

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant James Henry Reiss

Claimed Account Owners: Albert Reiss, Honora Reiss and Alfred Reiss

Claim Number: 205665/MC

This Certified Denial is to the claim of James Henry Reiss (the “Claimant”) to a Swiss bank account potentially owned by the Claimant’s relatives, Albert Reiss, Honora Reiss, or Alfred Reiss. The CRT did not locate an account belonging to Honora Reiss or Alfred Reiss in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

This Certified Denial is to a Swiss Bank account published on the list of account owners in 2001, and potentially owned by the Claimant’s relative, Albert Reiss (“Claimed Account Owner Albert Reiss”). This Denial also addresses documents submitted by the Claimant purportedly showing the existence of accounts held by his parents, Honora Reiss (“Claimed Account Owner Honora Reiss”) or Alfred Reiss (“Claimed Account Owner Alfred Reiss”) at the Arosa branch of the [REDACTED] (the “Bank”).

All denials are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a claim stating that his paternal grandfather Albert Reiss, who was Jewish, was born and resided in Mannheim, Germany, where he was the owner of a clothing store. The Claimant indicated that he was not certain of his grandfather’s fate, but that he perished in 1941 or 1942 in a French internment camp or German concentration camp.¹

¹ The CRT notes that the Central Database of Shoah Victims’ Names, available at www.yadvashem.org, contains one entry for a person named Albert Reiss, who was born on 4 June 1874 and who resided in Mannheim. According to this entry, Albert Reiss perished on 8 May 1941 in the Rebedou camp, which was located in the suburbs of Toulouse, France. The database notes that the source for this entry was a list of victims from Germany contained in the *Gedenkbuch – Opfer der Verfolgung der Juden nationalsozialistischen Gewaltherrschaft in Deutschland 1933 – 1945* (Memorial Book – Victims of National Socialist Persecution of Jews in Germany 1933 to 1945) available in the German National Archives. It is not clear if this entry refers to the Claimant’s grandfather, but the information contained in it is consistent with the information provided by the Claimant about his grandfather.

The Claimant stated that his parents, who were Jewish, were Dr. Alfred Reiss and Honora Reiss, née Friedmann, and that they resided in Mannheim until they fled to New York, New York, some time between late 1937 and July 1938.

In support of his claim, the Claimant submitted documents, including copies of his parents' German passports, which are further described below.

The CRT's Investigation

The CRT matched the names of Albert Reiss, Honora Reiss, and Alfred Reiss to the names of all account owners in the Account History Database and identified accounts belonging to individuals whose names match, or are substantially similar to, the name of the Claimed Account Owners. In doing so, the CRT used advanced name matching systems and computer programs, and considered variations of names, including name variations provided by Yad Vashem, The Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem, Israel, to ensure that all possible name matches were identified. However, a close review of the relevant bank records indicated that the information contained therein was inconsistent with the information the Claimant provided regarding Claimed Account Owner Albert Reiss. Accordingly, the CRT was unable to conclude that any of these accounts belonged to Claimed Account Owner Albert Reiss.

The CRT's Analysis

Identification of Account Owner Albert Reiss

The list below contains names of account owners that match the name of Claimed Account Owner Albert Reiss and the reasons why the CRT has concluded that Claimed Account Owner Albert Reiss and an account owner are not the same person. If an account owner's place of residence was published, that place of residence is also listed.

Name: Albert Reiss (Germany)

Account Identification Numbers: 1000174; 1010878; 1010879

Specifically, the Claimant stated that his grandfather, Albert Reiss, was born and resided in Mannheim, where he owned a clothing store. In contrast, the records show that the account owner resided in a different city, which is approximately 100 kilometers from Mannheim. The CRT notes that Mannheim and the account owner's city of residence both are major cities, thus rendering it unlikely that a resident of Mannheim would indicate the account owner's distant city of residence as his or her place of residence, even for the purposes of maintaining a Swiss bank account. The CRT notes that the Claimant also did not identify the power of attorney holder, who was closely related to the account owner.

The Claimant should note that all accounts awarded by the CRT are published upon release on the CRT's website at www.crt-ii.org.

Information regarding possible accounts held by Honora Reiss or Alfred Reiss

As noted above, the auditors who carried out the ICEP Investigation did not report an account belonging to Honora Reiss or Alfred Reiss during their investigation. The documents purporting to evidence an account held by Honora or Alfred Reiss were forwarded by the Claimant to the CRT.

These documents include a page from Honora Reiss's 1937 German passport. The page contains a notation dated 6 October 1937 made by the *Dresdner Bank* in Mannheim, Germany, indicating that the bearer was permitted ("*überlassen*") to make a cross-border (Swiss-German) transaction involving the amount of 700.00 Swiss Francs ("SF"), which, the notation indicates, was the equivalent of 400.00 Reichsmark ("RM").

A second notation on the page is dated 29 December 1937 and is initialed by a representative of the *Dresdner Bank* in Mannheim. That notation indicates that the cross-border transaction in the amount of SF 700.00 would occur through the Bank in Arosa. The same page of the passport contains a stamp indicating that the Bank had paid cash to the bearer in exchange for certificates issued by the *Dresdner Bank*. The cash was paid out of the Bank's "tourist trade account" ("*Reiseverkehrskonto gegen Bargutscheine*") on three occasions, namely on 31 December 1937, 3 January 1938, and 11 January 1938.

The Claimant also submitted a copy of a page from Alfred Reiss's passport which contains a notation dated 6 October 1937 made by the *Dresdner Bank's* Mannheim branch, indicating that the bearer was also permitted to make a cross-border (Swiss-German) transaction involving SF 700.00, which was equivalent to RM 400.00. The pages from Alfred Reiss's passport, however, do not contain the corresponding notations made by the Bank that are contained in Honora Reiss's passport.

Basis for the Denial to the claims to accounts of Honora Reiss and Alfred Reiss

The CRT has reviewed the information provided by the Claimant. Based upon this review, the CRT has concluded that the documentation provided by the Claimant is not sufficient to demonstrate the existence of Swiss bank accounts held by his parents. The Claimant's parent's passports indicate that his parents traveled to Switzerland in 1937 and 1938. The stamps on the passport's pages indicate that the Claimant's parents bought currency for the purposes of traveling ("*Reiseverkehr*"). The stamps specifically use the term "*Reiseverkehr*," which indicates that the purchase of this currency was solely for the purpose of traveling.

The stamps indicate that his parents bought travelers' checks in *Reichsmark* from the *Dresdner Bank* in Mannheim, which they later cashed ("*gegen Bargutschein*") in Switzerland. The Claimant's mother's passport contains notes indicating that such checks were cashed on three occasions. These notes refer to a "*Reiseverkehrskonto*" (tourist trade account). The CRT notes that this term does not refer to an individual account but rather an account set up by a corresponding German bank to exchange travelers' checks issued by it. Thus, a German bank issued travelers' checks, and the traveler would cash those checks at a foreign bank in exchange for cash. The foreign (in this case, Swiss) bank then charged the German bank's account for the

cash payment. Such tourist trade accounts were not held in the name of individual foreign residents but rather in the names of foreign banks.² The CRT notes, as an example, that today a person can cash a travelers' check at a foreign bank without holding a personal bank account at the foreign bank. Similarly, the documents submitted by the Claimant show only that his parents cashed travelers' checks, and do not demonstrate that his parents held a Swiss bank account.

Accordingly, the CRT concludes that no award is appropriate in this case.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
17 September 2010

² See, generally, Independent Commission of Experts Switzerland-Second World War, Volume 3: *Clearing, Der Zahlungsverkehr der Schweiz mit den Achsenmächten*, at pp. 236-237.