

THE 1934-1935 TURKISH-AMERICAN COMPENSATION AGREEMENT AND ITS IMPLICATIONS FOR TODAY

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Abstract: *In relation to the Turkish-Armenian conflict, one of the most important issues on the agenda today is the question of abandoned Armenian property. Members of the Armenian Diaspora are claiming compensation from Turkey for those properties abandoned and/or confiscated to meet the requirements of the army during the WWI. Armenians argue that they have a strong and legitimate claim to receive reparation from Turkey and that the Armenian entitlement for reparation has certainly not lapsed. The present article, however, contends that the claims of the naturalized American citizens of Ottoman Armenian origin are rather legally ungrounded in the light of the 1934-1935 Turkish American Agreement. Having studied the details of the talks and evaluated the contents of all files submitted to the State Department for compensation, the author concludes that Turkey agreed to pay \$1.300.000 for compensation in 13 installments. However, this figure alone shows that Armenian claims were found rather exaggerated by the State Department. Moreover, the fact that the State Department asked the Turkish government not to continue the payment after the 9th installment demonstrates blatantly that eligible Armenian claimants were indeed quite a few.*

Key Words: *Turkey, Armenian, U.S., compensation*

Introduction

In relation to the Turkish-Armenian conflict, one of the most important issues on the agenda today is the question of abandoned Armenian property. Diaspora Armenians have been claiming compensation from Turkey for those properties abandoned, and/or confiscated to meet the requirements of the army.¹ The Armenians express their claims on all platforms and have written various books

1 See: "Türkiye'den Tazminat İsteyecekler", *Akşam*, 9 March 2010. "Ermenilerden Türkiye'ye Dava", *Akşam*, 31 July 2010. "Atatürk'ten Ermeni ve Rumlara Tazminat", *Habertürk*, 7 November 2009. "Heirs of Armenian Genocide Victims Claim Compensation from Victoria German Insurance Company", *PanArmenian.net*, 5 December 2005.

on this issue.² Although these claims frequently being discussed among organs of the press and media on whether they are just or legally valid, insensitivity towards this significant issue continues in Turkish historiography. However, until 1933, claims for damages were one of the most important issues between Turkey and the US waiting to be resolved. Despite this, it is quite thought-provoking that the issue has not been addressed in books focusing on the relations between Turkey and the USA and has even been treated as if it never existed until a doctoral dissertation published last year.³ However, an American researcher named Roger R. Trask, by determining that the compensation agreement between Turkey and the USA was a very important matter, had dedicated quite a lot of space for the issue in his book published in 1971.⁴ This article will address the process of negotiation and consequences of the compensation agreement signed in 1934 between Turkey and America.⁵

Abandoned or Confiscated Properties and Compensation

One of the other most important issues discussed during the First World War in relation to the relocation of Armenians was *Emval-i Metruke* (Abandoned Property), meaning the assets of the relocated Armenians which they left behind. It is known that various statutes have been adopted during the relocation of the Armenians which made regulations concerning the properties, assets and debts left behind and their liquidation.. The most significant of these regulations are the ones made on May 30 and 10 June 1915. With these statutes, putting under government protection the properties, assets and abandoned lands of the Armenians relocated somewhere else was demanded. Article 2 of the regulation dated 30 May 1915, consisting of 15 articles, states that “the displaced Armenians could take all their belongings and live stocks together with them.”⁶ On the other hand, the statute of June 10, consisting of 34 articles, which contains the essential regulations regarding the properties left behind, puts forth in detail how the properties and assets belonging to the relocated Armenians will be taken under protection and based on which principles they will be liquidated. One of the most noteworthy articles of this is the 3rd one. In this article, the type, quantity, value and names of the owners of

2 For the last book written on this issue see: Hrayr S. Karagueuzian-Yair Auron, *A Perfect Injustice: Genocide and Theft of Armenian Wealth*, Transaction Publications., New Brunswick, London, 2009.

3 Semih Bulut, *Atatürk Dönemi Türkiye-ABD İlişkileri (1923-1938)*, Atatürk Araştırma Merkezi (Atatürk Research Center), Ankara, 2010, p. 171-180.

4 Roger R. Trask, *The United States Response to the Turkish Nationalism and Reform 1914-1939*, The University of Minnesota Press, Minneapolis, 1971, p. 200-11.

5 The Agreement was ratified by the Turkish Grand National Assembly on December 25, 1934. The US implemented the agreement on March 22, 1935.

6 Askerî Tarih Belgeleri Dergisi (ATBD) 83 (March, 1983), p. 129-33. Document No. 1916; Compare *Arşiv Belgelerinde Ermeni Faaliyetleri*, Presidency of General Staff, Ankara, 2005, VOL.1, p. 132-33. (See: Attachment II).

the properties taken under protection are to be registered in detail; they will be transferred to suitable places of storage, such as churches, schools, and inns, in such a way that their ownership is distinct, laid out separately and with care shown for their protection. More importantly, it indicates that “the original of the records showing the amount, value, owners and the places of safe custody of the properties will be given to the local administration, while a copy will be issued to the *Emval-i Metruke* (Abandoned Properties Commission). In article 5 of the same regulation, it has been expressed that with fragile items and animals among the properties to be moved, these will be sold by auction by a board designated by the Commission, with the equivalent in value being deposited in property safety boxes, under name in those cases in which the owners are known, and under those of the village or small town for cases in which they are not known. In article 22 related to the assessment of the revenues obtained as a result of liquidations, it is demanded that sum amounts collected from sale or rent are to be deposited in safety boxes in the name of the owners and are to be paid to them after appropriate application has been made. All of these implementations have aroused hopes among the displaced individuals in receiving compensation for their properties.

Thus, it is understood that the government carried out sincere efforts to return the properties and assets of the Armenians who had returned to their territories at the end of the war. Articles 3, 10 and 11 of the decrees adopted on December 18, 1918 concerning the return of the displaced Armenians wanting to come back clarifies the issue of returning of properties, assets and other

fragile goods. In article 3, it is clearly stated that the immovable properties will be handed over to those who will return.⁷ Article 10 of the same decree indicates that the properties devolved to the treasury must be returned with the approval of District Revenue Officer. The most important matter regarding the process of returning was the homes and lands assigned to immigrants. However, the decree has made it compulsory that even the properties sold to immigrants would be returned upon the claim of the real owner.

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Since the process of returning Armenian properties and problems encountered are outside the subject of this article, we do not intend to delve into details. Moreover, although some difficulties were encountered during the restoration of the properties and assets assigned to Muslim refugees, recent studies have clearly suggested that the government persistently returned the goods to their original owners.⁸ Due to the lack of studies, it has not been fully determined how many people benefitted from

7 BOA, BEO, nr. 341055.

8 Taha Niyazi Karaca, *Ermeni Sorununun Gelişim Sürecinde Yozgat'ta Türk Ermeni İlişkileri*, Ankara, 2005.

the process of returning. However, one of the most interesting points which should be emphasized here is that those who left the country without permission would not be allowed to benefit from the law about returning of properties and assets.⁹ Therefore, for various reasons, an uncertain situation has developed in the liquidation of properties of individuals who did not return to their home after World War I or who acquired citizenship of another country. Thus, the settlement of the issues of those individuals in this situation would only be possible through international agreements.

As a matter of fact, the liquidation of the properties and assets left behind by Ottoman citizens of Armenian origin who had fled to the Caucasus was attempted to be resolved through the Treaty of Gyumri (December 2nd 1920). With article 6 of the Treaty of Gyumri, those Armenians who did not enter an armed struggle against the Ottoman State or who did not participate in the atrocities were permitted to return to their homes. As in civilized countries, these individuals would be able to benefit from the rights of minorities. Article 7 of the same treaty stipulates that within a year of the ratification of the treaty, those not returned to their homes would lose their rights.¹⁰ However, this treaty could not be implemented due to the disposition of the Dasnaksutyun by the Soviet Union. Then, the issue of the liquidation of the abandoned Armenian properties was tried to be resolved through the Treaty of Kars (October 13, 1921).¹¹ With the article 14 of the treaty, the parties decided to conclude an agreement within six months concerning refugees, but even if this agreement had ever been concluded, it has not come to light. Looking at the statements being reflected on discussions of the Assembly, it could be understood that a period until March 1922 has been set for the Armenians to return to their homes.¹²

On the other hand, the Armenians returned to the south eastern part of Turkey region and possessed their properties, completely left the country upon the withdrawal of the French from the region. Their abandoned properties and assets then became a national issue. When the abandoned properties and assets of the Armenians became the subject of random confiscation, the government felt it necessary to end this practice. On April 20, 1922, with the law adopted by the Turkish Grand National Assembly (TGNA) entitled “*Memalik-i Müstahsaladan firar ve gaybubet eden ahalinin emval-i menkule ve gayrimenkullerinin idaresi*

9 Article 15 of the Decree of return states that “those Armenians going outside Ottoman borders and wanting to return will not be accepted until a new order is given”. Bkz. BOA, BEO, nr. 341055. Compare. Hikmet Özdemir et.al. *Ermeniler Sürgün ve Göç*, Türk Tarih Kurumu (Turkish Historical Society), 3rd edition, Ankara, 2010, p. 120.

10 İsmail Soysal, *Türkiye'nin Siyasi Andlaşmaları (1920-1945)*, Türk Tarih Kurumu (Turkish Historical Society), Ankara, 1983, VOL. I, p. 20-21.

11 Soysal, *Türkiye'nin Siyasi Andlaşmaları*, p. 45.

12 *TBMM Zabıt Ceridesi*, Term 1, VOL. 19, Assembly years 3, 28. İctima', 16 April 1338, TBMM Matbaası, Ankara, 1959, p. 217.

hakkında kanun” (Law on the administration of movable and immovable properties of the community who fled or remained absent), the selling of the abandoned properties with an auction and its price being deposited in the subdivision of treasury was made a law. If the Armenians would return, the amount would be paid to them.¹³

We believe that one of the most important articles of this law is article 5. In this article, it was written that the abandoned properties of those fleeing due to war conditions or political reasons were also within the scope of this law. Moreover, it was also stated in the law that those who illegally confiscated properties would submit the movable and immovable properties to the government within one week (Article 3). This way, the TGNA Government implemented the legal regulations concerning the properties left behind by the Armenian Ottoman citizens. Enacting the law was not easy at all, because millions of Muslim refugees had also fled and abandoned their properties in the Balkans, but none of the Balkan countries had introduced a similar law for the restitution of their properties. Therefore, some deputies had supported the confiscation of the abandoned properties and assets. Furthermore, it should be emphasized that with the issuing of the law, very few non-Muslims were able to reclaim their properties, because most of the Armenians had already left the country. However, the process of liquidation continued under the conditions put forth by the law. The necessity to conclude international treaties in order for those leaving the country to reclaim their abandoned properties or their values emerged.

Eventually, the issue was frequently brought to the agenda during the Lausanne Conference. In the commissions in which minority rights were discussed in particular, with the pressure of those migrating from Turkey, allies sought for the compensation of the abandoned properties. As a result of discussions, Turkey declared that it would only recognize the operations made under the protection of Allies between 30 October 1918 and 20 November 1922.¹⁴ This way, Turkey was contented with the operations of the occupation forces towards the immovable abandoned properties but the essential problem remained unsolved. This situation disturbed the USA where the great number of non-Muslim citizen of the Ottoman Empire had migrated. The USA America concluded a separate treaty with Turkey during the Lausanne Conference. Within this framework, it initiated talks with Turkey concerning the compensation of the abandoned properties of their own citizens.

13 *TBMM Kavanin Mecmuası*, Volume 1, Term 1, TBMM Matbaası, Ankara, 1943, p. 265.

14 *Yaşayan Lozan*, ed. Çağrı Erhan, T.R. The Ministry of Culture and Tourism, Ankara, 2003, p. 233-35.

The Beginning of Negotiations for Compensation between Turkey and the United States of America

It is understood that the request for discussion of the compensation issue came from the American delegation. Armenian organizations increased their activities during the Lausanne Conference and pressured the American delegation to hold talks with the Turkish delegation about the compensation for their properties left behind in Turkey. Moreover, the American Board for Foreign Missions, which had significant investments in Turkey, was also requesting from the American delegation to negotiate for the protection of their investments. On the other hand,

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Turkey sought to conclude an agreement with the US delegation for the establishment of diplomatic relations for which all problematic issues had to be sorted out. However, the American delegation wanted to include the issue of compensation in any treaty to be concluded with Turkey. On the other hand the Turkish delegation expressed that addressing this issue separately would be more appropriate. Eventually, the two sides reconciled on the Turkish view and after the signing of the Treaty of Lausanne¹⁵ between Turkey and the US, they agreed for talks on the issue of compensation to start 20 days later.¹⁶

The reason for the US acceptance of the postponement of the talks was that the claims filed for compensation were so many that the US was not able to classify and prepare them. On the other hand, Turkey insisted on the submission of the files to be classified in detail and on negotiating them under main headings.¹⁷ For this reason, the US took a step back and the talks were only able to start on November 7, 1923, with a delay of 93 days.¹⁸ During the talks, the United States was represented by G. Howland Shaw and Edgar W. Turlington under the chair of Rear Admiral Mark Bristol, while the Turkish delegation was chaired by the Istanbul representative of the Foreign Ministry, Abdulhak Adnan (Adivar), with two other representatives namely Münir (Erteğün) and Ibrahim Bey.¹⁹

At the end of the talks, the two sides agreed on the establishment of a commission to address the issue of compensation. With the exchange of notes on December 24,

15 In order not to confuse this agreement with the Treaty of Lausanne signed between the Allies and Turkey, it is also called the "Small Lausanne Treaty".

16 NARA 711.672/172.

17 *Foreign Relations of United States (FRUS) 1923, VOL. 2, p. 1190-91*

18 *Bulut, Atatürk Dönemi*, p. 171.

19 *FRUS 1923, VOL. 2, p. 1179, Compare: Bulut, Atatürk Dönemi*, p. 172.

1923, this agreement came into force.²⁰ In this note, it is stated that 6 months after the mutual exchange of documents with regard to the ratification of the Turkish-American Treaty of Lausanne by the parliaments a commission would convene in Istanbul consisting of two American and two Turkish members.²¹ This commission was to examine the files concerning the claims and to reach a conclusion within six months.²² However, as is known, the Turkish-American Treaty of Lausanne was rejected in the US Congress. Upon this development, the signatory parties agreed that the talks concerning the claims would not be suspended. Within the framework of a “modus vivendi” regarding the establishment of diplomatic relations between Turkey and the United States on February 17, 1927, it was agreed that the exchange of notes in Istanbul in relation to the claims would be implemented and a commission would be established.²³ According to the reconciliation reached, if the Treaty of Lausanne in the US Congress would not be ratified until June 1, 1928 the Commission would gather six months after the exchange of ratification of a commercial convention and a convention of establishment and residence. Finally, six months after the agreements were implemented on February 15, 1933, the Commission convened on 15 August 1933 in Istanbul.²⁴ This time, the Turkish members of the commission were Şevki Bey and Esat Bey, while the American members were G. Howland and Julian E. Gillespie.²⁵

How the Commission functioned and the Discussions proceeded

After the commission gathered, the parties held preliminary talks on which principles the talks proceeded. As a result of evaluations, the State Department has concluded that many vague and unfounded claims existed in the dossiers. “Based upon its experience in settling other groups of claims by such means as claims commissions, the Department is convinced that the development and presentation of these claims to an international Commission for adjudication would require the employment of a commission and a large staff of attorney by both parties over a period of years. The Department feels that in the light of the many doubtful elements involved in these claims the expense that would be incurred by a consideration of each case individually would be out of proportion to the sums

20 Semit Bulut has indicated that this note was ratified by the Turkish Government on January 6, 1924. Bulut, *Atatürk Dönemi*, p. 173.

21 T.R. Presidential Republic Archive, 30, 18, 1, 1/8, 44, 5, *Decree*, 06.01.1924. Attachment 1. I am grateful to Dr. Semih Bulut who helped me to access this decree. See: Attachment 3.

22 Trask, *The United States Response*, s. 35. Bulut, *Atatürk Dönemi*, p. 173.

23 *FRUS* 1927, VOL. 3, p. 796-97. From Foreign Minister Tevfik Rüştü Bey to American High Commissioner Admiral Bristol. *NARA* 711.672/583.

24 *FRUS* 1934, VOL. 2, p. 894. From the Secretary of State to the Chargé in Turkey Shaw.

25 Bulut, *IBID.* p. 174.

finally adjudicated.”²⁶ Moreover, this task would take a long time and would be highly costly. Therefore, the State Department argued that “The Turkish Government is just as anxious as the Government of the United States to avoid a lengthy claims settlement of this kind.”²⁷ For this reason, the State Department expressed to the Turkish side that the American Government is prepared to accept in full payment of the claims of all of its nationals a sum representing a moderate percentages of the total claims.”²⁸ By this offer the Statement Department argued that this would accelerate the works of the commission.

Actually, the State Department believes that a majority of the claims were not based on legal grounds. It could be understood that it is for this reason that the State Department has carried out such an initiative. Eventually, in a telegraph sent by the Secretary of State, Cordell Hull to the Chargé in Turkey, Howland Shaw, it was requested that the Commission should refrain from revealing to the Turkish authorities the existing lists of the classified dossiers in which the claims were categorized. Because, The State Department was aware of the fact that a large section of these claims were not “supportable in international law or as to the amount of damages properly claimed in those cases in which international responsibility may be established.”²⁹

In other words, the compensation dossiers of the US delegation had not yet reached maturity.³⁰ However, since the dossiers had been submitted to them two years ago, the commission sent a letter to the claimants in order for them to obtain evidence which would support their allegations. In this letter, it was also asked for those intending to submit no further evidence or wishing to withdraw their request files to inform the Department. Regarding the content of these letters, an extensive activity of informing was conducted in various languages including the foreign media organs, and therefore, 750 additional claim dossiers were passed on to the Department. However, the Department was unable to classify these dossiers according to the amount of compensation and their numbers. Furthermore, it was believed that with the dossiers received later on, the amounts claimed had increased by a couple of million of dollars.³¹

A total of 1880 dossiers had been submitted to the State Department. These dossiers were gathered in two groups. In the first group, the amount of compensation claims was stated in the dossiers and although not certain, was 24.150.000 dollars in total.

26 *FRUS* 1934, VOL. 2, p. 895. Trask, *American Response*, p. 201.

27 *ibid.*.

28 *Ibid.*

29 *FRUS* 1934, VOL. 2, p. 895. From Cordell Hull to Hawland Shaw. 4.04.1933.

30 Trask, *American Response*, p. 202.

31 *FRUS* 1934, VOL. 2, p. 896. From Cordell Hull to Shaw. 4.04.1933.

In the second category of claims, the amount was in foreign currency and was approximately 12.075.000 dollars. Therefore, the total amount of compensation being claimed was 36.225.000 dollars. Adding the claims for compensation existing in the 750 dossiers received later on, the total amount had reached approximately 55.000.000 dollars. The US commission would use this figure against the Turkish Government as the total calculation of the claims, but during the first talks to be held, would start the bargain for the lump sum from 10% of this amount with 5.000.000 dollars. The instructions issued by the State Department to the commission had recalled the unwilling approach of the Turkish side towards paying compensation to naturalized American citizens of Ottoman origin and indicated that it could be asked from them for the number of individuals in this category and the amount of the claims. Yet, within the light of the classification of the dossiers, providing this kind of information was impossible. Moreover, the US was not yet able to determine how many of the claims came from the former American nationals of Ottoman origin. However, preparations for a list were continuing and as soon as it was completed, it would be issued to the commission.

In the instruction sent to the commission on April 4, 1933 by the State Department which was evaluating these ambiguities, it was suggested that the commission be reconciliatory and constructive during the talks held with the Turkish Government. Taking into consideration the economic situation of Turkey, it was expressed that the US was ready to reach an agreement on a reasonable settlement, but that the Turkish Government must also approach the question in the same spirit of good will and conciliation. The US did not want the talks to end due to the reactions that could arise in American public opinion. For this purpose, the US commission would frequently remind the Turkish side that the establishment of the commission and its operation were within the framework of the agreements between the countries. Again based on the same instruction, the commission would insist on the paying of a lump sum and the negotiations would start with a request of 5.000.000 dollars. Furthermore, meeting the claims of American nationals of Ottoman origin would be requested and the commission would try to obtain a written justification in case the Turkish side resisted.

As can be seen, the US commission had a very weak hand in terms of the content of the dossiers. Therefore, they aimed to settle the compensation issue by obtaining an appropriate lump sum without going into details of the dossiers. Shaw, the chargé in Turkey, who chaired the commission, would express his discomfort with these ambiguities in a telegraph written to the Department and would request authorization at least to state that the majority of the claims were for purposes of requisition and confiscation when information was requested concerning the content of the claims of the Turkish Government. Moreover, the undersecretary also asked for authorization to state that the US would be willing to consider the

payment of lump sum in installments.³² In the reply received from the State Department, it was expressed that in case the Turkish Government persistently asked for details on the content of the files, it was requested to be indicated that an important section of the claims was related to the requisitions and confiscations (requisition for the use of the army) executed by the Turkish army and civil bureaucracy during the years 1914-1922. The issue of installments, on the other hand, was to be used as a trump card for bargain.³³

Within the framework of these new instructions, in order to determine the position of Turkey, Shaw met with Foreign Minister Tevfik Rüştü Aras on May 8, 1933 in Ankara. In this meeting, Tevfik Rüştü Bey indicated that he personally leaned towards compromising on a lump sum, but that without considering the scope of the claims, reconciliation could have political and legal difficulties. In a second meeting, Tevfik Rüştü Bey told Shaw that he discussed the matter with Ismet Pasha and, Ismet Pasha stated that without Government's having further information concerning the claims no progress would be achieved on the issue of lump sum. Tevfik Rüştü Bey requested a list of the compensation dossiers from the Undersecretary and for each file, asked for the following information:

1. The name and birth place of the claimant
2. Amount of compensation
3. The nature and reason of the compensation request
4. The date of act or event giving rise to claim and the reason of the lawsuit
5. Evidences

Although these requests seemed easy, they were difficult demands for the US commission to fulfill, because the files of the commission were missing. Shaw expressed that as long as these requests remained on the table, progress was difficult to achieve. On the other hand, the Turkish side continued to ask for a list of the claims. In a meeting held with Shaw, Tevfik Rüştü Bey said that he asked this list not for discussing claims one by one in the commission. However, he added that they also did not blindly want to determine a lump sum. By observing the files and claims, the Turkish side wanted to form an opinion about the amount being

32 *FRUS* 1934, VOL. 2, p. 898. From Shaw to the Secretary of State . 3.05.1933.

33 *FRUS* 1934, VOL. 2, p. 899.

34 *FRUS* 1934, VOL. 2, p. 899-900. From Shaw to the State Department. 10.05.1933

35 Trask, *American Response*, p. 202.

requested.³⁴ Even more, Prime Minister Ismet Inonu asked Shaw, the Chargé in Turkey: “Does the US want to turn Turkey into a country in debt?”³⁵

Upon the insistence of the Turkish side, Shaw requested at least a part of the list from his Department. The Department indicated that the list could not be made available to them before July 1. While the negotiations were proceeding in a difficult manner, a telegraph sent by the Turkish Foreign Ministry to the US on June 27, 1933 made the task of the American side more difficult. When the event being the subject of compensation was experienced, Turkey had stated that the claims of the Ottoman citizens could not be discussed in the commission and that unarguably again it would discuss compensation for the naturalized US citizens. In fact, according to the Turkish laws, when the event subject to compensation was experienced, the children of individuals whose parents were Ottoman citizens were considered to be citizens also. However, the majority of American requests belonged to those acquiring US citizenship without the permission of the Ottomans and according to US laws, permission from another country was not required to acquire citizenship.³⁶ A problem between the two countries which dated back a long time in history had appeared once again on the agenda.³⁷

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Furthermore, it could be understood that by ignoring this issue, the US started negotiations. Because when the negotiations started on August 15, 1933, the US delegation had prepared three lists to be presented to the Turkish side. In the first list, there were 95 request files which belonged to US citizens and to those who have never acquired Ottoman or Turkish citizenship. According to their own statements, the claims in this list were based on firm evidences. In the second list, 280 request files existed and were still in the process of content analysis. The third list consisted of 1504 files and the claimants were still US citizens who had been Ottoman citizens previously. The total number of files in the three lists was 1880 and the amount of compensation being claimed was 55 million dollars. The US delegation was aware that only the files in the first list met the conditions being requested by the Turkish side. Therefore, the US was consent to take only 10% of the requested total compensation amount. Moreover, it argued that discussing each file separately would only be an unnecessary waste of time and source.³⁸

36 *FRUS* 1934, VOL. 2, p. 902.

37 For the ongoing issue of citizenship between America and the Ottoman State and then between the Republic of Turkey see: Trask, *American Response*, p. 188-216. Kemal Çiçek, “Tehcir Uygulaması ve Amerikan Vatandaşı Osmanlı Ermenilerinin Durumları”, *XV Türk Tarih Kongresi Kongreye Sunulan Bildiriler*, Türk Tarih Kurumu (Turkish Historical Society), Ankara, 2010, VOL. 6, p. 2565-76.

38 *FRUS* 1934, VOL. 2, p. 902-904. From the Acting Secretary of State Philips to Turkey’s Ambassador Skinner. 8.12.1933.

Actually, the Turkish side also had a positive look on the idea of paying a lump sum. Eventually, in November 1933, the Turkish Foreign Minister informally notified to the US ambassador that they could offer 500.000 dollars for lump sum.³⁹

Meanwhile after the negotiations had started, when the Turkish delegation submitted to the US delegation the results of their review of the files in the first list, a very big surprise appeared. The Turkish commission had made the following evaluations concerning the files which the specialists of the State Department examined separately and which were alleged to be based on firm evidences:

- 1) The claimants in some files are recorded as Turkish citizens. For example, Basil C. Coumoulis has personally applied to the Muhtelit Mübadele (Mixed) Commission by asserting that he was a Turkish citizen in order to regain his properties on the basis of the articles of the Treaty of Lausanne. (In this example, it could be understood that Coumoulis had not informed the US commission that he was a Turkish citizen).
- 2) A great number of the claimants have expressed that they do not possess evidences which would support their claims. (The numbers of the files within the category of requisition and confiscation are given).
- 3) The claims in the files have been determined unilaterally by the owners of the files. These requests are far-fetched. For instance, the requested amount of compensation for an ordinary mill found in the small village on the border Iğdir and 400 tons of grain is 442.000 dollars. 58.500 dollars is requested for a small house in Iğdir.
- 4) Similarly, the claims are inconsistent and exaggerated. For example, instead of the requested 2600 dollars for the properties expressed in the petition delivered to the Mixed Commission by Basil C. Coumoulis, 26.100 dollars has been claimed in the file issued to the US delegation, meaning that he has claimed an amount which is ten times too high.

As can be seen, members of the Turkish commission worked hard on the lists and files submitted by the US and stated that their proposal of 500.000 dollars of lump sum in 10 installments was reasonable. Moreover, in Turkey's proposal, it was expressed that prolonging the negotiations and delaying a settlement would be contradictory to the interests of both sides and the requested amount of compensation of the US was not accepted.

39 *FRUS* 1934, VOL. 2, p. 902. From American Ambassador Skinner to the Acting Secretary of State . 21.11.1933. Compare. Trask, *American Response*, p. 202.

It could be understood from the reports submitted by the US delegation to their leaders that these evaluations of the files weakened US's position in the negotiations. Despite this, in the meeting with Şevki Bey in Ankara on December 30, 1933, Shaw stated that Turkey's proposal was very low and completely unacceptable. According to Shaw's allegation, the files were legally strong and even the compensation claims by US companies whose documents were very convincing amounted to 15.000.000 dollars. Again, according to Shaw, even the requested compensation of MacAndrews and Forbes, asserting that their assets seized during war, amounted to 2.000.000 dollars and had very strong evidences. The total amount in the similar 21 files was 7.000.000 dollars. In the light of these examples, Shaw must have wanted to show Şevki Bey that they had a strong hand. In response, Şevki Bey noted the given examples and indicated that he would get them to be examined as soon as possible.⁴⁰

Meanwhile, in a telegraph sent to Ambassador Robert P. Skinner by the State Department on January 13, 1934, it was asked for the unofficial talks to continue until February 15, 1934 on which the negotiations would start again. Moreover, it was suggested that the delegation be persistent in their compensation request and if necessary, to negotiate over the documents. Then, it was expressed that the numbers of nationals of non-Ottoman origin who had applied to the commission had reached 500 in number and the amount of compensation requested by them had reached 20.500.000 dollars. In another instruction given to the delegation, it was requested that when the negotiations started on February 15, 1934, they would convince Turkey to sign an agreement or protocol without delay. The most striking new proposal in the text of this agreement or protocol, the draft of which was submitted, was the claims on which a compromise can not be reached to be taken to Switzerland's arbitration.⁴¹

It is clear that Turkey had a positive outlook on this initiative of the US, because the Turkish side reviewed US's draft and submitted their text on February 4, 1934.⁴² It was stated in this suggestion that in order to successfully determine the amount of lump sum, all dossiers should be submitted to them and the claims upon which arbitration was necessary could be evaluated after this. In other words, Turkey did not object to the files, which became an issue of disagreement, to be arbitrated under the refereeing of Switzerland. In response to this proposal, US Ambassador Skinner stated that they wanted the negotiations to result in reconciliation as soon as possible, because examining claims individually and sending the controversial ones to arbitration would be a great loss of time and would be quite costly for both sides. Moreover, in a telegraph sent to the US State

40 *FRUS* 1934, VOL. 2, p. 906. "Memorandum by the American Delegate to the Turkish-American Claims Commission (Shaw) of a Conversation with the Turkish Delegate (Şevki Bey) on December 30, 1933".

41 *FRUS* 1934, VOL. 2, p. 907-909. From the Acting Secretary of State Philips to the Ambassador in Turkey Skinner. 13.01.1934.

42 *FRUS* 1934, VOL. 2, p. 909-910. From Skinner to the Secretary of State .

Department, Skinner stated that he was extremely fearful that the issue be sent to an arbitrator. This shows that US's proposal to go to an arbitrator was a bluff and that it was surprising that Turkey did not object.⁴³ Following these developments, Skinner wanted the Turkish side to slightly increase their proposal for compensation. In response, the Turkish side maintained their stance and persistently expressed that they wanted the files and arbitrated lists to be submitted to them and that they would only accept the claims of the US citizens being addressed in the commission.⁴⁴

In a telegraph sent to Skinner by the State Department on February 10, 1934, it was expressed that to a great extent Turkey's proposals were acknowledged and the commencing of negotiations was accepted according to these principles. The State Department only objected to Turkey's insistence to keep the discussions confined only to US citizens.⁴⁵ Turkey conditionally abandoned its insistence. In the first phase, talks would be holding on the lump sum without raising nationality question and if a compromise could not be reached, the content of the dossiers would be examined, but only the US citizens' claims for "the losses sustained in Turkey" would be evaluated. The United States of America accepted the first phase of this two-step negotiation proposal, but asserted that they could not differentiate or bring a geographical limitation between the citizens according to the protocols which compromised a basis for negotiations.⁴⁶

Following this development, the number of US commission members was increased and new lawyers were included.⁴⁷ The most noteworthy change was that Mr. Shaw was replaced by, a famous lawyer Fred K. Nielsen⁴⁸ who had conducted the compensation talks between the US and Mexico.⁴⁹ This change could be interpreted as the US wanting to conclude the talks under the leadership of an experienced name as soon as possible. However, the disagreements within the American delegation and Shaw's attitude towards Nielsen considerably complicated Nielsen's duty.⁵⁰

43 *FRUS* 1934, VOL. 2, p. 909-910. From American Ambassador to the US Secretary of State , 04.02.1934.

44 *FRUS* 1934, VOL. 2, p. 910. From Skinner to the Secretary of State . 8.02.1934.

45 *FRUS* 1934, VOL. 2, p. 911. From Hull to Skinner.

46 *FRUS* 1934, VOL. 2, 912. From the Secretary of State to Skinner. 23.03.1934.

47 The jurists newly attending are Francis M. Anderson, John Maktos and John W. Connely (Jr). See: Bulut, *ibid.*, p. 175.

48 In the report of Fred K. Nielsen, the date of appointment as president of commission is given as 12 February 1934. See: Fred K. Nielsen, *American-Turkish Claims Settlement under the Agreement of December 24, 1923, and supplemental agreements between the United States and Turkey. Opinions and report prepared by Fred K. Nielsen. In accordance with the Act of March 22, 1935m 49 Stat. 67* U. S. Government Printing Office, Washington, 1937, p. 7.

49 Trask, *American Response*, p. 204.

50 Trask, *American Response*, p. 205. According to Trask's research on the special file of Nielsen, the embassy had not given him secretariat and Skinner had not accepted to see him.

Eventually, the talks starting again on March 21, 1934 were quite efficient. It could be seen that the suggestions in the last letter of instruction sent to Nielsen could be effective here. In this letter of instruction, Nielsen was told to seek a compromise for a lump sum before evaluating each file separately but if this was not possible to discuss the protocol or agreement whose draft was submitted. It was stated that if the Turkish side insisted on evaluating each file separately, it might have been accepted grudgingly. Another point was that Turkey's proposal of 500.000 dollars as a lump sum was very low and unacceptable. The State Department desired the process to end before dragging on too much and this very important question between the two countries to be settled as soon as possible. Therefore, initiative was given to Nielsen and he was instructed to be able to withdraw the files whose evidences seemed inadequate during the negotiations. The sole issue which the US would not make a subject of discussion was the separation of the conditions of the American nationals of Ottoman origin.⁵¹ However, as mentioned above, this issue was partially covered up with the lists prepared on the basis of citizenship and had at least prevented the obstruction of the talks. Therefore, based on the agreement reached on 13 July 1934, the claims of those American nationals of Ottoman origin were also included within the scope of the agreement. Since the parties decided on continuing negotiations on a lump sum, the compensation to be received would encompass all compensation dossiers.⁵²

Therefore, based on the agreement reached on 13 July 1934, the claims of those American nationals of Ottoman origin were also included within the scope of the agreement.

Thus, under these conditions, the sides hold very effective talks during the five month period between March-August 1934. Turkey did not bring the question of citizenship to the table and the US did not specify an amount for compensation. Nielsen reported his observations concerning the talks and claims to the State Department with a writing dated August 14, 1934 under the following main headings:

1. "Serious cases" amounted to approximately 12,099,994.18 dollars.
2. "Prima facie but unconvincing cases" amounted to 1,419,614.60 dollars.
3. Cases amounted to 1,366,242.32 dollars. It is thought within the scope of the Turkish Legal System that these were related to the abandoned properties. (The claims in this category are suspended for the present so that the American delegation could examine this legal system).

51 *FRUS* 1934, VOL. 2., p. 913-18. From the Secretary of State to the American Commissioner on the Turkish-American Claims Commission Nielsen. July 13, 1934.

52 Nielsen, *Claims Settlement*, p. 15.

4. “Insignificant cases” amounted to approximately 49,347.78 dollars. (These claims, few in numbers, would have little or no bearing on a lump sum settlement).
5. Cases which are in abeyance in order to allow the Turkish delegation to make some investigations amounted to 905,953.47 dollars.
6. “Non-serious cases” amounted to approximately 1,665,026.36 dollars. (According to the decision taken unanimously by the commission, this category contains claims which are without basis of law).
7. A large number of cases (approximately 600) found legally groundless by the American commission after a cursory examination. A list of these claims was submitted to the Turkish Delegation.
8. A small number of cases concerning the problems of Turks and Americans having dual nationality.

In his evaluation regarding the process of negotiation, which took part in his *déclarations verbales* dated to August 16, 1934 and submitted to the State Department, Nielsen stated that even if the controversial dossiers were taken out from the approximate 2500 files presented to the commission, the amount of compensation in the serious files was 15.841.150 dollars. He also added that the low percentage 15% of this amount which would be close to the sum of 2.500.000 dollars was reasonable.⁵³ By this way, for the first time an American official expressed half of the compensation amount claimed in the beginning. On the contrary, after Turkey had insisted for a long time on its original proposal, it took a step back upon Nielsen proving that the claims were just by showing some cases one by one as an example. Based on Nielsen’s report written for the Ministry on September 5, 1934, Esat Bey indicated that Turkey’s proposal could increase all the way up to 700.000 dollars. By accepting that the claims were one sided and exaggerated, Nielsen reduced it to 1.500.000 dollars and declared to Washington that they could not propose a lower amount. Moreover, he also mentioned in his report the possibility for the Turkish side to raise its proposal to 1.000.000 dollars.

Nielsen, who claimed that no progress was made in the negotiations, expressed to the Turkish side that if no agreement was reached on the amount, they would be ready to examine each file individually as indicated during the beginning of the negotiations.⁵⁴ Upon this development, after a long time, Şevki Bey attended the

53 *FRUS* 1934, VOL. 2. p. 921. Attachment 2. From Nielsen to the US State Department. 16.08.1934.

54 In his letters written to his companions, Nielsen wrote that he disliked the Turks and their behaviors and conveyed his discomfort with the talks extending. Trask, *American Response*, p. 205.

commission meeting on September 19, 1934 and proposed to pay 1.200.000 dollars in 12 installments annually. Nielsen was willing to accept this proposal. He stated that the majority of the claims were exaggerated, evidences were inefficient, too much time would be lost if each file was negotiated, and that considering the economic conditions the country was in, and the acceptance of this proposal would be to the benefit of both countries' interests. Undersecretary Shaw also expressed that he was for the acceptance of the proposal. However, in the response received from the State Department, it was asked that the amount of compensation to be slightly raised and negotiations to take place for the installments to be paid in five years. Furthermore, it was indicated that considering the 3% interest rate in the 12 year payment term, Turkey's proposal equaled 995.400 dollars. Therefore, the State Department declared that an agreement should be reached on 1.500.000 dollars or an interest which would bring total payments approximately up to this figure should be added. However, Nielsen was also granted the authorization to accept the proposal if Turkey would not make any concessions.⁵⁵ When Nielsen discussed the situation with Şevki Bey, he told him that they could not pay more than pay more than 100.000 dollars a year. By indicating to the State Department that the economic conditions of the country should not be overlooked, Nielsen asked for the proposal to be accepted. However, he also stated that due to the installments extended over a long period, he could try to get interest on deferred payments.⁵⁶ In the last meeting hold with Şevki Bey, Nielsen said that he accepted the proposal of the US on the condition that an interest of 2.5% would be paid. On the other hand, Şevki Bey proposed to pay without interest 100.000 dollars with a term payment of 13 years, thus a total of 1.300.000 dollars.⁵⁷ America finally accepted this proposal.

“Müttekâbil Metâlibin Tesviyesine Mütedair İtilafnâme” (Agreement Concerning the Mutual Claims Settlement) or Turkish-American Claims Settlement

Upon negotiations coming to an end and reaching an agreement on the conditions of the settlement, the agreement whose official name was “Agreement Concerning the Mutual Claims Settlement” was signed on October 25, 1934. The agreement was signed by Deputy of Izmir and Minister of Foreign Affairs Tevfik Rüştü (Aras) on behalf of Turkey and Fred Kenelm Nielsen on behalf of the US President. The entire agreement consisted of three articles:⁵⁸

55 *FRUS* 1934, VOL. 2, pp. 930-31. From the Secretary of State Hull to the Consul at Istanbul Elting. 20 September 1934. Compare: Trask, *American Response*, pp. 207-08.

56 *FRUS* 1934, VOL. 2, p. 931. From Nielsen to the Secretary of State. 21.09.1934.

57 *FRUS* 1934, VOL. 2, p. 932. From the Secretary of State Hull to the Consul at Istanbul Elting.

58 *Düstur*, 3. Tertip, VOL. 16, pp. 490-92. *T.R. Official Gazette*, January 2, 1935, p. 4616-17. For the full treaty see: Attachment 2.

1. The Government of the Republic of Turkey will pay to the Government of the United States of America the sum of 1.300.000 (one million three hundred thousand dollars), without interest, in full settlement of claims of American citizens which are embraced by the Agreement of December 24, 1923. Payment of this sum will be made in thirteen annual installments of 100.000 (one hundred thousand dollars). Payment of the first installment will be made on June 1, 1936; following the ratification of the present Agreement by the Grand National Assembly of Turkey.
2. The two Governments agree that, by the payment of the aforesaid sum, the Government of the Republic of Turkey will be released from liability with respect to all of the above-mentioned claims formulated against it and further agree that every claim embraced by the agreement of December 24, 1923, shall be considered and treated as finally settled.
3. The present agreement shall be effective from the date of its signature, subject to the ratification of the Agreement by the Grand National Assembly of Turkey.

Done in Ankara on twenty-fifth day of October, nineteen hundred and thirty-four in two copies each in the Turkish and English languages, which are equally authentic.

Since in the United States' case the agreement had a characteristic regarding the execution, it was not submitted to the ratification of the Senate. On the other hand, the Turkish Grand National Assembly ratified the agreement as a result of the voting on December 23, 1934. In addition to this agreement, another agreement was signed for the payment by the Turkish Republic to the United States of America of 23.824.86 dollars spent by America in order to protect the interests of the Ottoman citizens in the US in 1914-1917. According to this agreement, the amount would again be paid in 13 annual installments.⁵⁹ The date for the first installment was set as June 1st 1936.⁶⁰

Scope of the Claims Settlement

As can be seen, this agreement foresaw that a lump sum be paid in order to completely meet the claims of Turkish American citizens. Here, it is very important that the agreement of December 24, 1923 is referred to, because in these protocols which have also come to the agenda during the negotiations and acted as a basis of

59 *Düstur*, 3. *Tertip*, VOL. 17, p. 1277-78. *FRUS* 1934, VOL. 2, p. 933-34. Nielsen, *Claims Settlement*, pp. 47-48.

60 Trask, *American Response*, p. 208.

agreements, the former citizenships of the owners of claims were questioned. This situation decreed that it was decided for a lump sum to be paid in order to meet all the claims of the agreement. In other words, the US requested the claims settlement to be applied to all its citizens and gathering the claims of all Greeks, Armenians and Jews who had acquired American citizenship and bringing them before the commission was an indication of United States' desire. According to American laws, a person could acquire US citizenship without the consent of their country. In this context, it is natural to gather all claims without making any differentiation between US citizens. Therefore, in the claim lists of United States of America, there are 1900 dossiers belonging to US citizens of Ottoman origin.⁶¹ For this reason, Turkey opposed the US addressing the claims of former Ottoman citizens throughout the negotiations.⁶² Thus, after Nielsen was appointed to the commission, he kept those whose citizenships were controversial, beyond evaluation, but did not bring them completely outside the agreement.⁶³ Anyhow, since the talks started taking place on the lump sum and the term to submit to the commission the files belonging to contentious citizens was to be expired on February 15, 1934, the talks did not come to a deadlock. Therefore, the State Department gave a list of the owners of these kinds of claims to the commission, but by not submitting the files within the set time, it seems that they found a midway.

Thus, according to Nielsen, the agreement was signed in order to settle all the claims. In his report concerning the agreement, Nielsen indicated: "while, as has been explained, the Commission did not consider these claims of naturalized citizens of Turkish origin, the Agreement of October 25, 1934 concluded by the two governments was framed to effect a final settlement of all outstanding claims of the nationals of each country against the other, and it was for that reason that there was incorporated in the Agreement article II."⁶⁴

Furthermore, it should be highly emphasized that the general perception in Turkey was that the US requested compensation on behalf of all those they considered citizens and concluded an agreement. In the news published in Turkish press after the agreement was signed, it was expressed that in order to compensate for the harm and damages of US citizens for their properties confiscated during the First World War, Turkey was to pay compensation to United States of America. For instance, in the news in Cumhuriyet newspaper, it was written that "*compensation was claimed for the properties which were belonging to American citizens and*

61 Nielsen, *Claims Settlement*, p. 13. For the list of claims see: Attachment 3.

62 For the indications and comments on the idea that Turkey fears Greek-American citizens in particular to make claims by using their dual citizenships see: Nielsen, *Claims Settlement*, pp. 12-13. Trask, *American Response*, p. 206.

63 Nielsen, *Claims Settlement*, p. 13.

64 Nielsen, *Claims Settlement*, p. 15.

confiscated during the First World War... the commission which had examined the list prepared by America decided on the payment of a fixed compensation."⁶⁵ The *Hakimiyeti Milliye* newspaper published the same news by stating that "*the commission verified the claims of the harmed Americans and decided on the payment of a fixed amount to the American Government in exchange for this damage.*"⁶⁶ The point which draws attention here is that in both articles, how much compensation had been paid was not indicated. Why this important information did not appear in the news could only be a matter of speculation within the light of the information known.

On the other hand, other points existed also in Nielsen's report which put forth that compensation claims had been made without taking into consideration the issue of citizenship. According to this, the claims in the dossiers presented to the US commission could be expressed as follows:⁶⁷

1. Confiscated claims whose value has not been compensated by the Turkish soldiers or civil offices
2. Claims for the destruction, looting, and the robbing of properties by soldiers in an unnecessary and disproportionate manner
3. Those concerning the violation of human rights by Turkish civil and military offices (like false imprisonment and beating)
4. Claims concerning the negligence of officials in showing the necessary efforts regarding the prevention of the damages that could be brought to human rights or properties

Moreover, the US Government agreeing to compromise on a very low proportion of what they claimed and the reactions of Armenians and Greeks after the agreement was signed⁶⁸ makes one think that America only concluded a Claims Settlement for those whose citizenships were not debatable in response to Turkey's attitude. However, as explained above, Nielsen's report disregards this possibility. In his evaluation of the agreement, Trask stated that the agreement encompassed all claims. Moreover, according to Trask, the amount of compensation was not determined according to the claims, but according to Turkey's capacity to pay. Nielsen recognized that the prolonging of the work of the Commission was due to

65 "Amerikalı Emlaki", *Cumhuriyet*, 14 October 1934, p. 5.

66 "Türk-Amerikan Komisyonu" *Hakimiyeti Milliye*, 14 I. Shariah 1934, p. 3.

67 Nielsen, *Claims Settlement*, 22. Compare: Trask, *American Response*, p. 200. Bulut, *Atatürk Dönemi*, p. 171.

68 According to Trask, The Allied Turkish-American War Claims Association had protested the agreement on behalf of 200 American citizens of Ottoman origin. Trask, *American Response*, p. 209.

the inability of Turkey to pay the compensation, therefore, Nielsen favored a settlement which would be payable by Turkey.⁶⁹ In the news in American newspapers concerning the agreements, it was expressed that the compensation was signed in response to the claims of American citizens.⁷⁰

The files which were left outside the scope of the agreement and which the Turkish side completely denied to negotiate were the following: 1) claims arising from the burning of the city of Izmir, 2) claims emerging as a result of relocation, 3) claims regarding the abandoned immovable properties in Turkey, 4) claims ensuing outside the territories of Turkey.⁷¹

Individuals Gaining the Right to Receive Compensation

After the Claims Settlement was ratified by the American Congress on March 22, 1935, Nielsen opened a bureau in Washington and indicated those gaining the right to receive compensation. Nielsen specified the names of those owning the files submitted to the commission, the amount of compensation claimed and its legal interest one by one meticulously. He left most of claims out of its scope on the grounds that they were fake or did not have enough evidence.⁷² According to the last report written by Nielsen in 1937, only 33 claims were found to be worthy of receiving compensation.⁷³ The sum of these claims, including main cash and interest, was 899.338.09 dollars. The largest part of the compensation, including interest of 260.870.96 dollars was received by Mac Andrews and Forbes Company. This company was followed by the missionary organization of the American Board of Commissioners for Foreign Missions which received a total of 191.583.48 dollars. Then, respectively, Socony-Vacuum Oil Company (150.131.89 dollars), the American Tobacco Company (42.938.25 dollars) and Singer Sewing Machine Company (51.087.69 dollars) followed.⁷⁴

The sum of these claims, including main cash and interest, was 899.338.09 dollars.

69 In a letter to Foreign Minister Hull, Nielsen said that after 1911, Turkey entered into four international wars, lost them and nothing was left of the Ottoman Empire and that the country lacked the capacity to pay. Trask, *American Response*, p. 207.

70 "Turkey to Pay Our Claims", *The New York Times*, 20 December 1934.

71 Nielsen, *Claims Settlement*, pp. 24-41.

72 Trask, *American Response*, p. 209. In news published in The New York Times newspaper, from the 900 files submitted to the commission, 600 of them are legally groundless and 300 of them would be re-evaluated. See: "Turks To Pay \$ 1.500.000 in War Claims to Turkey", *The New York Times*, 22 October 1934.

73 John A. DeNovo, *American Interests and Policies in the Middle East, 1900-1939*, University of Minnesota Press, 1963, p. 239.

74 Nielsen, *Claims Settlement*, pp. 780-782. See: Attachment 3.

According to the list prepared by Nielsen, after the payments were made, 70.891.06 dollars was set aside for the works of the commission in Turkey and for Nielsen's expenses. However, when the lists received their final form, it became clear that the amount of compensation to be paid to those deserving it was 400.661.91 dollars, which is lower than the amount Turkey was to pay. Upon Nielsen's suggestion, the US decided to declare to the Turkish Government that the debt was lower and four installments would be paid. Accordingly, the installments would end in 1944 rather than 1948. Turkish Ambassador Münir Ertegün was called to the Foreign Ministry and the new payment plan was declared to him on condition that it would remain confidential between the two governments. The reason for this confidentiality was the constraint from the protests of those whose claims were not accepted. While Nielsen explained the situation to Secretary of State Hull upon the amount to be paid by Turkey being lower, he said that "*This deed would serve in a measure to salvage the honor of the United States so shamefully prostituted by the wholesale misrepresentations made to the Government of Turkey.*"⁷⁵ This deed of the US had affected Turkey's ambassador deeply and according to the statement of Wallace Murray, chief of the Division of Near Eastern Affairs of the State Department, tears ran down the eyes of the ambassador when he received the news and said that "*he is unable to express his feelings of appreciation towards the generosity, just behaviour and honesty of the US Government and that this moment is the happiest day of his career.*"⁷⁶ In his book, while Trask evaluated Nielsen's appointment to the commission, he also stated that Nielsen disliked the Turks. However, in his report, Nielsen had expressed that when evaluating the studies of the commission before he was appointed, he said that "in the agreement... initiatives were taken in order to obtain money in great amounts from a poor nation through a great pack of lies."⁷⁷

Conclusion

This Claims Settlement signed between Turkey and the United States of America, eliminated an important obstacle between Turkey and the US which had been a problem since 1923 and had caused a tension in relations. Turkey has displayed its goodwill and determination to establish friendly relations with the US by paying compensation which was considerable. On the other hand, the United States of America has showed its willingness and determination to develop relations with Turkey by signing the Agreement which fell short of their original compensation claims. By taking into consideration the economic conditions, which Turkey was in

75 Trask, *American Response*, p. 210.

76 Trask, *American Response*, p. 210.

77 In a letter written by Nielsen to Hull, Trask, *American Response*, s. 205.

during the negotiations, the US has always made concessions on the amount of compensation. This claims settlement has been signed in order to end all claims between the parties. It is very meaningful for the US to sign this agreement despite the protests of about 1900 Armenian and Greek claimants. The report written by Nielsen in 1937, regarding the process of agreement, starkly puts forth how unjust the claims were and how they lacked legal basis. In his report, Nielsen has clearly indicated that the claims of US citizens of Turkish origin were one-sided, exaggerated, unjust, and legally groundless.

**Attachment 1. Text of the transcription regarding the decree towards
establishing a commission on claims**

Türkiye Cumhuriyeti

Ankara

Baş Vekâlet

Kalem-i Mahsus Müdiriyyet

Aded: 102

Kararnâme

24 Kânun-ı evvel 923 tarihiyle İstanbul murahhaslığına tevdi kılınan Amerika Sefareti'nin ber-vech-i zîr takriri, İcra Vekilleri Heyeti'nin 6/1/340 tarihli ictimainda ledel-kırae keyfiyet tasvib edilmiş ve Hariciye Vekâleti'ne tebligat-ı icrası takarrür etmiştir.

“Amerika ve Türkiye teb’asının metâlibât-ı mütakabilesi suret-i mes’ulesinin atıyyen tezekkür olunması hakkında 6 Ağustos 923 tarihiyle Lozan’da teati kılınan mektublara tevfikân 10 Teşrin-i evvel 923 tarihinden beri İstanbul’da vuku’bulan mübahasât neticesi olarak hususât-ı atıyeyi zât-ı âli-i (...) iblağa hükümetim tarafından mezun bulunduğumu beyan eylerim.

“Şöyle ki: Amerika ve Türkiye arasında münasebât-ı umumiyeye dair olarak 6 Ağustos 923 tarihinde Lozan’da imza kılınan muahede tasdiknâmelerinin teatisinden altı ay sonra İstanbul’da in’ikad edecek bir heyete ika olarak iki mümessil tayini hususunda hükümetim, Türkiye Cumhuriyeti hükümeti ile müttefiklik eder. Heyet-i mezkûre bu münasebâta verilecek suret-i tesviyeyi tayin etmek maksadıyla iki hükümetin biri veya diğeri tarafından heyetin teşekkülünden itibaren altı ay müddet zarfında dermiyan olunarak metâlibinin tedkikine ibtidar edilecektir. Metâlib dosyaları her talebin nev’i, menşe ve esasa müstenid bulunduğunu mübeyyin evrakı ihtiva edecektir. Fıkra-i ahirede mussarrah altı ay müddet sonra dermiyan edilen metalibe terdif olunmayıp da bu metalibe taalluk eden evrak, heyete teşekkülünden nihayet bir sene zarfında tebliğ edilecektir. Bu suret-i tesviyenin tesbit buyurulduğu iş’ar kılınırsa minnettar olurum”.

6/1/340

Türkiye Reis-i Cumhuru
Gazi (imza)

Maliye Vekili
İmza

Hariciye Vekili
İmza

Dahiliye Vekaleti Vekili
İmza

Adliye Vekili
İmza

**Müdafaa-i Milliye
Vekili**
İmza

Şer'îye Vekili
İmza
İmza

Başvekil
İmza

**Mübadele, İmar,
İskan Vekili**

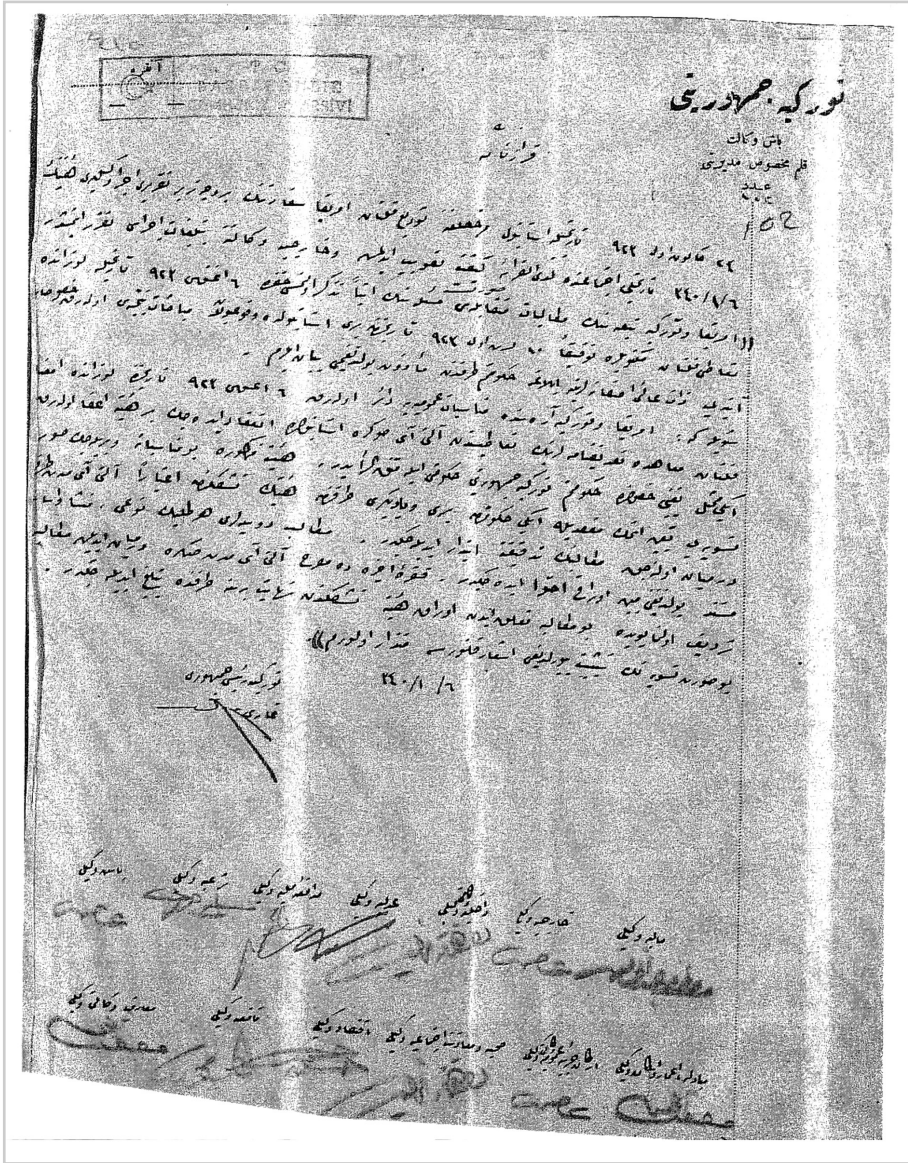
**Erkân-ı Harbiye-i
Umumiye
Vekâleti Vekili**
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**Sıhhiye ve
Muavenet-i
İctimaiye Vekili**
İmza

İktisad Vekili
İmza

Nafia Vekili
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Maarif Vekâleti Vekili
imza



Attachment 2: The Agreement signed between the Republic of Turkey and the US on 25 December 1934. *Düstur*, 3. Tertip, C. 16, p. 490-92.

490

№: 99 — Türkiye Cümhuriyetile Amerika Birleşik Devletleri arasında 25/12/1934 tarihinde imza olunan karşılıklı metalibin tesviyesine dair olan itilâfnamenin tasdiki hakkında kanun

23 kânunuevvel 1934

[Resmî Gazete ile neşir ve ilânı: 2 kânunusani 1935 — Sayı: 2896]

Kanun №: 2670

Madde 1 — Türkiye Cümhuriyeti ile Amerika Birleşik Devletleri arasında 25 birinciteşrin 1934 tarihinde imza olunan ve her iki Devlet vatandaşları mütekabil metalibinin tesviyesine mütedair bulunan itilâfname kabul ve tasdik olunmuştur.

Madde 2 — Bu kanun neşri tarihinden muteberdir.

Madde 3 — Bu kanunun icrasına Hariciye ve Maliye Bakanları memurdur.

Türkiye Cümhuriyeti ile Amerika Birleşik Devletleri arasında akdolan ve iki Devlet vatandaşları mütekabil metalibinin tesviyesine mütedair olan itilâfname

Türkiye Cümhuriyeti Hükûmeti ile Amerika Birleşik Devletleri Hükûmeti, 24 kânunuevvel 1923 tarihinde notalar teatisi suretile akdeyledikleri ve 17 şubat 1927 tarihinde notalar teatisi neticesinde hasıl olan itilâf ile teyid ettikleri anlaşmada dahil olan talepleri dostane, çabuk ve tasarruflu surette halletmek arzusu ile işbu itilâfnameyi akde karar vermişler ve bu maksadla:

Türkiye Cümhuriyeti ile Amerika Birleşik Devletleri arasında akdolan ve iki Devlet vatandaşları mütekabil metalibinin tesviyesine mütedair olan itilâfnamenin İngilizce metni

The Government of the Republic of Turkey and the Government of the United States of America, being desirous of effecting an amiable, expeditious and economical adjustment of the claims embraced by the Agreement concluded by them through an exchange of notes dated December 24, 1933, and confirmed by an agreement through an exchange of

Türkiye Cümhuriyeti Reisi
Hazretleri

İzmir Mebusu ve Türkiye
Cümhuriyeti Hariciye Vekili
Doktor Tevfik Rüştü Beyefen-
diyi,

ve

Amerika Birleşik Devletleri
Reisi Hazretleri

Fred Kenelm Nielsen'i
Murahhas tayin etmişlerdir.

Bu murahhaslar salâhiyetna-
melerini yekdiğere tebliğ ile
usul ve kaidesine muvafık
bularak atideki hükümleri ka-
rarlaştırmışlardır:

MADDE 1.

Türkiye Cümhuriyeti Hükû-
meti Amerika Birleşik Devlet-
leri Hükûmetine, 24 kânunu-
evvel 1923 tarihli anlaşmada
dahil olan Amerika tebaaları
taleplerinin tamamen tesviye-
sini tazammun etmek üzere
faizsiz olarak (1 300 000) dol-
lar (bir milyon üç yüz bin)
dolar Amerika Birleşik Devlet-
leri doları verecektir. Bu meb-
lâğ, her senelik taksiti (100 000)
(yüz bin dolar) olmak üzere
on üç senede ödenecektir. İlk
taksit işbu itilâfnamenin Tür-
kiye Büyük Millet Meclisince
tasdikından sonra 1 haziran
1936 tarihinde tediye oluna-
caktır.

notes dated February 17,19,27,
have resolved to conclude the
presant Agreement for that
purpose, and have appointed
as their plenipotentiaries :

The President

Of the Republic of Turkey,
Dr. Tevfik Rüştü Bey, De-
puty of İzmir, Minister of Fo-
reign Affairs of the Terepublic
of Turkey,

and

The President

Of the United States of
America

Fred Kenelm Nielsen,

Who, having communicated
their ful powers, found to be
in good and due form, have
agreed as follows:

ARTICLE 1.

The Government of the
Republic of Turkey will pay
to the Government of the
United States of Amerika the
sum of 1,300,000 (one million
three hundred thousand dol-
lars) of the United States of
America, without interest, in
full settlement of claims of
American citizens which are
embraced by the Agreement
of December 24,1923. Paye-
ment of this sum will be made
in thirteen annual installe-
ments of 100,000 (one hundred
thousand dollars) . Payement
of the first installement will
be made on June, 1,1936;
following the ratification of
the present Agreement by the
Grand National Assembly of
Turkey.

MADDE 2.

Her iki Hükümet yukarıda zikredilen meblâğın tediyesi suretile Türkiye Cümhuriyeti Hükümetinin kendisine karşı dermeyan edilen yukarıda mezkûr taleblere aid bütün borçlardan ibra edilmiş olacağını ve keza 24 kânunuevvel 1923 anlaşmasına dahil bütün taleplerin de kat'î surette hal edilmiş ad ve telâkki edileceğini kararlaştırmışlardır.

MADDE 3.

İşbu İtilâfname Türkiye Büyük Millet Meclisi tarafından tasdik edilmek şartile imzasından itibaren mer'iyete girecektir.

Ankarada yirmi beş teşri-nievvel bin dokuz yüz otuz dört tarihinde her ikisi de aynı kıymeti haiz olmak üzere Türkçe ve İngilizce iki nüsha olarak tanzim edilmiştir.

Dr. T. Rüştü Fred Nielsen

ARTICLE 2.

The two Governements agree that, by the payement of the aforesaid sum, the Government of the Republic of Turkey will be released from liability with respect to all of the above-mentioned claims formulated against it and further agree that every claim embraced by the agreement of December 24, 1923, shall be considered and treated as finally settled.

ARTICLE 3.

The present agreement shall be effective from the date of its signature, subject to the ratification of the Agreement by the Grand National Assembly of Turkey.

Done at Ankara in duplicate in the Turkish and English and English languages, which have the same value, this twenty-fifth day of Octobre, nineteen hundred and thirty-four.

Dr. T. Rüştü Fred K. Nielsen

**№: 100 — 1934 mali yılı Umumi Muvazene Kanununa
bağlı bütçelerde bazı değişiklikler yapıl-
masına ve bazı bütçelere fevkalâde
tahsisat verilmesine dair kanun**

23 kânunnevel 1934

[Resmî Gazete ile neşir ve ilânı : 2 kânunusani 1935 — Sayı: 2896]

Kanun №: 2671

Madde 1 — 1934 mali yılı umumî muvazenesine giren bütçelerin (1) sayılı cetvelde yazılı fasıllarından (114 000) lira indirilmiştir.

Madde 2 — Birinci madde mucibince indirilen paralardan (78 000) lirası (2) sayılı cetvelde gösterilen tertiblere ilâve edilmiş ve (36 000) lirası da (3) sayılı cetvelde gösterilen daire bütçelerinde yeniden açılan fasıllara fevkalâde tahsisat olarak konulmuştur.

Madde 3 — Bu kanun neşri tarihinden muteberdir.

Madde 4 — Bu kanunun hükmünü yürütmeğe Maliye Vekili memurdur.

CETVEL (1)

F. M.	Muhassasatın nev'i	Lira
<i>Düyunu Umumiye</i>		
212	1722 numaralı kanun mucibince kibrit istikrazı faiz ve itfa mürettebatı	6 000
<i>Tapu ve Kadastro Umum Müdürlüğü</i>		
225	Memurlar maaşı	1 500
241 1	Ücret	2 000
245 2	Açık maaşı	500
<i>Gümrük ve İhisarlar Vekâleti</i>		
264 1	İcar bedeli	500
270 4	Gümrük idaresine aid olanlarla tahtı muhafazasında bulunan ve kaçak olarak derdest olunup gümrük idarelerine sevk ve teslim olunan bilûmum eşya ve emvalin nakliye ve bendiyesi ve kaçak olarak yakalanan hayvanların iâşe, bakım ve koruma masrafları	500
290 1	İcar bedeli	500
294 1	Mubayaa	500

Attachment 3: List of claims submitted to the commission.

Claimants	Total Amounts Allowed	Deductions	Amounts Due Claimants
Mary Jane Floyd.....	\$163. 00---	\$3. 61---	\$159. 39
Isidore Fried.....	650. 80---	14. 42---	636. 38
Mussie Hochstein, Administratrix of the Estate of Abraham Hoch- stein, Mussie Hochstein, Judith Hochstein, Israel Nathan Hoch- stein and Isaac Hochstein.....	500. 00---	11. 08---	488. 92
Rifka Levenson.....	500. 00---	11. 08---	488. 92
Alter Levin.....	2, 000. 00---	44. 33---	1, 955. 67
MacAndrews and Forbes Co.....	266, 784. 00---	5, 913. 04---	260, 870. 96
Michael J. Malamatinis, Emanuel J. Malamatinis and Bertha Mala- matinis.....	2, 000. 00---	44. 33---	1, 955. 67
Frederick Charles Newbourg, Jr., as Executor and Trustee, and Fidel- ity-Philadelphia Trust Company, as Trustee of the Estate of John Samuel Stephenson.....	10, 984. 36---	243. 46---	10, 740. 90
Christo G. Pirocaco (Claim for \$180,409.48).....	16, 058. 49---	355. 92---	15, 702. 57
Quaker City Rubber Company.....	296. 79---	6. 58---	290. 21
Elieser Rivlin, as Guardian of Hanah Belah Sternberg.....	839. 79---	18. 61---	821. 18
Elimeleh Sachs.....	4, 102. 70---	90. 93---	4, 011. 77
Singer Sewing Machine Company (Claim for \$63,961.77).....	51, 087. 69---	1, 132. 32---	49, 955. 37
Socony-Vacuum Oil Company, In- corporated (Claim for \$101,773.28).....	150, 131. 89---	3, 327. 55---	146, 804. 34
Socony-Vacuum Oil Company, In- corporated (Claim for \$13,417.92).....	8, 692. 38---	192. 66---	8, 499. 72
Socony-Vacuum Oil Company, In- corporated (Claim for \$3,844.03).....	5, 535. 40---	122. 69---	5, 412. 71
Texas Company, The.....	31, 643. 09---	701. 34---	30, 941. 75
J. Spencer Turner Company.....	1, 402. 23---	31. 08---	1, 371. 15
Stellios Venturatos.....	3, 067. 09---	67. 98---	2, 999. 11
Wellington, Sears & Company.....	1, 719. 96---	38. 12---	1, 681. 84
Esther White, Administratrix of the Estate of Isaac White.....	37. 17---	. 82---	36. 35
Harris White.....	174. 32---	3. 86---	170. 46
Whittemore Bros. Corp.....	202. 70---	4. 49---	198. 21

LIST OF CLAIMANTS AND SO-CALLED CLAIMANTS WITH AMOUNTS CLAIMED

In isolated instances it was impossible to determine the precise amounts asked for by claimants. With respect to more than half of the names listed, no amounts are stated below, since there are no amounts to record. These names have been listed for purposes of indexing. They are found in the Digests of Obviously Ungrounded Claims, p. 715, and in the Digests of So-called "Claims", p. 733.

Claimants	Amounts Claimed	Pages
Abdalian, S.....		733
Abraham, Baba.....	\$10, 275. 00..	403
Abramovitz, A. E.....		733
Adamian, Adam.....		733
Adamian, P. A.....		733
Adamopoulos, Adam Constantine.....	633, 457. 39..	709
Adamopoulos, Stella.....	306, 676. 20..	709
Adams, Isaac.....		733
Adams, Louis B.....		733
Adams, Sarah Isaac.....	29, 500. 00..	222
Adjemian, Mariam.....		734
Agasar, Jacob Isaac.....	36, 440. 00..	403
Agerokis, Elias Christ.....		734
Aicaterinis, Nick.....		734
Aivazian, H. A.....		734
Ajamian, Charles, Mrs.....		734
Alcock, John L. and Company.....	17, 594. 58..	715
Alekary, John.....		734
Alexander, Gabriel Bar. See Harriet Maria Bar- clay, guardian.		
Alexander, Nicholas.....	9, 000. 00..	716
Alexandridis, Bassilios.....	13, 000. 00..	198
Allen, Andrew H.....		734
Allen, George P.....		734
Allen, Winifred H. See Anna J. Knapp <i>et al.</i>		
Altsuler, Samuel.....	5, 212. 00..	716
Amanatides, George E.....		734
Ameer, Alexander.....	37, 600. 00..	403
Ameer, Julia.....	26, 350. 00..	403
Ameer, Shlemon J.....	15, 700. 00..	403
American Bible Society.....		734
American Board of Commissioners for Foreign Missions.....	2, 481, 726. 47..	674
American Food Products Company.....		734
American Surety Company.....		734

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Claimants	Amounts Claimed	Pages
American Tobacco Company, The.....	\$66, 678. 67..	141
American Tobacco Company, The.....	469, 760. 85..	128
American Tobacco Company of the Orient, Inc., The.....	73, 208. 64..	145
Anastasiadis, George.....		734
Andreasian, Andreas H.....		734
Andrew, Mitchell (Michael).....	510, 863. 00..	152
Angelos, Gust.....		735
Angiorlis, Mike.....		735
Annest, Harry A.....		735
Antoniou, Helen G.....		735
Apalakis, Edward.....		735
Aperghis, Photios.....	18, 727. 25..	224
Apostolides, Vassilios, Mrs.....		735
Apostolou, Manos.....		735
Arabadjia, James John.....		735
Arachisky, Minna Siev. See Sarah Siev <i>et al.</i>		
Archaeological Institute of America.....		735
Archbell, Jehu Eborn.....	10, 911. 40..	151
Archbell, Maria H. M.....	32, 689. 37..	149
Argyropoulos, Prodrimos.....	3, 893. 00..	716
Armao, Bolton.....	18, 877. 00..	173
Armao, Paul.....		735
Armour and Company.....	1, 341. 82..	154
Arsanis, Eshu Serghis.....	48, 800. 00..	216
Artin, John.....	85, 500. 00..	717
Asiatic Raisin Trading Company.....	303, 945. 47..	196
Aspromongos, Panios.....		735
Asteriou, Aster.....		717
Athana, E.....		717
Athanasi, Constantine S.....		735
Aughinbaugh, W. E.....		735
Avak, Garapet M.....	442, 000. 00..	651
Avakian, Nerses M.....	58, 500. 00..	191
Avaras, S. J.....		736
Avedisian, Filomen.....		736
Avgeros, Dionyseus.....		736
Ayres, Bridges & Co. See Samuel W. Bridges, assignee.....		
Azoo, George Yohannan.....	27, 650. 00..	193
Babaian, Aram A.....		736
Babigian, Anna.....		736
Badal, William M., Special Administrator of the Estate of Nweeya Badal.....	14, 548. 00..	213
Baddell, Jeremiah.....		736
Badel, Shalem J. A., Mrs.....	64, 145. 00..	403
Bagdigian, Anoushig J.....		736
Bagdigian, Elizabeth.....		736
Bakrijian, Shahanog, Mrs.....		736
Baldwin, Theodore A.....		736

LIST OF CLAIMANTS

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Claimants	Amounts Claimed	Pages
Ralph, J. M.		736
Barberis, George D.	\$13, 000. 00	191
Barbes, Mary Z., Administratrix of the Estate of Zapheres Barbes	22, 225. 00	155
Barclay, Harriet Maria, as Guardian of Three Children of Gabriel Bar Alexander	£800. 00	403
Bardax, George		736
Basmajian, Zarouhi		736
Bassett, Theo W.		737
Bedrossian, Edward H.	\$15, 445. 00	175
Benjamin, Hanna		737
Benjamin, Isaac Baba	33, 000. 00	440
Benjamin, Israel Isaac		737
Benjamin, Lillian	9, 710. 00	403
Benjamin, Mary Oraham	64, 550. 00	209
Benjamin, Musey	50, 000. 00	212
Benjamin, Thomas		737
Ben-Tovim, Cela Segal. See Mollie Segal <i>et al.</i>		
Berman, Isaac		737
Berman, Mosses	5, 335. 00	717
Bermann, Nechemiah	23, 875. 00	718
Beyoglides, George	5, 000. 00	280
Birge, John Kingsley		737
Bitzer, John		737
Bizanos, John	26, 117. 05	250
Bizanos, Mary	9, 169. 05	341
Blackler, Francis	65, 075. 00	170
Blackler, Francis	73, 470. 12	157
Blackler, Mary Hooper Routh		737
Board of Foreign Missions of the Presbyterian Church in the U. S. A.		737
Boggigian, Anna		737
Boghosian, B.		737
Bond, S. M. Louise		737
Boroian, Mariam		738
Boucchechter, Bithia		718
Boukis, Kiriakos		738
Breude, Selde		738
Bridges, Samuel W., Assignee of Ayres, Bridges & Co.	10, 164. 36	443
Bright, Hettie Stauffer, estate of. See Lydia Stauffer, administratrix.		
Broudo, Rivka		738
Broudo, Zelda		738
Bugiagi, John C.		738
Burgess, Mary Edna		738
Cacaris, Menelas M.		738
Caires, James J.	47, 886. 25	164
Calavas, Anna		738

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Claimants	Amounts Claimed	Pages
Camp, Charles F., Mrs.....		252
Campanas, Theodore.....	\$4, 400. 00..	174
Capsis, Thrassos.....		738
Caras, Dimitrios John.....		718
Carastratis, George.....	40, 157. 14..	190
Carathima, George.....		739
Cardashian, Vahan.....	325, 000. 00..	718
Cardashian, Vahan.....	20, 000. 00..	719
Caridakis, George and Eugenia.....		739
Carpenter, Esther.....	20, 750. 00..	299
Case Company, J. I.....	6, 157. 59..	226
Cassimatis, Demetrios A.....		739
Cassimatis, John E.....		739
Castelli, Anthony.....	16, 666. 66..	206
Castelli, Carolina.....	35, 000. 00..	296
Castelli, Leonard.....		739
Castritsis, Alexander P.....	2, 300. 00..	245
Castritsis, Efharis.....		739
Castritsis, Emmanuel.....	2, 300. 00..	249
Catrevas, Miltiades N.....		739
Catsouros, Sarantis G.....	14, 075. 00..	276
Caucasus Copper Company.....		739
Chambers, Effie M.....		739
Chivitjian, Flora Hagop.....	6, 212. 00..	227
Chrisovergis, John.....		739
Christ, Penelope Domiano.....		739
Christie, Stella M., Estate of.....	Ltq.8, 000. (Gold)	301
Christodulos, Pandora J.....		340
Chrysomalides, Christos.....		740
Chrysomalides, Zampas M.....		740
City Bank Farmers Trust Company as Executor of the Estate of Ernest André Magnifico, Deceased.....	\$33, 843. 00..	282
Clark, Sarah Attwater.....		740
Closterides, Nicholas.....		740
Cofod, A. F.....		740
Cohen, Clarence, executor. See Adolph Yigdoll <i>et al.</i>		
Cohen, Hyman Lazarus.....		740
Cold, Edith.....		740
Cole Motor Car Company.....		740
Colovelonis, James.....		740
Constant, C.....		740
Constantine, Elpinike.....	4, 734. 00..	719
Constantinidi, Olga. See Anna Dimitroff.....		
Coparanis, John A.....		740
Cory, Albert N.....	14, 874. 66..	206
Coucoularis, George D.....		740
Coulalis, George.....		741
Coulton, John M.....		741
Coumoulis, Basil C.....	26, 100. 00..	302
Coumoulos, Anna D., <i>et al.</i>	36, 300. 00..	460

Claimants	Amounts Claimed	Pages
Coundourianes, Vasilios M.....		741
Courayio, George B. (Kourayios, George B.).....		741
Cozzellas, Nicholas.....		741
Crichinys, Max, Mr. and Mrs.....		741
Curtis, Brigham.....		741
Daniel, Joseph.....	\$32, 080. 00..	403
Danielian, Armenag.....		741
Daniels, Michael.....	130, 000. 00..	215
Danino, Albert Haim.....		741
Danopulos, Paul.....		741
Danos, John Xenophon.....	10, 000. 00..	267
Dassos, Clara B.....		742
David, Agakham Z.....	19, 131. 00..	403
David, Jacob.....	6, 180. 00..	403
David, Leonard C.....		742
Davidian, Rose V.....	26, 772. 00..	719
Deinard, Ephraim. See Executors of the Estate of Ephraim Deinard.		
Delianides, Aristides.....		742
Deliapostolou, Nicholas.....		742
Deliganis, Charles E.....		742
Deliopostolo, Athanaces.....		742
Delizanttes, Costes George.....		742
Demetre, Jack H.....		742
Demirjian, Joachim H. Y.....		742
Demirjian, Minas.....		742
Demosthenes, John.....		742
Denenberg, Abraham J.....		742
Depoyan, Turvanda, Mrs.....		742
Der Garabedian, Nerses.....		742
Diamantis, Theophelos.....		743
Diamond, Stephen.....		743
Dieterle, George F.....	13, 879. 92..	169
Dimitroff, Anna, and Olga Constantinidi as Heirs of Mrs. Rhea Baltazzi.....	68, 103. 91..	241
Dodds, J. Boggs.....		743
Dodge, Vera H.....		743
Dooman, Isaac.....		743
Dooman, Joseph.....		743
Drigian, Yeghia.....		743
Dugundji, Basile D.....		743
Duvetias, James (Demetras, James).....		743
Economen, John, estate of. See Gust Serris, ad- ministrator.		
Economidis, John (Ekonomedes).....		743
Eddy, E. J.....		743
Edgar, Absalom I.....	6, 795. 00..	403
Edinger, Isidore, executor. See Adolph Yigdoll <i>et al.</i>		
Edman, Emanuel.....		743
Efremidi, D. A.....		743

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Claimants	Amounts Claimed	Pages
Eghiyian, Eli S., Mr. and Mrs., and George Eghiyian		743
Eisenbise, Charles W.		744
Elia, George A.	\$7,800.00	403
Elia, Philip		744
Eliades, Ernest		744
Eliades, Mary J.	300.00	208
El-Issa, Chickery S.	£996	720
Elissa, Naim S.		744
Ellis, Wilder P.		744
Elstein, Isaac A.		744
Emanuel, William and Marika	\$21,000.00	304
Englander, David	12,542.42	713
English, George		744
Epidy, Theodore		744
Erickson, C. Telford		744
Eshoo, Darius	15,232.00	403
Eshoo, Ephraim		744
Eshoo, John Eshaja		744
Eshoo, Yonan	6,144.00	403
Etkin, Abraham Leib	£1,230.50	187
Evlombiatiss, Brotromos		744
Executors of the Estate of Ephraim Deinard	\$13,990.00	270
Fairhill, Morris		745
Faniades, John Paniodes	8,000.00	173
Feder, Esther	25,000.00	713
Feder, Michael	30,099.94	713
Feros, Angelos	4,500.00	720
Fexy, Florence	2,800.00	207
Fidelity-Philadelphia Trust Company, trustee. See Frederick Charles Newbourg, Jr., trustee.		
Fleishick, Abraham		745
Fleming, Mary R.		745
Flinker, Beckie	50,000.00	713
Flinker, Beckie, as Guardian of Evelyn Flinker	25,000.00	713
Flinker, Beckie, as Guardian of Sylvia Flinker	25,000.00	713
Flinker, Helen	25,000.00	713
Flinker, Jacob, Estate of		745
Flinker, Stella	25,000.00	713
Florent, Constantine	9,000.00	185
Floyd, Mary Jane	4,665.75	183
Foster, John D.		745
Foteinos, Nicolaos		745
Francisco, Nicholas	36,240.00	297
Fried, Isidore	1,470.00	182
Fundaminsky, Shena Siev. See Sarah Siev <i>et al.</i>		
Ganja, Shimon, as Administrator of the Estate of David S. Yohannan, Deceased	25,978.00	403
Garabedian, Yeghinan		745
Gardner, Harold I., Mrs. (Emily R. Gardner)		745

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Claimants	Amounts Claimed	Pages
Gazarian, Toros.....		745
Geghoian, Ohannes.....		745
Gekis, Selios.....		745
George, Absalom.....	\$70,382.00..	403
George, Elizabeth.....	6,755.00..	403
George, John Hadgi (John Samaras).....		745
George, Solomon.....		745
George, Wilson W.....	9,840.00..	403
Georges, Luther.....	65,825.00..	403
Georgiades, Helly D.....	52,700.00..	203
Giwegiz, John.....	8,000.00..	272
Glaubman, Mordecai.....		746
Glitsos, John and Demos.....		746
Glycofrides, Eustace.....	75,000.00..	293
Glyptis, Demetrius.....		746
Gnesios, Gust Christ.....	30,000.00..	229
Gogian, Donabed.....		746
Goinis, William P.....		746
Goldberg, Abraham.....	13,360.00..	713
Goldberg, Benjamin.....	£840..	713
Goldberg, Morris.....	\$2,560.00..	646
Goldberger, Rachel, Mrs.....		746
Goldsmith, Zipora Feigel.....		746
Goldstein, Chaye Sarah.....		746
Goodorich, Abraham.....		746
Gosztanyi Savings & Trust Co., as Guardian of John Emanuel Lagouros.....	10,000.00..	179
Gosztanyi Savings & Trust Co., Guardian of Michael P. Mavroudis.....	950.00..	720
Goulanian, Maritza.....		746
Grad, Louis.....		746
Graff, P. A.....		746
Graisver, Pearl.....		746
Gratz, Samuel.....	Ltq. 2,440 (Gold)	713
Greene, Olive.....		747
Greenfield, L., & Sons.....	\$119,824.00..	394
Grout, Margaret W. See Anna J. Knapp <i>et al.</i>		
Gulamerian, Herepsena.....		747
Gulemerian, Mugrdich.....		747
Gulezian, Satenig.....		747
Hageiosif, Demetrios.....		747
Hagopian, Peter.....		747
Hagopian, S. D., Mrs.....		747
Halson, George.....		747
Harootian, Simon G.....	12,000.00..	721
Hatchi, Philippe.....		747
Hazar-Vartian, Vartouhi.....		747
Hazarian, Toros.....	78.66	280

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Claimants	Amounts Claimed	Pages
Hekimian, Louise.....		747
Hekimian, Nejib.....		747
Hellman, Gettle (Jessie).....		747
Herman, Benedict.....		748
Herman, David.....		748
Hintlian, Agavny.....	\$19,000.00..	305
Hintlian, Haigag Kinos, Mrs.....		748
Hoachoozo Palestine Land & Development Co.....	181,025.00..	254
Hochstein, Mussie, Administratrix of the Estate of Abraham Hochstein, Mussie Hochstein, Judith Hochstein, Israel Nathan Hochstein and Isaac Hochstein.....	64,375.00..	519
Hofmann, Ina M., and Dulcie H. Steinhardt.....	6,400.00..	286
Holbrook, Charles H.....		748
Holopikian, Mesrob.....		748
Holtzoff, L. S., and Co.....		748
Hondjopoulos, Mary and Stamatiki.....	8,000.00..	297
Hontall, Arefeti.....		748
Hoobyar, John.....	6,700.00..	268
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Tassa, Anthony Nick.....		452
Tassos, Demosthenes.....		771
Tatarian, Courken.....		771
Tatosian, M.....		771
Taylor, Margaret.....		771
Texas Company, The.....	{ 350 rayals .. 489,589 piastres .. 20 paras .. }	579
Theodore, Basil.....		771
Theodorou, Catherine.....		771
Theofilou, Stavros (Theopilus, Stavros).....		771
Thom, Daniel M. B., Dr. See Heirs of Dr. Daniel M. B. Thom.		
Thomaides, Basil Thomas.....		771
Thomas, George.....		771
Tinios, John.....	\$25, 000. 00 ..	499
Tjoller, Mihail.....		771
Toolalian, Benjamin H.....		771
Tooma, Lazar.....	5, 624. 90 ..	403
Touris, Angela.....		771
Tracy, Charles Kellogg.....	606. 00 ..	453
Treefull, Sergius.....	{ 52, 308. 60 .. £750 .. }	728
Trivaglich, Apostol.....	\$76, 885. 00 ..	385
Tsakiris, John P.....		771
Tsamopoulos, Constantinos G.....	25, 203. 33 ..	297
Tseros, John N.....		771
Tsivoglou, George J.....		772
Tsobanacos, George.....		772
Tsorvas, D. K.....		772
Tsourmas, Kyriakos H.....		772
Turk, J. Colver.....		772
Turner, J. Spencer, Company.....	802. 65 ..	454
Tutungis, Nickelis.....		772
Udelevitz, S., Estate of.....		772
Uloraites, Steve.....		772
Vafides, Christos.....		772
Valakos, D. E.....		772
Valukis, Christ C.....		772
Valwkes, Paraskeva S.....		772
Vanetikas, James.....		772
Van Hook, Loretta C.....		773
Vartanian, Jacob, as Guardian of Alice (Azad) Vartanian.....	26, 050. 00 ..	728
Varveres, Michail C.....		773
Varzhabedian, Mihrama.....		773
Vassiliades, Alexander.....		773
Vassiliades, George S.....		773
Vassiliades, Emile.....		773

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Claimants	Amounts Claimed	Pages
Venturatos, Stelios.....	\$20, 476. 83..	647
Villaras, Edward & Nicklys.....		773
Voulgarakis, Kyriaki, on Behalf of Herself and of Her Minor Son, George Voulgarakis.....	72, 740. 00..	730
Voutsos, Pangiota.....	12, 000. 00..	297
Warner, Etta.....		773
Warsawsky, Kalmen, Administrator of the Estate of Zalel Rothschild and Guardian of the Children of Zalel Rothschild.....	17, 830. 00..	731
Warton, John George.....	3, 300. 00..	403
Wasserman, Sobil.....		773
Weinberg, Noah.....	3, 525. 00..	543
Weinberg, Rachel.....	3, 155. 50..	538
Weingarten, Joshua.....		773
Weisberg, Solomon.....	76, 530. 30..	714
Weisz, Abraham.....	15, 500. 00..	714
Wellington, Sears & Company.....	1, 000. 53..	459
Werner, Jacob Simon, estate of. See Miriam R. W. Shapiro, administratrix.		
White, Benjamin L.....	16, 925. 00..	732
White, David. See Moses White and David White.		
White, Elka. See Esther White <i>et al.</i>		
White, Esther. See Esther White <i>et al.</i>		
White, Esther, Administratrix of the Estate of Isaac White.....	32, 780. 00..	628
White, Esther, <i>et al.</i>	35, 000. 00..	714
White, Harris.....	15, 445. 00..	535
White, Isaac, estate of. See Esther White <i>et al.</i> and Esther White, administratrix.		
White, Joel. See Esther White <i>et al.</i>		
White, Miriam. See Esther White <i>et al.</i>		
White, Moses, and David White.....	20, 000. 00..	714
White, S. (Salomon). See Esther White <i>et al.</i>		
White, Solomon.....	9, 250. 00..	573
Whittemore Bros. Corp.....	116. 16..	575
Wieand, A. C.....		773
Williams, William.....		773
Winter Co., M. A.....		774
Wolman, Esther Lea.....		774
Xenakis, Nick.....		774
Xenophon, Kalfos.....		774
Yagubian, Aram.....	15, 000. 00..	487
Yarrow, Ernest Albert.....	6, 215. 00..	732
Yavassis, George N.....		774
Yazezian, Louis S.....		774
Yeghishian, Garabed Der.....		774
Yianopoulos, George.....		774
Yigdoll, Adolph.....	125, 000. 00..	714
Yigdoll, Adolph, <i>et al.</i>	180, 917. 73..	714
Yigdoll, Clara, executrix. See Adolph Yigdoll <i>et al.</i>		

Claimants	Amounts Claimed	Pages
Yohannan, David S., Deceased. See Shimon Ganja, administrator.		
Yohannan, J. I.....		774
Yohannan, Miriam, in Her Own Right and as Administratrix of the Estate of Dr. David Yohannan, Deceased.....	\$80, 810. 90..	403
Yohannan, Sarah G.....	43, 125. 00..	404
Yonan, Isaac M.....	47, 700. 90..	550
Yonan, Jesse M.....	148, 611. 00..	550
Yonan, Nabey.....	95, 919. 00..	404
Yonan, Sam D.....	28, 100. 00..	404
Yoseph, David Mirza.....		774
Yosip, Eva Mar.....	115, 980. 00..	404
Yuseff, Abraham David.....	7, 076. 00..	404
Zammit, Anna, Administratrix of the Estate of Costas Syracopoulos.....	{ 15, 138. 88.. } { Ltq.2, 857. 25.. }	398
Zaravinos, Jordan D.....		774
Zaya, Tamraz.....		774
Zayia, John Y.....		774
Zededis, H.....		774
Zervos, John G.....		775
Zervoudakis, Yani Manoli.....		775
Zevas, William.....	\$17, 000. 00..	498

Attachment 4.

Those gaining the right to receive compensation and the amount received.

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INTEREST AS INDEMNITY

Britain, as some guide to principles adhered to by the United States in an interesting, comprehensive arbitration of comparatively recent date. Article IV of the terms of submission of that Agreement is as follows:

“The Arbitral Tribunal, if it considers equitable, may include in its award in respect of any claim interest at a rate not exceeding 4 per cent per annum for the whole or any part of the period between the date when the claim was first brought to the notice of the other party and that of the confirmation of the schedule in which it is included.”

In cases in which interest was allowed, notably *The Lord Nelson* case, the tribunal discussed principles of law relating to the inclusion of interest in awards. However, the tribunal pointed out that, in giving application to those principles, it was restricted by the terms of submission which were, of course, controlling. By the arbitral agreement, the contracting parties had, in a measure, eliminated the application of principles of law between themselves.

In dealing with the present cases, the Agreement of December 24, 1923, permits a fuller application of established rules of law and, therefore, a more generous treatment of claimants with respect to the allowance of interest as regards periods for which interest may be computed. The rate of 4 per cent. stipulated in the Agreement of August 18, 1910, between the United States and Great Britain has been used, and, in cases involving loss of property, interest has been allowed from the time of taking or destruction to the date when claims might be presented to the Commission. It may be noted that, generally, no information was furnished by claimants with respect to prevailing local rates in Turkey. The attached table shows computations which have been made at the rate of 4 per cent. over the respective periods. Figures showing computations of interest have been inserted in opinions which, as has been explained, were prepared before it was ascertained that funds were available for the payment of interest.

Claimants	Principal Amounts Allowed	Amounts of Interest
American Board of Commissioners for Foreign Missions.....	\$120,346.00.....	\$75,580.02
American Tobacco Company, The (Claim for \$66,678.67).....	26,669.72.....	16,268.53
Photios Aperghis.....	2,500.00.....	1,075.00
Armour and Company.....	1,341.82.....	1,017.08
Francis Blackler (Claim for \$73,470.12).....	35,652.33.....	26,489.68
Samuel W. Bridger. <i>Assessor of A...</i>		

INTEREST AS INDEMNITY

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Claimants	Principal Amounts Allowed	Amounts of Interest
J. I. Case Company.....	\$3,777.60.....	\$1,605.48
Anna D. Coumoulos, <i>et al.</i>	5,000.00.....	2,000.00
George F. Dieterle.....	6,755.00.....	2,904.65
Executors of the Estate of Ephraim Deinard.....	3,000.00.....	2,229.00
Mary Jane Floyd.....	100.00.....	63.00
Isidore Fried.....	400.00.....	250.80
MacAndrews and Forbes Co.	158,800.00.....	107,984.00
Frederick Charles Newbourg, Jr., as Executor and Trustee, and Fidelity-Philadelphia Trust Company, as Trustee of the Estate of John Samuel Stephenson.....	6,356.69.....	4,627.67
Christo G. Pirocaco (Claim for \$180,409.48).....	9,786.01.....	6,272.48
Quaker City Rubber Company.....	170.08.....	126.71
Elieser Rivlin, as Guardian of Hanah Belah Sternberg.....	612.50*.....	227.29
Elimeleh Sachs.....	2,371.50.....	1,731.20
Singer Sewing Machine Company (Claim for \$63,961.77).....	29,414.67.....	21,673.02
Socony-Vacuum Oil Company, Incorporated (Claim for \$101,773.28).....	86,580.00.....	63,551.89
Socony-Vacuum Oil Company, Incorporated (Claim for \$13,417.92).....	4,987.02.....	3,705.36
Socony-Vacuum Oil Company, Incorporated (Claim for \$3,844.03).....	3,844.03.....	1,691.37
Texas Company, The.....	18,533.46.....	13,109.63
J. Spencer Turner Company.....	802.65.....	599.58
Stellios Venturatos.....	1,792.17.....	1,274.92
Wellington, Sears & Company.....	981.15.....	738.81
Esther White, Administratrix of the Estate of Isaac White.....	21.30.....	15.87
Harris White.....	100.07.....	74.25
Whittemore Bros. Corp.....	116.16.....	86.54

* Interest was computed only on \$362.50, the item relating to loss of property.