibility, have been committed in the name of the German people,” but he cautioned against putting too much trust in such declarations. Germany had pledged before to pay reparations for damages resulting from the First World War, yet it had then reversed course on most of those pledges. If Israel was to assign any significance to Adenauer’s statement, a tangible act of recompense needed to follow it. For that reason, Eban said, his government “several weeks after the publication of Adenauer’s statement has still not yet decided whether that statement would justify the entering upon any negotiations, direct or indirect, with the German Federal Republic.”⁴⁰

Turning to the sensitive issue of Israeli and Jewish material claims, Eban insisted that his government regarded the State of Israel as the “collective expression of the Jewish will for survival” and as the “repository of the great mass of those who managed to survive the Holocaust of Nazism.” These factors argued for the “primacy of this [Israel’s] claim above all others.” While agreeing that Germany had a

³⁶ Meeting transcript, p. 32.

³⁷ Meeting transcript, p. 34, 42–43.

³⁸ Meeting transcript, p. 36.

³⁹ Meeting transcript, p. 37.

⁴⁰ Meeting transcript, pp. 41–42 (p. 42).

responsibility to meet other Jewish claims than Israel's, he urged the conference to consider whether the attributes of Israel's claim, its "formal character...clear cut and well-defined proportions, the obvious feasibility of its implementation" did not justify at least "primacy, if not monopoly of Jewish attention and support." Eban cautioned against "superimposing upon that clearcut official, formal claim, other claims not yet defined, not yet possessing formal status, and not yet forming the status of Jewish agreement."⁴¹ The poor characterization of the Jewish claim made it clear that the Israeli government preferred if the organizations rallied behind its claim in an affirmation of Israel's "monopoly" over reparations or, if that was not acceptable, then at least support the prioritization of Israel's claim over their own demands.

3.3 The Organizations

Out of the twenty co-sponsoring organizations (the JDC and the Council of Jewish Federations as observers were not among them), 14 sent representatives to the floor.⁴² Jacob Pat, secretary of the Jewish Labor Committee, spoke first. Addressing the audience in Yiddish, he criticized the organizers' decision to hold the conference behind closed doors. "I cannot see what harm would have been done if the Jewish press had had the statements by Dr. Goldmann and Ambassador Eban. Now whatever we may do, the question will always arise: what was the secret?"⁴³ Pat supported the submission of two claims, but prioritized Israel's claim.⁴⁴ It was important for the conference, he said, to dispel any misconception in the public opinion that the gathering was a "reconciliation conference."⁴⁵ His organization in no way connected Adenauer's declaration of responsibility to make amends to forgiving Germany for what it did to the Jews,⁴⁶ and while appreciating the positive changes in Germany, especially among the Social Democrats who favored compensation, Pat doubted that the Nazi actions really "shocked" most Germans, as the chancellor declared. "Germany has still to demonstrate a great deal before we put on the agenda the consideration of peace between it and the Jewish people."⁴⁷

⁴¹ Meeting transcript, p. 45–46.

⁴² The French and Argentinian delegations were conspicuously silent, as was the American Zionist Council.

⁴³ Meeting transcript, p. 47.

⁴⁴ Meeting transcript, p. 50.

⁴⁵ Meeting transcript, p. 51.

⁴⁶ Meeting transcript, p. 53.

⁴⁷ Meeting transcript, p. 54.

Israel Goldstein, chair of the Western Hemisphere of the WJC, assured the conference of his organization's support for Israel's claim, given Israel's outsized contribution to the restoration of Holocaust survivors. The WJC was "convinced that it is the will of the overwhelming majority of the Jewish people that whatever is received by way of a collective payment should go, almost in its entirety, to Israel."⁴⁸ The payment, Goldstein noted, must be of "sums commensurate with the vastness of the wrongs suffered and the extent of the task of reconstruction that still has to be done." Any trivial amount was to be rejected and interpreted as an illustration of Germany's attempt to skirt the issue. In addition to payment, Goldstein spoke of Germany's need to outlaw Nazism, reeducate the masses, and introduce new legislation to ensure fairer restitution, indemnification, and compensation. Forgiveness for the Nazi wrongs, Goldstein concluded, was "not within the gift of this generation." Whether the Jews believe Germany's good intentions will depend "not on what Germany says but on what Germany does."⁴⁹

Speaking for Agudath Israel, Isaac Lewin took a quite different tone. Agudath had been prepared to support Israel's claim publicly but not if it meant direct talks. For Lewin, Adenauer's statement whitewashed the German guilt. In speaking of moral and material amends, Adenauer "shows clearly that the Bonn government wants to make use of the claim of Israel in order to 'purge' the German nation of the unprecedented in history mass murder of six million innocent Jews."⁵⁰ "To this offer," he continued, "we have...to say openly and unequivocally: No!"⁵¹ Rejecting Adenauer's attempt to "erase the sign of Cain from the German nation" by offering to make amends, Lewin continued his blistery refusal to engage Germany directly:

The Jewish people would commit moral suicide if the offer of Mr. Adenauer would not be immediately rejected. What will the world think of us if we will even consider it seriously? What will we tell our children to whom we have to convey the sacred memory of the "*kedoshim*," the martyrs of Treblinka, Majdanek and Auschwitz? That we sold this memory for some dinars to Germans who dare to whitewash "the majority of the German people" in stating that – in contradiction to all facts – "they had no part in the crimes committed against Jews"?⁵²

Recognizing Israel's urgent economic needs of caring for the more than half a million Jewish refugees, Lewin suggested that Israel as a last resort take a vote of its citizens before committing to conduct talks with Germany. Lewin was convinced that most Shoah survivors would reject Adenauer's offer.⁵³ "There is something in the

⁴⁸ Meeting transcript, p. 57.

⁴⁹ Meeting transcript, pp. 58–59.

⁵⁰ Meeting transcript, pp. 61–62.

⁵¹ Meeting transcript, p. 62.

⁵² Meeting transcript, p. 63.

⁵³ Meeting transcript, p. 66.

'Lager-Jew' which people who have not suffered themselves can hardly understand: a feeling that one cannot bribe him any more...that no material inconvenience no matter how great it may be, can influence them to accept a moral bribery."⁵⁴ In Lewin's view, Israel should (again) submit its claim for reparations to the Allied Powers; Israel's claim should be enlarged to include the claims of the Jewish organizations, including Agudath's.⁵⁵

Jacob Blaustein, AJ Committee president, was someone who even before the conference had voiced criticism of Israel's position as sole claimant of reparations. He contradicted Levin's position that talking to Germany was a mistake. Blaustein also took issue with Ambassador Eban's proposal for one (Israel's) claim. Much like Goldmann, he wanted Israel and the Jewish organizations to negotiate directly with Germany for two claims, of which Israel's claim should receive greater importance but not at the expense of the other. "I have the one partial exception from what the Ambassador said. I do not believe that they can come out with a monopoly for the Israel claim. I think the Israel claim should be greatly emphasized but it should not be in the category of monopoly."⁵⁶

Colonel Bernard Bernstein, speaking for B'nai B'rith, opened with an account about his organization's years-long struggle to collect compensation for their German properties confiscated by the Nazis. When Israel announced its claim in March of that year, B'nai B'rith supported it unreservedly. Bernstein asserted that the time had arrived for Jewish organizations to work on "this economic and financial question" regarding reparations for Israel and the Jewry, given that the Allied Powers, too, were discussing their financial debts from Germany at that time. Putting it rather ambiguously, he concluded that "we strongly support the views...expressed...by the Ambassador from Israel and the Chairman of the meeting."⁵⁷

President of the Board of Deputies of British Jews, Abraham Cohen, conveyed his organization's support for Israel's note by urging the British government to consider it sympathetically. That early advocacy did not exclude support now for additional demands "which might be made on matters of restitution."⁵⁸ Adenauer's statement should be considered "seriously, but with cautious reserve," noting that the "spirit" in which the Federal Republic of Germany negotiated would judge its sincerity. "If there was to be haggling, if Germany wanted to get off very lightly, then that would be indicative to us of the real spirit behind the German Government's offer."⁵⁹ Since his organization had yet to consider Eban's proposal to prioritize Israel's claim,

⁵⁴ Meeting transcript, p. 65.

⁵⁵ Meeting transcript, p. 67.

⁵⁶ Meeting transcript, pp. 68–69.

⁵⁷ Meeting transcript, p. 70–71.

⁵⁸ Meeting transcript, p. 72.

⁵⁹ Meeting transcript, p. 72.

Cohen nevertheless assured the ambassador of the British Jewry's support for its priority, because "it is in a special category." The only area of disagreement with Goldmann was his suggestion to postpone the decision to name the negotiators for the Diaspora Jewry.⁶⁰ Given its potentially divisive nature, Cohen wanted the conference to have an opportunity at least to consider the matter, something Goldmann assured him would take place during the meeting of the resolutions committee (yet to be formed).⁶¹

E.J. Horwitz of the South African Jewish Board of Deputies expressed support for Israel's claim and for "any other claim that may be made on behalf of Jewry as a whole."⁶² Like Cohen before him, Horwitz too wished that a committee be formed during the conference "to find out who shall negotiate in regard to the other claims."⁶³ Horwitz disagreed with Lewin that Adenauer's statement had worsened matters and reminded the participants that Israel's claim and the convocation of the conference preceded Adenauer's speech. "The fact that Adenauer made a statement admitting guilt, does not in any way wipe out the guilt which we feel that the German people has, though it is a step in the right direction. An accused who is accused and admits his guilt in no way weakens the accusation."⁶⁴

The Canadian Jewish Congress (CJC), represented by Michael Garber, asked that a brief statement be made for "positive action" rather than "debate as to whether we should or should not negotiate."⁶⁵ The CJC supported Israel's March note in the letter they sent the Canadian ministry of foreign affairs, and was now ready to endorse a Jewish claim separate from Israel's. Garber saw no discrepancy between Eban's suggestion that "we limit ourselves merely to finding ways and means of supporting the claim of the Government of Israel" and the "apparent desire of most of us to add to that claim on behalf of the Jewish people." Goldmann and Eban would have to "iron this out at the luncheon."⁶⁶

Nathan Stein of the Council for the Protection of the Rights and Interests of Jews from Germany kept his remarks brief. His was the only organization whose constituency had fled Nazi Germany and resettled in other countries. The Council supported Israel's claim but "there should be no monopoly" of claims by Israel, adding that "we as former German Jews...are most interested in being represented in such negotiations."⁶⁷

⁶⁰ Meeting transcript, p. 73.

⁶¹ Meeting transcript, p. 74.

⁶² Meeting transcript, p. 75.

⁶³ Meeting transcript, pp. 75, 76.

⁶⁴ Meeting transcript, pp. 76–77.

⁶⁵ Meeting transcript, p. 77.

⁶⁶ Meeting transcript, p. 78.

⁶⁷ Meeting transcript, p. 79.

On behalf of the Jewish War Veterans of America, Saul Gold expressed his organization's support for the Israel claim in a letter sent to President Harry Truman and to Secretary of State Dean Acheson. Given that Israel had taken in "almost 600,000 Jews" and in doing so "have strained themselves," Gold thought that "whatever the future may bring, Israel should be the negotiator and the beneficiary of whatever they may get."⁶⁸ Gold did not indicate how his organization felt about the separate claim, saying only that "whatever this conference shall decide, call upon us and we will gladly, happily and willingly follow."⁶⁹

Representing the Executive Council of Australian Jews, Maurice Perlzweig stressed that the organizations should not grant Germany concessions in easing immigration to Australia in exchange for reparations (given that many Jewish Nazi victims had found refuge in Australia). He favored direct negotiations with Germany. "I say, if there is an opportunity, the opportunity should be taken and...if that entails unfortunately...holding direct communications with the German Government, that...is a course which we must take."⁷⁰ Reparations to Israel should be given priority, he added, but the line between Israel's claim and the Jewish people's claim should not be "too emphatically drawn."⁷¹

Shad Polier of the AJ Congress made brief but bold statements. His organization was the first to endorse Israel's claim when it was announced in the spring, but he stressed, "Germany's debt is not only to Israel, but to all Jewry."⁷² Calling on the conference to determine the nature, scope, and timing of the claim proposed by the world Jewry, Polier also insisted that "the payment for all of these claims should be made to the State of Israel." Israel alone should receive them: "it is our view, very strongly, that because of the role that Israel has come to play, and the significance that it has today, and will have in Jewish history, that there shall be one recipient other than the individual beneficiaries of restitution."⁷³

Realizing that the majority of organizations did not endorse Israel's monopoly on reparations and that even support for prioritizing its claim was not overwhelming,⁷⁴ Eban made one last attempt to have the conference state its desire to prioritize Israel's claim in the resolutions prepared for release at the end of the conference:

⁶⁸ Meeting transcript, p. 80.

⁶⁹ Meeting transcript, p. 80.

⁷⁰ Meeting transcript, p. 82.

⁷¹ Meeting transcript, p. 84.

⁷² Meeting transcript, p. 84.

⁷³ Meeting transcript, p. 85.

⁷⁴ Blaustein and Stein opposed the "monopoly" view. Pat, Cohen, Perlzweig, Polier, and later Kramer and Berlin, favored "prioritization." Bernstein and Gold were undecided, while Goldstein, Horwitz, and Garber made no mention of "priority" in their speeches.

We do not claim to be the world's greatest experts on diplomatic procedure...we have however learned at least this: if you take a clear issue and join it to an obscure issue, then you infect our clarity with your obscurity and if you present the clear issue and link it with the obscure issue, either with Germany or the Allied Powers, if there is a clear disposition to evade the implementation of the claim then the obscurity of the latter half can be used at least to cause delay...to...the former half. For this reason, I said that at this stage primacy if not monopoly should be allotted to the evocation of widespread Jewish support for the Israel claim, and the priority of this claim should emerge in any resolutions that we take....⁷⁵

4 Second Plenary Session: The Claims

Two more delegates made remarks before the experts spoke.⁷⁶ On behalf of the Synagogue Council of America, Simon G. Kramer conveyed support for the primacy of Israel's claim. Should the Diaspora Jewry decide to advance its own claim, "it will not be very difficult to persuade my colleagues, the rabbis and representatives of the synagogues in this country, to give complete and unequivocal support to these claims, as well as to the claims of the Israel Government."⁷⁷ Kramer disconnected negotiations from forgiveness, "on the theory that a little bit of *zdokah* [charity] – given to the Jewish people and to Israel, and perhaps a vague *t'fillah* [prayer] by Adenauer do not constitute the complete *tchuvah* [repentance] which the Jewish people has a right to expect from Germany."⁷⁸ Isaiah Berlin of the Anglo-Jewish Association spoke briefly, conveying his organization's support for the priority of Israel's claim and asking that all the invited organizations be consulted in strategizing how best to present the other claim to the Germans.⁷⁹

4.1 The Experts

Georg Landauer, director of the JA's Department for Restitution of Jewish Property in Germany, recounted his experience working in Germany since 1946. Adenauer's declaration struck Landauer as an indication of Germany's readiness to assume from the Occupying Powers complete responsibility for making compensation (the

⁷⁵ Meeting transcript, pp. 87–88.

⁷⁶ Goldmann opened the second plenary session by defending his role as a (self-appointed) chair of the conference, which had come under scrutiny during the lunch recess. Goldmann agreed to lead the conference "as objectively as I possibly can." Meeting transcript, pp. 90–91.

⁷⁷ Meeting transcript, pp. 93, 94.

⁷⁸ Meeting transcript, p. 93.

⁷⁹ Meeting transcript, p. 95.

former had until then been the main conduit).⁸⁰ His talk focused on the organizations' "restitution" claim which, contrary to Eban's remark, was not obscure but grounded in German laws. It referred to the restitution of several types of property, including the return of discriminatory taxes (like the Reich Flight tax and Atonement payment) extracted from the Jews in Germany and Austria. Based on German records, this alone amounted to almost \$1 billion, said Landauer. The restitution claim also needed to include property that Germany could no longer return in kind (typically settled by a compensatory payment). The conference should seek a lump sum for this type of property. Landauer also called for revisions to existing laws (and the introduction of new laws), protection of all property claims from the "equalization of burdens" tax, and standardization of restitution law across all German states. He did not see a need for prioritization between Israel's demand and the other claims, stating only that the latter should not undermine the former. Both claims, he emphasized, stand in competition with Germany's pre-war creditors (the subject of the upcoming London Debt Conference) and against Germany's perceived ability to pay.⁸¹

David Ginsburg, Israel's expert, noted that Israel based its claim of \$1.5 billion on the expenditure it incurred for the resettlement of 500,000 Jewish immigrants from countries formerly under Nazi control. The claim, he said, reflects only that cost alone and "is not measured by the loss of property, it is not measured by any other yardstick but an estimated yardstick of approximately \$3,000 per person."⁸² He would not call this claim "reparation," since reparation typically occurs between two belligerent states (in this case, neither country existed at the time of the conflict), but "collective compensation." Collective compensation, he noted, did not prevent individual Israelis from pressing their own claims under German law.⁸³

Nehemiah Robinson, an advisor with the WJC delegation, elaborated on the nature and type of the claims. An authority on the subject, Robinson reviewed the following claims that could be established: a restitution claim (mentioned earlier by Landauer), a general claim law (for deprivation of liberty, of health, of life; confiscation of goods not covered by restitution, like bank accounts, taxes, deprivation of licenses, etc.), an extra-territorial claim (Jewish claims in countries other than Germany that were not paying compensation, like Austria), and a residual claim (the collective claim of the Jewish people for harm against it).⁸⁴ For Robinson, prioritization or exclusiveness involved not making a choice between two collective claims

⁸⁰ Meeting transcript, p. 99.

⁸¹ Meeting transcript, pp. 102–114.

⁸² Meeting transcript, p. 115.

⁸³ Meeting transcript, p. 117.

⁸⁴ Meeting transcript, pp. 121–128.

but rather ensuring that each is prosecuted. Israel's is a claim for performance, he said, whereas the organizations' claim is based on damage done, so if Germany's financial situation forces a choice (since both claims depended on German public funds), one way to settle the prioritization question was to ask "what is more important, the claim of a country which has to perform a duty [assisting refugees]... and there is no time to wait for it or the claim of individuals who may have a basis for damage but may wait a year or two or three...."⁸⁵

Seymore Rubin, a U.S. Department of State official, urged quick action in formulating the logic and the basis for the demands. The Paris Reparations Agreement of 1946, where the United States asked for \$25 million for "non-repatriable victims of German action," as well as the recent statement by Adenauer, were precedents that could provide the grounds for a claim for material losses. As for how much to ask, he anticipated one figure being the amount lost as a result of the Holocaust, and the other figure the expenditure of Jewish communities worldwide in caring for Jewish victims of the Nazi regime. Finally, Rubin raised the matter of a "suitable" recipient for these claims, suggesting the creation of an organization like the successor organizations in Germany that negotiate and then work out ways to disburse the payment.⁸⁶

Benjamin Ferencz, who had been the chief prosecutor for the U.S. Army at the Einsatzgruppen Trial and now headed the JRSO in Germany, emphasized the importance of finding effective solutions to deliver results for the Jewish people. As someone with firsthand experience in obtaining restitution, his call for strategic planning was poignant: "If anybody thinks that Adenauer is waiting like Santa Claus with a big bag of packages to give to the little Jews who come marching by at Christmas time...forget about it...It is going to take a lot of hard work before you get anything."⁸⁷ Before coming to the conference, Ferencz had asked John McCloy, the U.S. High Commissioner for Germany, to raise the topic of compensation to the Jews in his meeting with Adenauer. Adenauer answered McCloy, "Let some of the representatives come and talk to me informally first, and then we'll talk about it."⁸⁸ Ferencz concluded from this that Germany wanted to meet not only with Israel but with a small Jewish group that had broad representation and backing from leading Jewish organizations.⁸⁹

⁸⁵ Meeting transcript, p. 130.

⁸⁶ Meeting transcript, pp. 130–139 (p. 138).

⁸⁷ Meeting transcript, p. 144.

⁸⁸ Meeting transcript, p. 144.

⁸⁹ Meeting transcript, pp. 145–146.

4.2 General Discussion

In addition to leading the British Section of the WJC, Noah Barou was an expert on the German economy and added his knowledge to the experts' views. Barou said the German economy would exceed \$4 billion in foreign trade in 1952, many times more than the value of its exports in 1948, and would deliver on orders for heavy machinery faster than England or the United States. Germany's economy, therefore, could deliver Israel's claim in goods and services (as Israel had requested in its note).⁹⁰ According to Barou, "the real possibility to get *tachlos* [something concrete]...is to start deliveries to Israel, deliveries which will use very little dollar materials and will be built on German labor, which is anyhow unemployed, and on German materials which will be extremely useful for the economy of Israel...."⁹¹

A. G. Brotman, a delegate from the Board of Deputies of British Jews, followed on and proposed broad representation in the body that would present the Jewish claim. That representation "should be of the widest possible character...[and] should certainly include some means of liaison with those speaking for Israel."⁹² Brotman suggested that organizations like JRSO, JDC, and JA be present in that negotiating body because of their worldwide recognition.

Bernstein (B'nai B'rith) expressed concern over maintaining a division between the Israeli and the Jewish claim. Should Israel present only its collective claim, Germany could reply that Israel did not exist when these damages occurred or that it does not represent the entirety of the Jews, thereby weakening its negotiating position. Bernstein proposed the establishment of a legal organization with wide representation to function alongside Israel and jointly advance claims for a certain amount, of which a part should go to Israel as a general claim.⁹³

Goldmann then offered his perspective on how to negotiate the Jewish claim. For him, the success depended on a "sweeping approach" driven by principles and not time-consuming legalities (as Ferencz described in regard to JRSO's work). The negotiators are to say to the Germans "Look here, these are our claims....If you want some financial settlement for your own calculations, let's sit down and fix an amount; leave it to us to name it; it will go through goods to Israel; we will divide it with Israel, it is none of...your business, put it through, but quick."⁹⁴ Should

⁹⁰ Meeting transcript, pp. 152–156. The Claims Conference, too, agreed later to have its claim paid in deliveries of goods and services to Israel, which the government then converted into cash payments.

⁹¹ Meeting transcript, p. 164.

⁹² Meeting transcript, p. 165.

⁹³ Meeting transcript, p. 173.

⁹⁴ Meeting transcript, p. 179.

Germany choose to be parsimonious, negotiations are to be abandoned. If Germany agreed to this approach, then the negotiators should present a list of Jewish claims based on various categories of damage and expenditure, and say to the Germans:

We don't know if all of this is legally justified – it will amount to billions....We don't expect billions, but we certainly expect hundreds of millions, otherwise is no use....Then say: Think it over. Talk to your experts. Talk to Schumacher⁹⁵ and talk to your Parliament, the heads of Parties. Are you ready? All right. We will name a billion, Israel will name a billion. We will negotiate, and the experts will devise ways and means to transfer it. If you don't think in such [large] terms, let's forget about it.⁹⁶

For that to happen, however, there first needed to be established a machinery, a “loose organization” to represent the Jewry's claims and negotiate with the Germans.⁹⁷ When Pat (Jewish Labor Committee) asked if Schumacher should be approached before Adenauer, Goldmann expressed his belief that Adenauer desired to settle the matter and should be approached first, but he reaffirmed the need for an “ad hoc loose organization...with a smaller Executive Committee to handle the business.”⁹⁸ Garber (CJC) warned that even a formal entity such as the State of Israel faced challenges with its claim, let alone an informal organization sending a few people to negotiate quietly. Goldmann countered, clarifying that he meant a temporary organization to negotiate, not a weak instrument. To keep the press at bay but give the delegates something to bring home to their constituents (a concern for Pat), Goldmann suggested issuing a communique at the end of the conference expressing the organizations' support for Israel's claim and “say we have set up an organization and this organization will name an interim committee....”⁹⁹ After these remarks, the chairman called on each delegation to send a representative to the Committee on Resolutions. The organizations took the decision to bring additional claims against Germany in that meeting.¹⁰⁰

95 Kurt Schumacher, leader of the Social Democratic Party, an opposition party in the Adenauer government.

96 Meeting transcript, pp. 185–186. Nehemiah Robinson (1962, 163) estimated conservatively the total value of Jewish assets spoliated by the Nazis and their collaborators at \$12 billion (at values as of that time).

97 Meeting transcript, p. 186.

98 Meeting transcript, p. 187.

99 Meeting transcript, p. 195.

100 Meeting transcript, p. 200; see also pp. 147–149.

5 Third Plenary Session

The conference resumed on Friday, October 26, with Goldmann announcing that the committee had reached a positive decision.¹⁰¹ As previously stated, the committee's deliberations or the names of its members are not in the transcript, only the statement expressing its decision to press for more claims.¹⁰² The statement reflected the concerns expressed earlier by many delegates. It began by stressing the purpose of the conference ("called together for the sole purpose of considering Jewish material claims against Germany") and rejected their critics' assertion that seeking compensation meant permitting Germany to expiate for its Holocaust sins ("no indemnity, however large, can make good the destruction of human life and cultural values or atone for the agony of the men, women, and children tortured or put to death by every inhuman device"). By the same token, the statement conveyed the conference's conviction that even the most basic principles of morality demanded seeking a measure of justice for the victims ("every elementary principle of justice and human decency requires that the German people shall, at the least, restore the plundered Jewish property, indemnify the victims of persecution, their heirs and successors, and pay for the rehabilitation of the survivors"), and recalled Israel's March note in support of that principle. About Adenauer's declaration, it read "the value of the statement made by the Chancellor...and approved unanimously by the West German Parliament, acknowledging the responsibility of the German people for the crimes committed during the Nazi regime and the obligation to make moral and material amends, will be judged by the speed and extent of its implementation."

Three resolutions followed. The first affirmed the conference's "wholehearted" support for Israel's claim. Contrary to Eban's request, it said nothing about prioritizing Israel's claim. The second resolution called for the "satisfaction of all other Jewish claims against Germany," namely, restitution and indemnification to individuals, successor organizations and others, and for rehabilitation of the Jewish victims of Nazi persecution. The third asked for improvements to legislation. In its other half, the statement announced the formation of two "ad-hoc committees," a Policy Committee (consisting of one representative from each organization present)

101 Goldmann apologized for a slight delay in starting the session "due to a telephone call from Jerusalem," a likely indication that Israel's leadership was already informed of the conference's decision.

102 For a full text (first draft) of the statement, see Meeting transcript, pp. 202–204. Goldmann read it and then translated it from the pulpit into Yiddish (a version in Yiddish was prepared as well) for those who were not at home in English.

and an Executive Committee (members elected to govern and not as representatives of their organizations).¹⁰³

When asked to give input on the conference statement, participants requested changes to its wording. Agudath, who refused to send a representative to the Resolutions Committee, spoke first. Solomon Goldsmith, its adviser, asked that the statement not mention Adenauer's declaration, so that reparations were in no way seen as Germany purging its guilt (based on Agudath's interpretation of the declaration). D. Callmann, a delegate from the Council for the Protection of the Rights and Interests of Jews from Germany, suggested removing the word "unanimously" from the text, because some in the Bundestag had abstained and even voted against Adenauer's declaration. Irving Miller, the president of AJ Congress, challenged Goldsmith, saying a resolution of this kind cannot ignore Adenauer's declaration. He also wanted to replace the word "value" with "sincerity" or, as one other member offered, "significance" in the statement ("the value of the statement made by the Chancellor..."). He further noted that the phrase "Demands satisfaction of all other Jewish claims..." in the second resolution creates the impression that the Jewish claim stands separate from, if not in opposition to, Israel's claim. Goldmann insisted on distinguishing between Israel's claim and "the claims of Jews living in Germany or elsewhere and who have their own claim against Germany." Colonel Bernstein pointed out that the statement's characterization of Adenauer's declaration ("acknowledging the responsibility of the German people for the crimes committed during the Nazi regime") was less than what Adenauer actually said ("unspeakable crimes were committed in the name of the German people, and we have the obligation..."). Goldmann amended the statement to read "acknowledging that unspeakable crimes were committed." Other speakers quarreled over whether or not Adenauer's statement absolves the German people of the Nazi crimes. Goldmann took that input in and amended the conference's statement yet again to read "acknowledging the responsibility of the German people for the unspeakable crimes committed in their name, and their obligation to make moral and material amends."¹⁰⁴

Goldsmith again took issue with the statement, questioning whether it should say that Adenauer's declaration acknowledged Germany's "responsibility" for the Nazi crimes when in fact Adenauer said only that atrocities were committed "in the name of" and not "by" the German people. It troubled Goldsmith that, if unchanged, the statement might inadvertently exculpate the German nation from acknowledging collective responsibility for the Nazi crimes. Jacques Torczyner (a JA

¹⁰³ Meeting transcript, pp. 202–204.

¹⁰⁴ For other back-and-forth exchanges over amending the conference's statement, see Meeting transcript, pp. 205–221.

non-delegate member) urged the conference to keep the statement as is, since Germany's decision to make amends assumed the taking of responsibility for the crimes. Goldsmith, however, insisted that Agudath would not endorse the statement as it was. Surprised by Agudath's inflexibility, Goldmann and Maurice Boukstein (a JA advisor) stressed the importance of unanimous support for the statement and for influencing Jewish and non-Jewish public opinion later on. After more renditions from Goldsmith, Ferencz, Boukstein, David Petegorsky (AJ Congress advisor) and others, Agudath was eventually satisfied. It read "The significance of the statement made by the Chancellor of the German Federal Government...acknowledging that the unspeakable crimes committed during the Nazi regime impose on the German people the obligation to make amends, will be judged by the speed and extent of its implementation."¹⁰⁵

The discussion finally turned to the two committees established to prosecute the claims. The Policy Committee could not establish its membership until each organization elected a representative from its ranks. The committee's goal was to formulate the Jewish claims. The Executive Committee, on the other hand, was charged with monitoring political developments, but since "the whole thing is yet in the air," its decision on any practical steps would have to wait until "the elements, the conditions are...there."¹⁰⁶ The name list proposed by Goldmann for election to the Executive Committee grew to include both Lewin of Agudath and a representative from the Jewish community of France (yet to be named). The JDC remained an observer in this forum as well. The list included Noah Barou, Leo Beck, Jacob Blaustein, Samuel Bronfman, Abraham Cohen, Frank Goldman (B'nai B'rith president, chosen in absentia), Nahum Goldmann, Israel Goldstein, Adolph Held, Shad Polier, Isaac Lewin, and the delegate from France.¹⁰⁷ General Julius Klein, supported by Saul Gold (both representing the Jewish War Veterans), proposed the appointment to the Executive of someone from the military, like Colonel Bernstein, to elevate the role of the (Jewish) armed forces in defeating Nazism. Goldmann sympathetically refused to reopen the list (plus, Colonel Bernstein declined the offer). Practical considerations (meeting at short notice) led to his choices, hence the absence of delegates from South Africa, Argentina, and Australia in the Executive.¹⁰⁸ As conference chair, Goldmann also assumed the prerogative of convoking the first meeting of the Executive Committee, effectively making himself the provisional head of that organ, too. Thanking everyone for their participation and

¹⁰⁵ Meeting transcript, pp. 227–232 (p. 232).

¹⁰⁶ Meeting transcript, p. 221–222.

¹⁰⁷ Meeting transcript, pp. 249, 251.

¹⁰⁸ Meeting transcript, pp. 255–258.

unity, he expressed satisfaction that the conference had gone “much better than I was afraid at certain moments,” considering that a Jewish conference “is always a risky undertaking.”¹⁰⁹

6 Final Meeting: Luncheon Session

The last session, held after lunch in the hotel’s Jenssen Suite, consisted of only two brief remarks before the press. Goldmann conveyed the conference’s unreserved support for Israel’s demand as well as the organizations’ decision to press for additional claims. He pointed out (repeatedly) the delegates’ unanimous endorsement of the conference statement (now distributed to the press), which was a testament to the Jewish organizations’ resolve to hold Germany accountable for the Nazi crimes. The conference, he added, would decide later about holding direct negotiations (conditioned on Germany meeting other steps). The closing part mentioned the two ad hoc committees set up to prosecute the Jewish claim.¹¹⁰ Ambassador Eban, too, praised the conference’s exceptional achievement in uniting the Jewish world over a “definition of German obligations and of Jewish rights.”¹¹¹ Israel’s claim, he noted, was rooted in the needs of Holocaust survivors, as well as in Jewish dignity that refused giving Germany the “spoils” of its victims.¹¹² Recognizing that Adenauer’s statement was an important step in acknowledging Germany’s obligation to make amends, Eban saw yet “no assurance of a vast and unconditional action to implement that obligation.” Consequently, the “Government of Israel has not yet taken any decision with regard to the possibility of negotiating directly or indirectly with German authorities.”¹¹³ The statement issued by the conference upon its conclusion contains the following text:

This Conference was called together for the sole purpose of considering Jewish material claims against Germany.

The Conference, recalling the appalling martyrdom and losses suffered by Jews at the hand of Nazi Germany, declares that crimes of the nature and magnitude perpetrated by Nazi Germany against Jews cannot be expiated by any measure of material reparations. No indemnity, however large, can make good the destruction of human life and cultural values or atone for the agony of men, women, and children tortured or put to death by every inhumane device.

¹⁰⁹ Meeting transcript, pp. 261.

¹¹⁰ Meeting transcript, pp. 264–285.

¹¹¹ Meeting transcript, p. 286.

¹¹² Meeting transcript, p. 289.

¹¹³ Meeting transcript, pp. 294–295.

Every elementary principle of justice and human decency requires that the German people shall, at the least, restore the plundered Jewish property, indemnify the victims of persecution, their heirs and successors, and pay for the rehabilitation of the survivors. In this connection the Conference recalls the note of the Government of Israel presented to the Occupying Powers on March 12, 1951.

The significance of the statement made by the Chancellor of the German Federal Government on September 27, 1951, and approved by the West German Parliament, acknowledging that the unspeakable crimes committed during the Nazi regime impose on the German people the obligation to make amends, will be judged by the speed and extent of its implementation.

The Conference notes that no acknowledgement of responsibility or readiness to make any amends has been made by Eastern Germany.

The Conference:

1. Records its wholehearted support of the claim advanced by the Government of Israel in respect of the rehabilitation in Israel of victims of Nazi persecution.
2. Demands satisfaction of all other Jewish claims for restitution and indemnification by individuals, successor organizations and others, and for the rehabilitation of the Jewish victims of Nazi persecution.
3. Calls for immediate steps to improve existing restitution and indemnification legislation and procedure, to enact such legislation where it does not exist and to speed up the settlement of Jewish claims in these fields.

With respect to Jewish material claims against Germany, the Conference creates two ad hoc committees:

1. A Policy Committee consisting of one representative from each of the organizations sponsoring and participating in this conference.
2. An Executive Committee consisting of nine persons which is authorized to take such practical steps as developments may necessitate.¹¹⁴

7 Conclusions

The decision by the Jewish organizations in the conference to seek additional compensation from Germany for damages not covered by Israel's demand was, as the transcript shows, a collective effort. The organizations contributed to that resolution in two specific areas. First of all, regarding claims, the Israeli and Jewish representatives met in New York at odds over their material demands. Goldmann wanted the organizations to make a collective claim for restitution and indemnification and present it alongside Israel's known demand. Ambassador Eban, stressing Israel's importance in the aftermath of the Holocaust, urged the organizations to prioritize Israel's demand, if not agree to its complete monopoly on reparations. The idea of Israel alone seeking and receiving compensation gained no traction with the

¹¹⁴ Meeting transcript, appended pages with no page numbers.

organizations. However, out of the 14 organizations that took the floor, seven organizations initially favored prioritizing Israel's demand over their own claims (Jewish Labor, AJ Congress, British Board of Deputies, Australian Jewry, Synagogue Council of America, Anglo-Jewish Association, and Agudath). While not questioning the importance of Israel's demand, just as many organizations made no mention of prioritization (AJ Committee, Council for the Protection of Rights and Interests of Jews from Germany, WJC, CJC, South Africa Board, B'nai B'rith, and JA if we add Goldmann). One more organization, the Jewish War Veterans, appeared undecided.

The Resolutions Committee settled this debate. All organizations, with the exception of Agudath, agreed to a formulation of Jewish claims against Germany that included no ranking of their satisfaction over and against Israel's demand. How the representatives solved the prioritization issue is not recorded in the transcript. However, if Agudath's cooption into the conference is any indication, the Committee may have considered the matter as something that should be decided later. From the beginning, Agudath was an outlier among the organizations, rejecting negotiations with Germany and refusing to participate in the Resolutions Committee. Yet, Goldmann's insistence on postponing the decision to negotiate directly with Germany made it easier for Agudath to accept the conference's resolutions. Similarly, when Agudath challenged the presentation of Germany's assumption of responsibility for the Holocaust in the initial draft of the proclamation, countless renditions of the phrase were offered until its wording satisfied Agudath (the transcript devotes 20 pages to resolving this issue, pp. 227–247). This conduct suggests that, to the extent it remained a divisive aspect for the Resolutions Committee, the "prioritization" issue was postponed and, contrary to Eban's request, its language remained out of the proclamation.

The organizations left their mark on another contentious area, namely the entity to pursue the Jewish claim. Goldmann's notion of a "loose" organization designed to meet a specific and temporary purpose invited criticism. Shad Polier (AJ Congress), acknowledging the Jewry's right to compensation, suggested that Israel alone be the recipient of reparations, effectively limiting this body's role to only conducting negotiations. By contrast, Brotman (British Board of Deputies), Bernstein (B'nai B'rith), and Goldmann envisioned an entity, akin to the successor organizations, which could negotiate and administer funds. In this vein, Cohen and Brotman (British Board of Deputies), along with Horwitz (South Africa Board of Deputies), Berlin (Anglo-Jewish Association), and Bernstein (B'nai B'rith) insisted on broad representation in negotiation. The formation of an all-inclusive Policy Committee clearly reflected the organizations' expectation to have a voice in the matter. The Executive Committee, too, satisfied an important need (most of all Goldmann's) to have a body able to respond quickly to developing circumstances. Dubbed the "small committee," it still included 12 senior figures, among them Lewin (Agudath), who

could assemble at relatively short notice due to their location, primarily in the U.S. and Western Europe.

And indeed, both committees became immediately active in the months leading up to the decision to negotiate directly with Germany. For example, on November 8, 1951, on the eve of the Kristallnacht pogrom anniversary, a delegation of the Conference's Executive Committee (including Goldmann, Goldstein, Held, and Bernstein) and others visited the U.S. Under Secretary of State James E. Webb. The visit centered around the conference's proclamation to bring a claim alongside Israel against Germany.¹¹⁵ The outline of a thought-out Jewish demand first emerged in November and December from a group of experts mobilized by Saul Kagan, the newly appointed secretary of the organization.¹¹⁶ On December 26, 1951, after obtaining Adenauer's acceptance of Israel's demand and an invitation to the Conference to participate alongside Israel in negotiations, Goldmann urged the Executive Committee to approve direct negotiations (summoning the Policy Committee to convene for a vote as well).¹¹⁷ On January 20, 1952, shortly after the Israeli government narrowly obtained authorization to conduct direct negotiations (amid violent protests in Jerusalem), the Policy Committee voted to follow suit. The Agudath organization again opposed direct negotiations, and two other organizations that appeared more amenable during the founding meeting (Executive Council of Australian Jewry and the Synagogue Council of America) abstained from voting.¹¹⁸ The meeting turned "bitter and stormy," but it did not reach unanimity (Sagi 1986, 82). Still, 16 organizations (including the newly incorporated Central Council of Jews from Germany) maintained course and after six months of intensive negotiations at Wassenaar, near The Hague, the Conference secured a commitment of 450 million Deutsche Marks (\$107 million) as compensation for Jewish heirless property and a pledge to improve legislation (the Federal Republic concluded a separate agreement with the State of Israel). Concluded in Luxembourg on September 10, 1952, less than a year after the creation of the Claims Conference, the agreement was unprecedented in history.

Seven decades later, the Claims Conference still fights for a measure of justice for Jewish survivors worldwide. While no amount of compensation can ever restore the loss caused by the Holocaust, Germany has paid billions of dollars to rehabilitate the Jewish victims (Taylor et al. 2020, 203–214; Heilig 2002, 176–196). Reparations scholars

¹¹⁵ See CCA, file 7027, digital page numbers 11–13.

¹¹⁶ See CCA, file 16702, digital page numbers 61–69; file 7016, digital pages 3–7; file 7026, digital pages 1–9.

¹¹⁷ See Memorandum from Dr. Nahum Goldmann to Executive Committee, Conference on Jewish Material Claims Against Germany, December 27, 1951, American Jewish Joint Distribution Committee Archive, New York collection 1945–1954, file reference code 1555.

¹¹⁸ For a press release following the Policy Committee meeting, see CCA, file 7027, digital page numbers 14–16. See also, Roth 1977, 18.

(Woolford and Wolejszo 2006, 871–901) rightly attribute the Claims Conference's unparalleled success in negotiating compensation to the moral principles and organizational structure laid down at its founding meeting.

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