

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3], [REDACTED 4],
[REDACTED 5], [REDACTED 6], [REDACTED 7], [REDACTED 8], [REDACTED 9],
[REDACTED 10], [REDACTED 11], [REDACTED 12], [REDACTED 13], [REDACTED 14],
[REDACTED 15], [REDACTED 16], [REDACTED 17] and [REDACTED 18]

in re Accounts of Lilli Schocken and *Einkaufszentrale I. Schocken Söhne GmbH*

Claim Numbers: 005317/RS; 005318/RS

Award Amount: 487,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Salman Schocken and Lilli Schocken.¹ This Award is to the published account of Lilli Schocken (“Account Owner Schocken”), over which Salmann Schocken and *Einkaufszentrale I. Schocken Söhne GmbH* held power of attorney, at the Basel branch of the [REDACTED] (the “Bank”); and to the unpublished accounts of Account Owner Schocken and Account Owner *Einkaufszentrale I. Schocken Söhne GmbH* (“Account Owner *Einkaufszentrale*”) at the Bank.

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying Account Owner Schocken as her grandmother, Lilli (Zerline) Schocken, who was born on 30 June 1889 in Frankfurt, Germany, and was married on 5 April 1910 to Salman (Salmann) Schocken, whom she identified as Power of Attorney holder Salman Schocken. The Claimant stated that Lilli Schocken had five children: [REDACTED] (the Claimant’s father); [REDACTED]; [REDACTED], née [REDACTED]; [REDACTED]; and [REDACTED], all of whom have passed away.

The Claimant further identified power of attorney holder “*Einkaufszentrale I. Schocken Söhne GmbH*” (“*Einkaufszentrale*”) as the parent company of a chain of department stores in Germany

¹ In a separate decision, the CRT awarded the account of Salmann Schocken to the Claimant. See *In re Account of Salmann Schocken* (approved on 20 May 2004).

named “*Kaufhaus Schocken*”, which was co-owned by her grandparents Lilli Schocken and Salman Schocken. The Claimant further explained that the chain’s headquarters were located, as of 1901, at Wendauer 7, Zwickau, Germany, and that her grandmother also resided in Zwickau.

The Claimant stated that her grandparents, Lilli and Salman Schocken, who were Jewish, were persecuted by the Nazis, and fled together from Germany to Palestine in 1934. The Claimant also explained that her grandparents’ business *Einkaufszentrale* was confiscated by the Nazis in 1938.

According to the Claimant, in 1940, her grandparents emigrated to Scarsdale, New York, the United States, where Lilli Schocken died on 19 September 1958. The Claimant added that her grandfather Salman Schocken passed away on 6 August 1959.

In support of her claim, the Claimant submitted copies of the wills of both her grandmother and her grandfather, both of whom designated all five of their children, namely [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], as their heirs. The CRT notes that the will of Lilli Schocken includes a reference to the restitution of the family’s German business prior to 1 January 1954.

The Claimant is representing several of her family members, all of whom are the descendants of Lilli Schocken, as follows: (i) [REDACTED 2] and [REDACTED 3] (the children of Gustav [REDACTED]); (ii) [REDACTED 4], [REDACTED 5] and [REDACTED 6] (the children of [REDACTED]); (iii) [REDACTED 7], [REDACTED 8], [REDACTED 9] and [REDACTED 10] (the children of [REDACTED]); (iv) [REDACTED 11] (the son of [REDACTED]); [REDACTED 12] and [REDACTED 13] (the children of [REDACTED]’s son [REDACTED]); and [REDACTED 14], [REDACTED 15] and [REDACTED 16] (the children of [REDACTED]’s daughter [REDACTED]); and (v) [REDACTED 17] and [REDACTED 18] (the children of [REDACTED]).

The Claimant stated that she was born on 30 November 1942 in Tel Aviv, Israel.

Information Obtained by the CRT

According to research conducted by the CRT, Salman Schocken, a German Jewish publisher and businessman, was the son of Jewish shopkeeper in Posen. In 1901, he traveled to Zwickau, a town in southwest Saxony, to help run a department store owned by his brother, [REDACTED]. Together they built up the business and established a chain of stores all over Germany. In Stuttgart, Schocken commissioned the German Jewish architect Erich Mendelsohn to build the *Kaufhaus Schocken*. In 1915 Schocken was co-founder of the Zionist journal *Der Jude* (with Martin Buber). After [REDACTED]’s death in 1929, Salman Schocken became sole owner of the firm. The same year, he established the Schocken Institute for Research on Jewish Poetry. In 1931, he founded the publishing company Schocken Verlag, which reprinted the recently completed Buber-Rosenzweig translation of the Bible.

In 1934, Schocken fled Germany for Palestine. In 1940, he settled in the United States. In

Jerusalem, he built the Schocken Library, also designed by Erich Mendelsohn. He was a board member of the Hebrew University of Jerusalem and bought the newspaper Haaretz. He also founded Schocken Publishing House Ltd. and opened another branch in New York (Schocken Books). The Nazis forced him to sell his German enterprises to Merkur AG, but he managed to recover some of his property after the War.

Schocken became the patron of Shmuel Yosef Agnon when he was a struggling writer in Palestine. Recognizing Agnon's literary talent, Schocken paid him a stipend that relieved him of financial worries and allowed him to devote himself to writing (Agnon went on to win the Nobel Prize for Literature).²

Schocken's collection of Jewish books was smuggled out of Germany and have a permanent home at The Schocken Institute for Jewish Research of the Jewish Theological Seminary of America in Jerusalem. According to its website:

The Schocken Library is a rare book and research library serving scholars in Israel and throughout the world. The nucleus of the collection contains the private collection of the late Zalman Schocken, whose dedication to public affairs was immeasurable. Unlike other collectors, Zalman Schocken neither collected books for collection's sake alone nor for the sheer purpose of exhibiting them. He was guided by a deep sense of respect and awe towards the books in the "Wandering Jew's" traveling sack. Those books became the portable homeland of the people in exile - setting it apart, as well as uniting it.

The Schocken collection is unique among private collections, both in its immense size, as well as its importance. The collection consists of several hundred manuscripts, a Hebrew incunabula collection (housed in The Jewish National and University Library in Jerusalem), and more than fifty thousand volumes including numerous first editions, and unique research material. The Schocken Library ranks as one of finest Judaic libraries in the world.

The Schocken collection is the only collection of Jewish books which escaped the hands of the Nazi's. In 1935 the collection was smuggled out of Germany in a complex operation. During the Holocaust the library in Jerusalem served as a hideaway for Jewish writers and researchers on the run from the hands of Hitler.³

Publisher's Weekly's review of Anthony David's biography of Salman Schocken describes the impact of Schocken's life and work:

Salman Schocken (1877 - 1959) led an extraordinary life. An East European Jew by birth, he flourished as a businessman and cultural entrepreneur in Germany, Palestine and Israel, and the United States. His great marketing insight was that common people desired quality goods, so long as they were affordable. Before WWI and into the 1920s, he turned a small retail shop into a modern department store chain, following

² See, e.g., [http://www.google.ch/search?hl=en&q=%22samuel+wachtell%22&btnG=Search&meta=;](http://www.google.ch/search?hl=en&q=%22samuel+wachtell%22&btnG=Search&meta=) <http://www.forward.com/articles/7288/>; See also Anthony David, *The Patron: A Life of Salman Schocken (1877-1959)* Metropolitan Books (Henry Holt and Company), 2003.

³ See http://www.schocken-jts.org.il/f_eng_lib.htm.

the most efficient business principles and commissioning the great modernist architect Erich Mendelsohn to design his flagship store. But Schocken's true loves were books and Jewish and German culture. He amassed a library of treasures, including medieval Jewish manuscripts and first editions of Goethe and others. A modern Medici, Schocken supported with stipends and advice (not always desired) many of the great Jewish cultural figures of the first half of the 20th century, including S.Y. Agnon, Martin Buber and Gershom Scholem. Like so many German Jews, his belief in German rectitude and culture blinded him to the seriousness of the Nazi threat, and only very late and with a great deal of good fortune was he able to move his family and some of his wealth to Palestine. His greatest legacies were the establishment of Hebrew University in Jerusalem, in which he played a key role, and Schocken Books, which remains to this day an important imprint.

The Schocken books page at the Random House website tells the history of Schocken books in the United States:

Schocken Books, founded by Salman Schocken in Germany in 1931, began publishing in the United States in 1945 and became part of Random House, Inc., in 1987. Building upon its historic commitment to publishing Judaica, Schocken's authors include S. Y. Agnon, Sholem Aleichem, Aharon Appelfeld, Martin Buber, Tikva Frymer-Kensky, Franz Kafka, Francine Klagsbrun, Harold S. Kushner, Joan Nathan, Rabbi Jonathan Sacks, Gershom Scholem, Rabbi Adin Steinsaltz, Elie Wiesel, Simon Wiesenthal, and Dr. Avivah Zornberg.⁴

Information Available in the Bank's Records

The Bank's records consist of three power of attorney forms, and a signed confirmation of receipt of the Bank's terms and conditions applicable to custody accounts. According to these records, the Account Owner was *Frau* (Mrs.) Lilli (Zerline) Schocken, née Ehrmann, and the Power of Attorney holders were Account Owner Schocken's husband, *Herr* (Mr.) Salman Schocken, and the business *Einkaufszentrale*, represented by the joint signatories Mr. Stern and Mr. M. Goldmann. The Bank's records further indicate that Lilli Schocken and Power of Attorney holder Salman Schocken resided at Lessingstrasse 29, Berlin-Zehlendorf, Germany, and that the business *Einkaufszentrale* was based in Zwickau, Germany.

The Bank's records indicate that Lilli Schocken held a custody account numbered 36684. These records also include the signatures of Account Owner Schocken and Power of Attorney holder Salman Schocken. The Bank's records do not indicate the value of this account.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

⁴ See <http://www.randomhouse.com/schocken/about/>.

The Bank's records also contain documents regarding the legal status of *Einkaufszentrale*, and restitution of its assets by the German authorities. These records include a number of Chemnitz, Germany corporate registry entries for *Einkaufszentrale*, which indicate that that company was formally wound up in March 1939. Those records also indicate that the company was legally reconstituted in 1993 for restitution purposes, and that the representatives of the company in 1993 were [REDACTED 1] and [REDACTED], both of Israel.

The records also contain a 28 April 1994 decision of the Chemnitz City Registry Court (*Amtsgericht Chemnitz- Registergericht*), indicating that [REDACTED 1], [REDACTED 2], [REDACTED 3], [REDACTED 5], [REDACTED 4], [REDACTED 6], [REDACTED 7], [REDACTED 8], [REDACTED 9], [REDACTED 10], [REDACTED 13], [REDACTED 12], [REDACTED], [REDACTED 11], [REDACTED 17], and [REDACTED 18], all had a claim to restitution of the assets belonging to *Einkaufszentrale*.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of lists of numbered accounts, a bank ledger sheet, and printouts from the Bank's database.

These documents indicate that Lilli Schocken held a custody account numbered 19899, which was opened on 17 November 1936 and closed on 26 January 1940. The records also indicate that *Einkaufszentrale* held a custody account numbered 10228, which was opened on 21 October 1930 and closed on 8 December 1936. The Bank's records do not indicate to whom these accounts were closed, nor do these records indicate the value of these accounts.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandparents' names and country of residence match the published names and country of residence of Account Owner Schocken and Power of Attorney holder Salman Schocken, and the Claimant's grandparents' company's name matches the published name of Account Owner *Einkaufszentrale*. The Claimant also identified Account Owner Schocken's alternative first name, Zerline; the fact that Account Owner Schocken and Power of Attorney holder Salman Schocken were married; and the fact that Account Owner *Einkaufszentrale* was located in Zwickau, all of which matches unpublished information about Account Owner Schocken, Power of Attorney holder Salman Schocken, and Account Owner *Einkaufszentrale* contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her grandparents' wills, providing independent verification that the person who is claimed to be Account Owner Schocken had the same name recorded in the Bank's records as the name of Account Owner Schocken. The CRT notes that the name Lilli Schocken appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Schocken and the owners of Account Owner *Einkaufszentrale* were Victims of Nazi Persecution. The Claimant stated that Account Owner Schocken and her husband Salman Schocken were Jewish; that they were persecuted by the Nazis; that their family business, *Einkaufszentrale*, was appropriated by the Nazis; and that the family fled from Germany to Palestine in 1934.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Schocken and the owners of *Einkaufszentrale* by submitting specific information and documents, demonstrating that Account Owner Schocken was her grandmother, and that the owners of *Einkaufszentrale* were her grandparents. In support of her claim, the Claimant submitted her grandparent's wills, both of which designate their five children, namely [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], as their heirs.

The CRT further notes that the Claimant identified unpublished information about Account Owner Schocken and Account Owner *Einkaufszentrale* as contained in the Bank's records. There is no information to indicate that Account Owner Schocken and the owners of *Einkaufszentrale* have surviving heirs other than the Claimant and the parties whom the Claimant represents.

The Issue of Who Received the Proceeds

With respect to custody account numbered 36684, which was held by Account Owner Schocken, the CRT notes that the Bank's records do not indicate when the account was closed. Given that the Bank's records do not indicate to whom that account was closed; that there is no record of the payment of Account Owner Schocken's account numbered 36684 to her, nor any record of a date of closure of that account; and given the application of Presumption (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the proceeds of custody accounts numbered 36684 and 19899 were not paid to Account Owner Schocken, the Power of Attorney holders, or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

With respect to custody account 10228, which was held by Account Owner *Einkaufszentrale*, the Bank's records indicate that the Claimant and/or other members of her family contacted the Bank some time after 1994 with information regarding the ownership of *Einkaufszentrale* and restitution of that company's assets. Those records indicate, as described above, that the

Claimant and other members of her family were judged by a German court in 1994 to be entitled to restitution of the assets of *Einkaufszentrale*. The CRT notes that, even though a German court held that the Claimant and her family members, including many of the represented parties, were entitled to the assets that had belonged to *Einkaufszentrale*, and even though records regarding the restitution of assets belonging to *Einkaufszentrale* appear in the Bank's records, it is not clear whether the Claimant and/or her other family members, including the represented parties, received the proceeds of custody account numbered 10228 which was held by *Einkaufszentrale*, and which was closed on 8 December 1936. Indeed, the court decision in the Bank's records does not describe the exact assets to which the Claimant and other members of her family were judged to be entitled, and there is no evidence that the Bank provided information about this account, its contents, or the circumstances of its closure to the restitution court in Germany. Based upon these considerations, and given that the Bank's records do not indicate to whom that account was closed; that Account Owner Schocken fled her country of origin due to Nazi persecution; that she may have had relatives remaining in their country of origin and that she may therefore have yielded to Nazi pressure to turn over their accounts to ensure their safety; that there is no record of the payment of the account owned by *Einkaufszentrale* numbered 10228; that *Einkaufszentrale* was confiscated by the Nazis in 1938; and given the application of Presumption (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the proceeds of custody accounts numbered 10228 were not paid to owner of Account Owner *Einkaufszentrale* or their heirs.

The CRT notes that custody account numbered 19899, which was held by Account Owner Schocken, was opened on 17 November 1936 and closed on 26 January 1940, at which time, according to information provided by the Claimant, Account Owner Schocken was outside Nazi-dominated territory. However, given that the Bank's records do not indicate to whom that account was closed; that Account Owner Schocken fled her country of origin due to Nazi persecution; that she may have had relatives remaining in their country of origin and that she may therefore have yielded to Nazi pressure to turn over their accounts to ensure their safety; that the account was opened prior to the closure of the account numbered 10228 owned by Account Owner *Einkaufszentrale* on 8 December 1936; that there is no record of the payment of Account Owner Schocken's account numbered 19899 to her; and given the application of Presumption (j), as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the proceeds of custody account numbered 19899 were not paid to Account Owner Schocken, the Power of Attorney holders, or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and the represented parties. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Schocken was her grandmother, and that the owners of *Einkaufszentrale* were her grandparents, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither Account Owner Schocken, nor the Power of Attorney holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Schocken held two custody accounts and Account Owner *Einkaufszentrale* held one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”). Thus, the combined 1945 average value of the three custody accounts was SF 39,000.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 487,500.00 for the three accounts.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing (i) [REDACTED 2] and [REDACTED 3] (the children of [REDACTED]); (ii) [REDACTED 4], [REDACTED 5] and [REDACTED 6] (the children of [REDACTED]); (iii) [REDACTED 7], [REDACTED 8], [REDACTED 9] and [REDACTED 10] (the children of [REDACTED]); (iv) [REDACTED 11] (the son of [REDACTED]); [REDACTED 12] and [REDACTED 13] (the children of [REDACTED]’s son [REDACTED]); and [REDACTED 14], [REDACTED 15] and [REDACTED 16] (the children of [REDACTED]’s daughter [REDACTED]); and (v) [REDACTED 17] and [REDACTED 18] (the children of [REDACTED]). Accordingly, as the descendants of Account Owner Schocken’s children, the Claimant and the parties she represents are entitled to the following portions of the total award amount of SF 487,500.00:

Name of Party	Portion	Amount
Claimant	1/15	32,500.00
[REDACTED 2]	1/15	32,500.00
[REDACTED 3]	1/15	32,500.00
[REDACTED 4]	1/15	32,500.00
[REDACTED 5]	1/15	32,500.00
[REDACTED 6]	1/15	32,500.00
[REDACTED 7]	1/20	24,375.00
[REDACTED 8]	1/20	24,375.00
[REDACTED 9]	1/20	24,375.00
[REDACTED 10]	1/20	24,375.00
[REDACTED 11]	1/15	32,500.00
[REDACTED 12]	1/30	16,250.00
[REDACTED 13]	1/30	16,250.00
[REDACTED 14]	1/45	10,833.34
[REDACTED 15]	1/45	10,833.33
[REDACTED 16]	1/45	10,833.33
[REDACTED 17]	1/10	48,750.00
[REDACTED 18]	1/10	48,750.00
TOTAL	1/1	487,500.00

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claims to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
16 October 2008