

## In doubt for the Gauleiter?

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### *The endless story of a hidden expropriation - a tabooed family history and a denied restitution*

My mother's father's side came from the Kupelwieser dynasty, her mother from a Jewish-Moldavian merchant family. Those were iron magnates and open-minded industrialists and, with the Jewish-related Wittgenstein, belonged to the richest families in "Old Austria" before they had lost much of their fortune again through worthless war bonds and the economic crisis after the First World War.

There were two large estates, one in Lunz am See, Seehof, and one southeast of St. Pölten, Kyrnberg near Pyhra. Both were mortgaged, and so since the interwar period our family had been trying to either sell one or the other to rehabilitate the rest of the property.



Antragsteller DI Hans Geißhofer, Urenkel von Dr. Carl Kupelwieser

The economically viable and less-indebted, 203-hectare estate in Kyrnberg with a flourishing agriculture, livestock and cheese production was facing a large, but largely inaccessible forest area in Lunz am See, which was formerly used only for hunting.

However, there was still the family's castle and the Biological Water Research Station founded by it.

Before one could think of one or the other estate to sale, Austria was already occupied by the Nazis in 1938, my grandfather had to register his "Jewish" property and was threatened to divorce his wife. All the stress was too much for him and he died in January 1939 only 59 years old.

Soon after, however, his maternal Wittgenstein relatives could conclude a deal with the Nazis by transferring large sums of money and gold reserves from Switzerland to Germany, classifying them as "half-breeds", which at least postponed the immediate threat. My mother and her siblings also profited and so they were no more  $\frac{3}{4}$  Jews but "only" "half-Jews", because of their Jewish mother.

The Gauleiter (governor) of "Niederdonau"(Ex-Lower Austria) had then exploited that imminent threat due to the family's descent and so the 203-hectare estate of Kyrnberg, after already a quick seizure in trust administration mid-1939 was one year later apparently "bought" by him from our family. Officially to start a livestock school, but in reality, to acquire the lucrative cheese production and to create a base for his SS near the Nazi ammunition dump in the "Probstwald" forest.

There were "sales negotiations" with the family under threat that they could expropriate the property anyway, but then this would have been a general "Aryanization" by the Nazis and the Gauleiter personally would have been deprived of this opportunity.

But so, it was built a provincial owned agricultural company, anyway a well-hidden corruption in favour of the Gauleiter within the Nazi regime, and without every trace that the purchase price was ever paid to the family!

Because of that, the debt by the mortgages of the other forest estate in Lunz, (which was then used by the Nazi's as the basis for the tank-engine tests on cold resistance compatibility in the mountains at the foot of the Dürrenstein-peak) , could never have been paid out even until the end of the war or later.

The threatened family had to play their part in this cynical game, but that was not enough to avert the threat of a further deportation. Although the "Gauleiter" promised them to submit photos for an "anthropological" face survey of my mother and her siblings to prove their "Aryan identity", but after the "Wannsee Conference" where the final annihilation of the Jews was decided, also the "half-breeds" should be included in that crime.

After all, they survived only because in 1943 a contact with an "ancestor-researcher" from Munich was facilitated by the Biological Station Lunz, who had to "measure out" the facial photos of the siblings as "Aryan-like" by the intervention of the brother of SS chief Kaltenbrunner.

In the meantime, the Gauleiter had already secured the patents for the production of the coveted "Kyrnberger-Gervais" cheese" for himself, because he wanted to continue this lucrative business after the war.

After the victory, the Soviet army occupied the estate, it was considered "German property" and was then claimed by the province of Lower Austria, but the former real the ownership was never really enlightened.

Although I knew some of these stories only incoherent, in the form of anecdotes and hints that were told when hiking in Lunz am See, I was engaged as a young left-wing student in the 70s, much more for the 3rd World than about our hidden denied heritage.

As such, in 1974, I had a violent quarrel with my uncle, my mother's brother, who compared my radical socialist ideas with those of Nazi Germany, briefly mentioning in a heated discussion the expropriation of our estate Kyrnberg by the "Gauleiter", but what otherwise had been completely taboo in our family. One was ashamed to have survived only through such "relationships" at all.

After working in development aid in Africa for more than 30 years, I began researching the archives 15 years ago, and was also able to evaluate extensive letter collections from my family and the Biological Research Station Lunz.

Neither me, at that time yet alive parents and relatives, nor my cousins had any sympathy for that because they either did not want to talk about it, or because the younger ones really did not know anything.

A restitution procedure applied for by myself with many researched details from old letters and the few, still accessible documents from archives to the estate Kyrnberg was then denied by the National Fund for In Rem restitution in 2012 "because of lack of clear evidence". But at that time, I had not yet been able to evaluate all the documents, and so in 2014, with the support of the historian Dr. Kammerstätter, I submitted a second claim.

This second application was then rejected again because of formal reasons that "those were no new documents, because having been existed before already" and would therefore not be discussed.

Now I was the "embarrassed". I should have known that there was nothing to be proved, that I had only stepped into it by hazard, and my memories of earlier family discussions had been inaccurate.

Nevertheless, I had received support and encouragement from some of my friends, so I decided to publish a book through a "new author's publisher" so that I would not have researched everything for nothing. All of those "serious" established publishers had declined or not responded.

But the problem is that the widespread family history, together with the desperate attempts to save at least one farm, while at the same time they were only trying to survive all the racist threats overwhelms anyone, who does not understand those details. And that is why it was thought that the Arbitration Panel for the in-rem restitution of deprived assets from the

Nazi era, which has published more than 120 pages on my case, would just have looked properly at it in any case, and thus my claim would be unjustified.

In addition, the generation of my mother and her siblings had been during their youth very German-national enthusiastic and therefore, when they became aware of their predicament, they had developed considerable feelings of guilt. They were glad to have survived at all, so they did not try any restitution and my mother kept saying that "one never should talk about it anymore".

In America, this is called "Survivor's Guilt".

But the problem is, that the Compensation Fund Act, which came about only under pressure from the Americans, has no method of "reversal of the burden of proof" like in the previous restitution laws.

Thus, I have to provide all the evidence to the smallest detail, and although in the Lower Austrian provincial archive the act "Kupelwieser-Kyrnberg" in 1974 was finally destroyed. But the files in the national archives are also very difficult for a layman to access.

But I was also particularly outraged by several statements in the decision of the National Fund that there would have been possible a "legal recourse" (!) to the Gauleiter if the family had not been paid out the purchase price of the estate at that time, and thus proves, that everything was made properly.

Also, an expropriation of "half-breeds" should not have been "legally possible" (!), and the issue of the Jewish descent wouldn't have played any role at all in the sale procedure, because there were no openly addressed remarks in the letters (as if there had not been any censorship at that time?).

For me, this is a conscious history-falsification! Perhaps not for the an open, revanchist belittling of National Socialism, but probably with the fraudulent intent, to not have to recommend a restitution despite of so many indications!

But in Austria, I have no more legal possibilities to defend myself. The Compensation Fund Act is a so-called act of mercy without any appeal opportunities, since in principle everything has been barred.

The only chance I see is an impartial evaluation of all decisions by an independent body. There are many other examples of restitution denials with the same Nazi-trivializing diction. I only recall the old discussion about the expropriation of many farmers on the Nazi military training area in Allentsteig.

Here once again, all submissions were rejected because "that there was no threat finding anywhere".

It seems that every time the claimant has to prove exactly whether a threat for racial or political reasons went hand in hand with the expropriation, as if the Nazi regime was not, as a whole in any time and everywhere threatening to anybody who was not aligned completely, so that many victims did not dare to defend themselves at all, and had to play along that cynical game.

But I am neither a lawyer nor a historian. So, I can only suggest that unbiased professionals look at that matter again. After all, it is mandatory for all other public projects to carry out an independent evaluation after a certain time. It cannot be, that the same public sector, which owns these controversial rubbed real estates, decides over what is inherited in "legacy" from the Nazi era and what not!

And how is it possible, that, when those events were not so long ago after the war, you did not have to bear all the burden of proof, but now over 70 years later, it is different, even though it concerns the same context?

So, was the Gauleiter just a very correct man, a good administrator who did not want to enrich himself at all, and therefore did not play a double game with our Jewish family behind the Nazi laws in his favour?

*So, in doubt, then, for the Gauleiter?*