

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] and [REDACTED 3]

and to Claimant [REDACTED 4]

in re Account of David Salinger-Caspar and Hedwig Salinger-Caspar

Claim Numbers: 400450/KG, 400455/KG, 224096/KG¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of [REDACTED]² and the claim of [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the accounts of David Salinger-Caspar and Hedwig Salinger-Caspar. This Award is to the published account of David Salinger-Caspar (“Account Owner David Salinger-Caspar”) and Hedwig Salinger-Caspar (“Account Owner Hedwig Salinger-Caspar”) (together the “Account Owners”), over which [REDACTED] (the “Power of Attorney Holder”) held power of attorney at the Zurich branch of the [REDACTED] (the “Bank”).³

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 Claimants

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted Claim Forms identifying the Account Owners as his great-uncle, David Salinger, and great-aunt, Hedwig Salinger, née Casper,⁴ and the Power of Attorney

¹ Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) submitted one additional claim, which is registered under the Claim Number 224087. In a separate decision, the CRT treated the Claimant’s claim to the account of Max Stern. See *In re Accounts of Max Stern* (approved on 21 September 2005).

² In a separate decision, the CRT awarded the account of Leo Salinger to Claimant [REDACTED 1]. See *In re Account of Leo Salinger* (approved on 4 October 2002).

³ The CRT notes that on the List of Account Owners Published in 2005 (the “2005 List”) the last name of the Account Owners was published as “Casper.” Upon careful review the CRT has determined that the records obtained from the Swiss Federal Archive provide “Casper” as an alternative spelling of that name.

⁴ The Claimants each identified the spelling of Hedwig Salinger’s maiden name as “Casper,” whereas the published spelling of the name is “Casper,” although, as noted in note 3, “Casper” is an alternative spelling of the name. In

Holder as their daughter, [REDACTED]. Claimant [REDACTED 4] indicated that his great-uncle, his great-aunt and their daughter were all Jewish and that his great-uncle was born on 31 January 1862 in Kallies, Germany (now Kalisz, Poland) and that his great-aunt was born on 1 December 1868. According to Claimant [REDACTED 4], their only daughter, [REDACTED], was born on 3 February 1906. Claimant [REDACTED 4] further indicated that his great-uncle, David Salinger, and grandfather, [REDACTED], were joint owners of the business, “*Firma [firm] Isaac Salinger,*” which their father, [REDACTED], transferred to them in January 1899. Claimant [REDACTED 4] further stated that his great-uncle died on 16 November 1938 in Kalisz and that his great-aunt died on 19 January 1955. In support of his claim, Claimant [REDACTED 4] submitted copies of: (1) his grandfather’s birth certificate, indicating that [REDACTED] was born on 10 September 1874 in Kalisz and that his parents were [REDACTED] and [REDACTED]; (2) a notice to customers, dated January 1899, from [REDACTED], indicating that he had transferred the textiles, fashion and woolens business in his name to his sons, David and [REDACTED] Salinger; (3) an undated notice to customers from David and [REDACTED] Salinger, indicating that they had taken over the textiles, fashion and woolens business previously run by their father, [REDACTED]; (4) his father’s birth certificate, indicating that [REDACTED] was born on 15 January 1907 in Kalisz, and that his father’s name was [REDACTED]; and (5) his own birth certificate, indicating that he was born on 24 July 1936 in Berlin, Germany and that his father’s name was [REDACTED].

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a claim form, claiming the account of her grandfather, [REDACTED]. In a telephone conversation with the CRT on 25 June 2007, Claimant [REDACTED 1] stated that her grandfather, who was Jewish, had a brother named David and that David’s wife’s name was Hedwig Salinger, née Casper. Claimant [REDACTED 1] also indicated that she remembered a “*Tante [aunt] [REDACTED].*”⁵ Claimant [REDACTED 1] further stated that she could not recall exactly how she and her brother, represented party [REDACTED 2], were related to this relative but that she knew that [REDACTED]’s son is the represented party, [REDACTED 3]. Claimant [REDACTED 1] submitted copies of various documents, including:

- (1) the two notices to customers from her great-grandfather, [REDACTED], and from her great-uncle, David, and her grandfather, [REDACTED], also submitted by Claimant [REDACTED 4] and described above;
- (2) a document, dated 3 March 1904, noting new entries in the title register of Kalisz which mention David and [REDACTED] Salinger;
- (3) a notarized protocol, dated in December 1938, of a sale of property agreement listing the vendors as the widow Hedwig Salinger, née Casper, and the merchant, [REDACTED], both from Kalisz, indicating that the vendors were Jewish and that Hedwig Salinger was the sole heir of her late husband, the merchant, David Salinger;

this Award, therefore, the spelling “Casper” is used when referring to the information and documents provided by the Claimants and “Caspar” when referring to the published names of the Account Owners.

⁵ The CRT notes that “[REDACTED]” is a German pet form of the name [REDACTED].

- (4) a notarized protocol, dated in March 1939, of an amendment to the sale of property agreement entered into in December 1938, indicating that the parties to the agreement, including the widow Hedwig Sara Salinger, née Casper, and the merchant, [REDACTED], were all from Kalisz;
- (5) her own birth certificate, indicating that she was born on 12 September 1945 and that her mother's name was [REDACTED];
- (6) the birth certificate of her brother, [REDACTED 2], indicating that he was born on 12 September 1945 and that his mother's name was [REDACTED];
- (7) an untitled and undated statement by Claimant [REDACTED 1]'s grandmother, [REDACTED], indicating that Claimant [REDACTED 1]'s grandfather, [REDACTED], and his brother, identified in other documents and a conversation with Claimant [REDACTED 1] as David Salinger, ran the family business in Kalisz and that, on the night of the *Kristallnacht* (Night of Broken Glass) pogrom on 9 November 1938, the business premises were looted and destroyed and [REDACTED] and David were taken first to a prison in Kalisz and later to a concentration camp;
- (8) a decision, dated 12 September 1955, by the Compensation Office (*Entschädigungsamt*) in Berlin to the United Restitution Organization, indicating that [REDACTED]'s heirs were his widow, [REDACTED], and two children, [REDACTED], born on 15 January 1907 in Kalisz and [REDACTED], née [REDACTED], born on 25 April 1911 in Kalisz; and
- (9) a letter, dated 13 October 1991, from [REDACTED] to her daughter, [REDACTED 1], attaching an undated document summarizing the story of her passage to and arrival in the United States, and mentioning a "*Tante* [aunt] Hedwig."

In a telephone conversation with the CRT on 28 June 2007, represented party [REDACTED 3] indicated that his mother's name was [REDACTED], née [REDACTED], and that her parents, and therefore his grandparents, were David and Hedwig Salinger, née Casper. [REDACTED 3] stated that he was an only child, as was his mother, [REDACTED]. [REDACTED 3] submitted copies of documents, including: (1) his grandparents' marriage certificate, indicating that David Salinger and Hedwig Casper were married on 22 September 1902 and that David Salinger was a merchant who lived in Kalisz; (2) his mother's birth certificate, indicating that [REDACTED] was born on 3 February 1906 in Kalisz, and that her parents were David Salinger, a merchant, and Hedwig Salinger, née Casper, and that both of them were Jewish; (3) his mother's marriage certificate, indicating that she married [REDACTED] on 21 May 1935 in Kalisz; (4) his own birth certificate, indicating that he was born on 7 April 1936 and that his mother was [REDACTED], née [REDACTED]; (5) his grandfather's death certificate, indicating that David Salinger perished on 16 November 1938 while being transported to the Jewish hospital, that he lived in Kalisz, that he was a Jewish merchant and that he was married to Hedwig Salinger, née Casper; and (6) his mother's death certificate, indicating that [REDACTED], née [REDACTED], died on 5 April 1974 and that her parents were David Salinger and Hedwig Casper.

Claimant [REDACTED 1] indicated that she was born on 12 September 1945 in Guayaquil, Ecuador. The Claimant is representing her brother, [REDACTED 2], who was also born on 12

September 1945 in Guayaquil and her cousin, [REDACTED 3], who was born on 7 April 1936 in Kolberg, Germany (today, Kolobrzeg, Poland).

Information Available in the Bank's Records

The CRT notes that the auditors who carried out the investigation of this bank to identify the accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report an account belonging to David Salinger-Caspar and Hedwig Salinger-Caspar during their investigation of the Bank. The documents evidencing an account belonging to David Salinger-Caspar and Hedwig Salinger-Caspar were obtained from the Swiss Federal Archive and from the Press Office of the Polish Ministry of Finance, and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey").

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to David Salinger-Caspar and Hedwig Salinger-Caspar, numbered 503. According to these records, David and Hedwig Salinger-Caspar resided in Kallies, Pommern (Pomerania), Germany (today, Kalisz in the Pomorze region of Poland) and their last known contact with the Bank occurred before May 1945.

These records further indicate that the Bank applied to the relevant guardianship authority (*Vormundschaftsbehörde*) to appoint a custodian for the account, and that such custodian was appointed in 1966. The records do not contain information about the disposition of this account.

In addition, these records indicate that David and Hedwig Salinger-Caspar held a demand deposit account, over which their daughter, [REDACTED], held power of attorney, and that on 28 February 1964, the amount in the demand deposit account was 1,027.00 Swiss Francs ("SF"). The records do not indicate the ultimate disposition of the account. There is no evidence in these records that the Account Owners, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

Information published by the Press Office of the Polish Ministry of Finance

In the publication entitled *Nasze Finanse*, published by the Press Office of the Polish Ministry of Finance, number 25, dated February 1998, there is information concerning the assets of David

Salinger-Caspar and Hedwig Salinger-Caspar who resided in Kalisz and whose last known contact with the Bank occurred before the end of the Second World War.

These records indicate that David Salinger-Caspar and Hedwig Salinger-Caspar held a demand deposit account, over which their daughter, [REDACTED], held power of attorney. These records further indicate that the account had a balance of SF 1,070.15 when it was transferred on 15 August 1975 to the Polish government.

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 three claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants' relatives' names match the published names of the Account Owners. The Claimants identified the Account Owners' city and country of residence, which matches information about the Account Owners contained in the Swiss Federal Archive and the Polish Ministry of Finance records.⁶ The Claimants further identified the relationship between the Account Owners and the Power of Attorney Holder, and identified "Casper" as the maiden name of Account Owner Hedwig Salinger Caspar which matches unpublished information about the Account Owners and Power of Attorney Holder contained in the records from the Swiss Federal Archive and the Polish Ministry of Finance.

In support of their claims, the Claimants and the represented party, [REDACTED 3], submitted copies of documents, including: (1) two notices to customers regarding the business *Isaac Salinger*; (2) a document noting new entries in the title register of Kalisz; (3) the marriage certificate of David and Hedwig Casper; (4) [REDACTED]'s birth certificate; [REDACTED 3]'s birth certificate; (5) David Salinger's death certificate; (6) two notarized protocols, from December 1938 and March 1939 respectively, relating to a sale of property agreement; and (7) [REDACTED]'s death certificate, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the records from the Swiss Federal Archive and the Polish Ministry of Finance as the names and city of residence of the Account Owners.

The CRT notes that the other claim to this account was disconfirmed because that unrelated claimant failed to identify Account Owner Hedwig Salinger-Caspar's maiden name or the

⁶ The CRT notes that no information but the Account Owners' names was published on the 2005 List. However, specific information was available to the public from the publication of the Polish Ministry of Finance, number 25, dated February 1998.

unpublished relationship between the Account Owners and did not identify the Power of Attorney Holder, the Account Owners' daughter, at all.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish and documents they submitted indicate that on *Kristallnacht* Account Owner David Salinger-Caspar's business premises were destroyed, that he was taken to prison and later to a concentration camp and that he perished a few days later while being transported from the concentration camp to the Jewish Hospital. The Claimants submitted several documents indicating that the Account Owners were Jewish and / or that they were subjected to Nazi persecution, including: (1) a notarized protocol of a sale of property agreement; (2) [REDACTED]'s birth certificate; (3) Account Owner David Salinger-Caspar's death certificate; and (4) a statement by [REDACTED]'s wife, [REDACTED].

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the great-aunt and uncle of Claimant [REDACTED 4], Claimant [REDACTED 1] and represented party [REDACTED 2] and the grandparents of represented party [REDACTED 3]. These documents include: (1) [REDACTED]'s birth certificate, indicating that his father was [REDACTED]; (2) two notices to customers regarding the business *Isaac Salinger* indicating that David and [REDACTED] Salinger were both [REDACTED]'s sons; (3) a decision from the Compensation Office in Berlin, indicating that [REDACTED]'s heirs included his two children, [REDACTED] and [REDACTED], née [REDACTED]; (4) [REDACTED]'s birth certificate, indicating that his father's name was [REDACTED]; (5) Claimant [REDACTED 4]'s birth certificate, indicating that his father's name was [REDACTED]; (6) Claimant [REDACTED 1]'s and [REDACTED 2]'s respective birth certificates, indicating that their mother was [REDACTED]; (7) [REDACTED]'s birth and death certificates, indicating that her parents were David Salinger and Hedwig Salinger, née Casper; and (8) [REDACTED 3]'s birth certificate, indicating that his mother was [REDACTED], née [REDACTED].

There is no information to indicate that the Account Owners have other surviving heirs other than the parties whom Claimant [REDACTED 1] is representing.

The Issue of Who Received the Proceeds

The records of the Press Office of the Polish Ministry of Finance indicate that the account was paid to the Polish government on 15 August 1975.

Basis for the Award

The CRT has determined that an Award may be made in favor of represented party [REDACTED 3]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, [REDACTED 3] has plausibly demonstrated that the Account

Owners were his maternal grandparents and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owners, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Further, the CRT notes that [REDACTED 3], as the Account Owners' grandchild, has a better entitlement to the account than Claimant [REDACTED 1], the Account Owners' great-niece, and Claimant [REDACTED 4] and represented party [REDACTED 2], the Account Owner's great-nephews.

Amount of the Award

In this case, the Account Owners held a demand deposit account. The records of the Swiss Federal Archive indicate that the value of the account as of 15 August 1975 was SF 1,070.15.⁷ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 465.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1975. Consequently, the adjusted balance of the account at issue is SF 1,540.15. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

Division of the Award

According to Article 23(a)(c) of the Rules, if an 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, Claimant [REDACTED 1], who is Claimant [REDACTED 4]'s cousin, is representing her brother, [REDACTED 2], and her cousin, [REDACTED 3]. Claimant [REDACTED 1] is the Account Owners' great-niece and Claimant [REDACTED 4] and [REDACTED 2] are Account Owners' great-nephews, whereas [REDACTED 3] is the Account Owners' grandson. Accordingly, [REDACTED 3] is entitled to the entire award amount. As noted above, Claimant [REDACTED 4], Claimant [REDACTED 1] and [REDACTED 2], are not entitled to share in the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to

⁷ The CRT notes that there is a discrepancy in the amount of the balance of the account between the information provided in the records from the Swiss Federal Archive and the records of the Polish Ministry of Finance. The Swiss Federal Archive records indicate that on 28 February 1964, the amount in the demand deposit account was SF 1,027.00 and the Polish Ministry of Finance records indicate that on 15 August 1975, the amount in the demand deposit account was SF 1,070.15. The CRT notes that it has taken this later amount as its valuation basis. The CRT further notes that, even if it had taken the lower amount as its valuation basis, the final award amount would not have been affected.

which they 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
12 October 2007