

payment has been made all claims to the extent of the first \$1,000 thereof, and that a further distribution of 4.8 percent of the awards has been paid. A distribution of a further 4 percent has been made now in 1967.

The final objection of the executive branch is that to establish a grace period "is unfair and discriminatory to those claimants who, through their own initiative and diligence," have been able to secure in the past necessary supporting evidence.

However, this equates the proof of claims regarding confiscation of property by the Polish Communist Government with the establishment of facts in an American court of law, under conditions of complete governmental cooperation. The Foreign Claims Settlement Commission has conceded that—

Because of the vastly extensive property damage in Poland during World War II, the obliteration of 60 percent of the land records, and the removal of large segments of former residents from given areas, it is impossible for Polish authorities to furnish some of the information sought by the claimants. (Hearings, p. 6.)

Under such circumstances it is unreasonable to cast blame or to penalize those claimants who, because of circumstances totally beyond their control have had difficulty in salvaging their cases.

In this connection it should be noted that the Foreign Claims Settlement Commission both adjudicates and opposes claims, and that its decisions are not subject to judicial review in any event whatsoever. (*De Vegvar v. Gilliland*, 228 F. 2d 640, cert. den. 350 U.S. 994; *Haas v. Humphrey*, 246 F. 2d 682, cert. den. 355 U.S. 854.) Many of the basic decisions of the Commission outlining its requirements for proof of claims against Poland had not even been given general public distribution when the claims program expired on March 31, 1966.

If the competent and experienced Foreign Claims Settlement Commission has difficulty in establishing its principles of proof until a few months before the expiration date of the Polish claims program, it is obvious that many claimants had even greater difficulty in finding evidence, in the shambles which the war and postwar communization made of Eastern Europe.

We respectfully submit that equality of opportunity is the only principle of equity in dealing with claimants, all of whom have been subjected to property confiscation. We believe this subcommittee will agree with the Committee on Foreign Relations of the Senate that claimants should be given adequate time in which to secure evidence to substantiate their claims against Poland and that a 9 months extension of the period in which the Foreign Claims Settlement Commission may consider such claims is necessary to afford this opportunity.

It is therefore respectfully requested that this subcommittee approve the amendment sponsored by the Brooklyn Jewish Community Council and add such amendment to H.R. 9063, as prepared by the executive branch.

In the form sponsored by the executive branch, H.R. 9063 would in any event prolong the activities of the Foreign Claims Settlement Commission for the purpose of effecting an orderly disposition of payments arising out of recent claims settlement agreements with Yugoslavia, Rumania, and Bulgaria, and also with the disposition of funds remaining in the Italian claims program.