

FINAL REPORT OF THE POLISH CLAIMS PROGRAM

The Polish Claims Program commenced with the signing of a claims agreement on July 16, 1960 after negotiations with the People's Republic of Poland. Under this agreement, Poland agreed to pay \$40 million over the period of twenty years in full settlement of the claims of nationals of the United States for (1) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property; (2) the appropriation or the loss of use and enjoyment of property under Polish laws, decrees, or other measures limiting or restricting rights and interests in and with respect to property; and (3) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland.

In accordance with the provisions of Title I of the International Claims Settlement Act of 1949, the Commission was authorized to proceed with the receipt and determination of claims filed pursuant to the agreement. It should be noted that in 1957 the Commission conducted a registration of potential claims against the Government of Poland which was designed to secure appropriate information to aid the representatives of the United States in its anticipated negotiations with the Government of Poland for a claims settlement agreement. The Commission received approximately 20,000 registrations on FCSC Form 708 which had been prepared for this purpose.

The Commission initially fixed September 30, 1961 as the terminal date for filing claims under the agreement, which date was published in the Federal Register as directed by statute. Notices were forwarded to all potential claimants advising them of the provisions of the agreement and urging that they submit formal claims. Such notices were sent to all persons who had filed registrations in 1957 and all other persons who had communicated with the Commission expressing an interest in filing claims against the Government of Poland. Additionally, the Commission publicized the claims program and filing period through various news media and at public meetings held in cities in which large numbers of potential claimants resided. More than 8,000 sets of forms were distributed in response to specific requests prior to December 31, 1960.

By December 31, 1961, a total of 7,886 claims had been filed. The filing date was subsequently extended to March 31, 1962, at which time 9,863 claims were filed. The aggregate amount claimed under the program as of March 31, 1962 was \$1,083,180,002, allocated as follows:

Claims based on land	\$183,642, 842
Claims based on buildings	\$421,386, 263
Claims based on personal property	\$119,498,171
Claims based on stock	\$282,045,283
Claims based on debts owed by nationalized enterprises	\$17,012,373
Claims based on bank accounts	\$5,000,145
Claims based on bonds	\$37,526,515

Under article 5 of the agreement, the Government of Poland was committed to assist the Commission in providing information and evidence which might be necessary in the determination of claims. As a result of negotiations, a Protocol was agreed upon and signed on November 29 1960, by the American Ambassador and the Polish Finance Minister. Because a field operation was required for the exchange of information, the Commission maintained a field office in Warsaw Poland as provided for under the agreement and a Protocol ancillary; thereto: which was staffed by an American manager and local Polish employees. The office conducted on-the-spot investigation of such claims as were deemed appropriate by the Commission. The American manager also maintained liaison with Polish authorities which was of assistance in securing evidence for claimants requesting it from local Polish authorities.

Development of the Polish claims in substantial volume was undertaken in 1962. Each claim was assigned to a staff attorney for review and analysis. Suggestions were made to claimants informing them of the necessity of securing documentation to substantiate their ownership of property, the taking thereof by Poland, and its value. The Commission also provided names and addresses of local Polish agencies having custody of land extracts and nationalization information. Where land records were destroyed, local residents were interviewed to provide information concerning ownership and other necessary data.

Where claimants' efforts to obtain documentation proved fruitless, in appropriate cases the Warsaw Field Office assisted in obtaining the necessary evidence in an attempt to establish the claims by direct investigation. In other cases, the American manager in Warsaw contacted a Polish representative and sought assistance in expediting replies from local authorities.

A substantial number of claimants in the Polish program resided in the vicinity of the New York City metropolitan area. In order to assist these claimants and facilitate the administration of the program the Commission established a temporary office in New York City on March 18, 1963. Claimants were invited to attend individual conferences on their claims for the purpose of accepting evidence and testimony from them or from witnesses, and advising claimants of the requirements for establishing valid claims. Conferences were held on 3,765 claims prior to the closing of the office on November 30, 1963. This operation proved very helpful to claimants and resulted in expediting the issuance of decisions by the Commission on a substantial number of claims.

Despite wide publicity given by the Commission to the extended deadline for filing, a number of claimants failed to file timely claims. A number of these claims which had come before the Commission appeared to be meritorious. By Order and Decision issued on March 18, 1964 on one such claim, the Commission determined that there was no statutory limit of time within which claims had to be filed under Title I of the International Claims Settlement Act. It therefore invoked its equitable jurisdiction pursuant to statutory authority and accepted for consideration, for good cause shown, claims filed subsequent to the published deadline. Since the orderly completion of the claims program precluded consideration of such petitions for an indefinite period, the Commission decided to consider only those petitions filed prior to January 31, 1965, if appropriate evidence and information furnished within sixty days subsequent to filing established the claims to be valid under the agreement.

During this reporting period, the Commission issued seventeen Proposed Decisions and entered 609 Final Decisions on claims under the Polish Claims Agreement. Of the Final Decisions entered, awards were granted in the total amount of \$45,396,228.

The Commission completed its administration of the Polish Claims Program on March 31, 1966, in accordance with its representations to various committees of Congress. The program involved a total of 10,169 claims. The Commission entertained approximately, 1,100 petitions to reopen claims upon presentation of new evidence. Fifty-seven percent of the petitions considered resulted in awards.

Of the 10,169 claims filed, awards were granted in 5,022 claims, which totaled \$100,737,681.63 in the principal amount, plus interest in the amount of \$51,051,825.01. The Commission held a total of 241 oral hearings and 1,688 hearings on the record during the administration of the program.