

## II. HISTORICAL DOCUMENTS

### THE PETITION ADDRESSED BY THEODOR FISCHER TO THE FRENCH DELEGATION AT THE PARIS PEACE CONFERENCE (AUGUST 7, 1946)

ANTONIO FAUR

The awarding in August 1940 of northern Transylvania to Hungary by the great fascist powers (Italy and Germany) had dramatic consequences especially for the Romanian and Jewish population, who had to endure tragic wrongs, from the various forms of terror launched against the Romanians to the cooperation of the Hungarian authorities in the genocide against the Jews organised in 1944.

In the last decade and a half, numerous documentary sources regarding these aspects of contemporary history have been made public. As far as the Hungarian population is concerned, considerable progress has been made towards revealing the experiences it went through. In order to gather consistent information from the victims of the Holocaust, one has made recourse to the method of oral investigation. On this occasion, we would like to bring to the attention of the scholars a new testimony that refers to the tragic experience of the Northern Transylvania Jews. We will consequently deal with a petition that the former deputy in the Romanian parliament, Theodor Fischer, addressed on August 7, 1946, to the French delegation at the Paris Peace Conference. This is an exceptionally valuable document from both an informative and a moral point of view and we would like to publish it, accompanied by our comments.

In the few lines that precede the actual text of the petition, Theodor Fischer expresses “his hope” that the representatives of the “21 united nations” that take part on the Paris Peace Conference will give “due consideration” to his request, which, in his opinion was “worthy of attention” and, of course, of approval. The author of the petition mentions a very important detail, namely that he wrote the document in his quality as direct witness of the realities it refers to: “being one of the few survivors of the Jewish community in Northern Transylvania, *which used to number at some point 150,000 people and that I represented, for several years, in the Romanian Parliament*” (our italics – A. F.), I daresay – following the request of my comrades who have shared my fate – to ask the 21 United Nations taking part in the Paris Peace Conference to be so kind as to consider the following expose and to solve the outstanding issue according to my proposal” 561.

So, what we have here is an extremely interesting petition of one of the Holocaust survivors, who, using this juridical means, appealed to the Paris international forum which had been called on to establish the future status of the European continent and at the same time to repair one of the great moral and physical wrongs that had been brought about on so many people, and especially on the Jews, by the horrors of the war. It was time that the defeated, who had responsible for some terrible deeds, should be held responsible and even punished so that to make sure that the evil would not occur again. Dr. Theodor Fisher was perfectly justified in acting the way he did, speaking on behalf of the people who had perished, as well as on behalf of the survivors of the Nazi crematoria, asking the victorious Great Powers to adopt adequate measures against those who had been guilty of committing atrocities and economic plunders.

The former Romanian Parliament deputy considered that the important Paris Peace Conference could also be “a tribunal of history” that should make the necessary reparations and restore the rights of the Jewish population in Northern Transylvania, particularly those people who had escaped the Nazi death camps and returned home to find nothing of the things they had before. The cases when one or two of the members of a destroyed family returned were extremely rare, but they proved to have an extraordinary will to live, overcoming these truly tremendous moments in their lives.

After mentioning that, following the Vienna Award of August 30, 1940, a part of the Romanian territory – Northern Transylvania – was given to Horthyst Hungary, the former deputy does not fail to mention that the United Nations declared the Vienna Diktat as null and void, retaining the same attitude until the end and of

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561 M.A.E., série Z Europe (1944-1949), *sous-série Roumanie*, vol. IV, dos. 25, f. 97-100

the war and the signing of the peace in 1947. This historical act brought misfortune not only to the Romanians (who were simply deported by the thousands), but also to the Jewish community in Northern Transylvania, who was subject to a “period of continuous and barbaric racial persecutions”. The suffering endured by the Jews in these territories was “public knowledge”, as Dr. Fischer stated. A significant number of Jews from Northern Transylvania lost their positions, as their means of earning living were limited through government decrees that introduced discriminatory measures against the Jews<sup>562</sup>. T. Fischer enumerated the measures taken by the new Horthy administration with the purpose of destroying the economic position of the Jews, such as: firing the Jews who held public functions, excessively cutting down the salaries of those working in private companies, firing a part of these employees, taking the land from the landowners, confiscating the workshops and headquarters of various industrial and commercial institutions belonging to the Jews, forbidding them to exercise liberal professions (such as lawyers, journalists, doctors, engineers). Thus, every means was used to destroy “the economic bases for the existence of the Jews in Northern Transylvania”<sup>563</sup>.

Other measures designed to make life for the Jews in Northern Transylvania impossible were taken by imposing a “system of compulsory work in a military base”. Forced labour was introduced beginning with 1941 for “male Jews between the ages of 20 and 48, 74 such work teams being formed in the Transylvania until 1943, comprising some 15,000 people”<sup>564</sup>. The work teams were used in Transylvania for “mining and forestry activities, building railroads, bomb defusing, while the majority among them ended up in the battlefields in the East, where a large proportion of them died (circa 85%), as they used in de-mining activities and were forced to do exhausting work by building fortifications, repairing roads, unloading trains, etc., as well as a result of the fact that they subject to malnutrition and in-

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<sup>562</sup> Here are some of them: „the first anti-Jewish law of 1938 had limited the proportion of Jews accepted in the liberal professions and in public functions to 20%. The second anti-Jewish law of 1939 defined the Jews in racial terms, excluded them from the public positions and from the press, limited their access to liberal professions to 6% in the medical, artistic and higher education. The lands and properties would be confiscated. The proportion of Jewish employees in the private companies was limited to 12% of the total number of this category. The citizenship rights of the Jews who had become citizens after July 1, 1944 was withdrawn. The race protection law of 1941 put an end to intermarriages and the extra-marital relationships between Jews and non-Jews. In 1942 it was decided that the Jews could not own banks, shops, companies, pharmacies without a Christian co-owner“, in Ladislau Gyémánt, *Evreii din Transilvania*, Institutul Cultural Român, Centrul de Studii Transilvane, Cluj-Napoca, 2004, p. 123-124

<sup>563</sup> M.A.E., série Z Europe (1944-1949), *sous-série Roumanie*, vol. IV, dos. 25, f. 97-98

<sup>564</sup> Ladislau Gyémánt, *op. cit.*, p. 124

humane treatment”<sup>565</sup>. In fact, the brutality of the work they were forced to do was designed “to conceal the intention of exterminating the largest possible number of young Jewish people”, which was a useful and temporary method of physical annihilation also used by the Nazis to exterminate the prisoners of war or any other enemies, until their systematic and open assassination, when they were no longer considered useful. These oppressive methods applied on the Jews in Northern Transylvania affected a number of 151,125 Jews, according to the Hungarian census of 1941<sup>566</sup>. Starting with the moment when the government of Döme Sztójay, after Hungary was occupied by the German troupes on March 19, 1944, Budapest’s antisemitic policy reached a new level, that of speedily applying the Final Solution. Those who believed that Jewish suffering could not get any worse were proved wrong. The deputy T. Fischer reminds the conference of these aspects, which were probably less known then than today: “finally, we reached the point where the shameful persecutions adopted by the Döme Sztójay government were applied, these persecutions culminating in the gathering of the Northern Transylvania Jews in the ghettos designed for them in some cities; in the meantime, the majority of the Jews were taken out of their homes and taken to disused factories or to the woods, where, after enduring the most brutal tortures, were deported to the German concentration camps, where they would become victims of an unparalleled martyrdom in the history of the human race, as did millions of people of the same faith from so many of the European countries occupied by Nazi Germany”<sup>567</sup>. This dramatic unfolding of the events was due to the Nazis’ concern that the unfavourable evolution of the operations on the eastern front could lead to their defeat before they managed to apply their plan of destroying the Jewish ethnic element on the occupied areas. As a result, they initiated a veritable chase of the Jews, who were forced to wear distinctive signs, like the yellow star; their possessions were confiscated, they were moved to the ghettos and finally deported to the “death factories” in Poland and Germany, where so few returned from. The methodical plan conceived by Adolf Eichmann and thoroughly applied by the Hungarian authorities led to the internment of 131,633 Northern Transylvania Jews in

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<sup>565</sup> *Ibidem*

<sup>566</sup> *Ibidem*

<sup>567</sup> M.A.E., série Z Europe (1944-1949), *sous-série Roumanie*, vol. IV, dos. 25, f. 98; see also other books published on this topic: Zinger Zoltan, *A fost odată Dej*, vol 2, Tel -Aviv, 1969; *Remember. 40 de ani de la masacrarea evreilor din Ardealul de Nord sub ocupație horthystă*, București, 1985; Moshe Carmilly Weinberger, *Istoria evreilor din Transilvania 1623-1944*, București, 1994; Vasile T. Ciubăncan, Maria I. Ganea, Ion V. Ranca, *Drumul holocaustului*, Editura Ciubăncan, Cluj-Napoca, 1996

13 main ghettos, among which the one in Oradea stood out as “the second largest one in Hungary, after the Budapest one, which was only set up in November 1944” 568. The militant action of the survivors were initiated even then, through the voice of the former deputy T. Fischer, as they addressed themselves to the great powers convening in Paris seeking to find justice for their cause by bringing the guilty ones to justice and receiving compensation for the material losses suffered during the war so that they benefit from necessary and essential reparations from the Hungarian state. He thus voiced the legitimate requests of his fellow Jews: “the few Northern Transylvanian Jews who survived this horrible period expect that, in addition to the moral satisfaction granted under the form putting the guilty ones on trial, that should also have the inalienable right of being fully compensated for the immense material losses that they were subject to through the series of racial persecutions inflicted on those who had been singled out for extermination and whose legal successors are among the survivors.

As a consequence of the victory of the United Nations, the principle of restoring one’s rights, included in the Atlantic charter must also be applied. Nevertheless, this principle would remain unfulfilled if the responsibility for and the obligation to grant reparations for the losses caused by the series of racial persecutions would not exist.

Contesting of the responsibility of the Hungarian government, as well as its obligation to provide reparations, whose members and institutions authored the racial persecutions discussed here would run counter to the most basic practice of justice” 569. The changing of the status of this territory, by its natural return to the Romanian state, did not mean that the reparations that Hungary was obliged to grant would be erased, as the Hungarian state represented the statal authority during the time when the atrocities against the Romanians and Hungarians were committed. “Hungary’s responsibility and its obligation to grant reparations, which follows naturally, are by no means erased as far as the survivors of the Jewish community in Northern Transylvania are concerned now that region was once again placed under the national sovereignty of Romania” 570. The petition was a request prompted by a sense of justice, addressed to those who were called on to apply it, especially since its author manifested his concern that the new Hungarian government would be very unsympathetic: “is Hungary were not willing to acknowledge our reparation

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568 Tereza Mózes, *Evreii din Oradea*, Editura Hasefer, București, 1997, p. 194

569 M.A.E., série Z Europe (1944-1949), *sous-serie Roumanie*, vol. IV, dos. 25, f. 98

570 *Ibidem*

requests, this country should be constrained to do so by the will of the victorious United Nations.

But, alas, we should doubt Hungary's good intentions as far as the acknowledgement of our reparation rights is concerned and consequently we would like to draw the attention of the Peace Conference of the 21 United Nations to the necessity of solving such an issue" 571. The former Romanian parliament deputy insisted on the duty that Hungary had to pay the reparations, because Northern Transylvania was under Hungarian rule at the time. According to him, this assuming of responsibility was a fair gesture towards the Jews who had suffered such an inhumane and unjustified treatment. Such a desire was natural, considering the argument presented in the petition. In the end, the United Nations were asked to do three things: that Hungary "would assume responsibility for all the losses caused to the Jewish people, companies and enterprises situated on the territory defined by the Vienna Award of August 30, 1940, losses caused during the time when Hungary had actual national sovereignty on the above mentioned territory", "that Hungary would commit itself to repairing all the losses brought about by the series of persecutions, which include all sorts of material losses endured by the Jewish organisations and people, these being a consequence of the legal or arbitrary actions of those who had public power, if this attitude was adopted towards the Jews on account of their origin, race, or religion", and finally, the third request was that, within the space of 90 days from the moment when the peace treaty with Hungary became valid, Hungary, together with people designated as "representatives of the interested population, accepted by the Romanian government and authorised to claim the reparation of the prejudices caused to establish and juridical and economic bases of a system that would ensure that the reparation obligations would be carried out" 572. The memoir ended with the request that the treaty with Hungary would "contain similar dispositions as those expressed above". In short, what the petition asked for was: assuming responsibility, which was the first and necessary step for committing the Hungarian government to pay the reparations for the reasons outlined above, which should be done as soon as the peace treaty became valid by an agreement between the parties involved in order to establish the system that should guarantee that the reparation obligations would be fulfilled.

To conclude with, we believe that several observations on the document can be made: this is one of the petitions and actions that show that immediately after the war ended, the survivors of the tragedy endured by the Jews became involved in the

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571 *Ibidem*, f. 99

572 *Ibidem*

struggle for the justice of their cause. This was not only a moral necessity, but also a practical one, as they were trying to save those who had managed to escape the inferno of the concentration camps and had no material basis for continuing their existence once they returned home. The recovery of the goods and of the positions that had been lost was extremely necessary, in order to facilitate the return to a normal state of facts.

Even though the petition did not have the effect it author desired at that point, this does not make it less important. This is a very significant historical document, which highlights one of the most terrible aspects of the war and the salutary initiative of a former deputy in the Romanian parliament to ask the United Nations to bring justice in this matter from the very beginning. This was the starting moment of a more general struggle launched by Jews worldwide to ensure that the authors of the deeds committed against them would be held responsible. We believe that the memoir addressed to the French delegation was also present on the desks of other delegates present at the conference as a result of one man's determination to present to the world the recent drama that his people had endured.

Dr. Theodor Fischer  
Paris, 7 August 1946  
Hotel Lutecia

**To the French Delegation to the Peace Conference  
of the 21 United Nations, Paris**

*Gentlemen,*

It gives me great honour to send you enclosed the copy of the memoir I would like to present in the Peace Conference of the 21 United Nations.

I hope that you will give the requests expressed in this presentation your due consideration and that you will be willing to recommend the approval of this request.

Gentlemen, please accept the expression of my deepest consideration.

**The Peace Conference of the 21 United Nations, Paris**

*Gentlemen,*

Being one of the few survivors of the Jewish community of Northern Transylvania, which used to number 150,000 people and which I represented for many years in the Romanian parliament, following the insistence of the comrades who have shared my fate, to ask the Peace Conference of the 21 United Nations to be willing to consider the following expose and to solve the outlined according to my propositions.

A part of the territory separated from Hungary and annexed to Romania through the Trianon Peace Treaty concluded after World War I between the victorious states and Hungary was brought again in September 1940 under the de facto sovereignty of the Hungarian state following the Vienna Award of August 30, 1940, which was considered null and void by the United Nations. This fact has brought upon the Jewish community living in this part of the territory, generally known as Northern Transylvania, a period of continuous racial more and more barbaric racial persecutions.

The unspeakable suffering endured by this Jewish population in the above mentioned period until the liberation of Northern Transylvania by the glorious Soviet Union Army are public knowledge.

The governmental decrees that ordered a resolute application of the discriminating dispositions of the so-called 1939 Hungarian law for the Jews not only meant that a considerable number of Jews from Northern Transylvania would lose their economic position, but these also denied them any possibility of earning a living for themselves. The civil servants were immediately fired, a very sharp reduction in the salaries of the employees working in private companies was operated, a part of them were fired, the farmers lost their lands, the workshops and headquarters of various industrial and commercial institutions were taken away from their owners, the exercise of the liberal professions such as lawyer, journalist, engineer, doctor became impossible for those making a living out of them; briefly, all the means were used with the purpose of progressively destroying the economic bases of the Jews living in Northern Transylvania. Moreover, a system of compulsory forced labour in a military base was established, a terrible system whose only purpose was to dissimulate the intention of exterminating the largest possible number of young Jewish people.

Finally, the situation got to the point where the shameful persecution methods adopted by the Sztojaj government were adopted, the climax being reached when the Transylvanian Jews were gathered up in the ghettos established for them in several cities; in the meantime, the majority of the Jews were taken out of their homes and taken to disused factories or to the woods, where, after enduring the most brutal tortures, were deported to the German concentration camps, where they would become victims of an unparalleled martyrdom in the history of the human race, as did millions of people of the same faith from so many of the European countries occupied by Nazi Germany.

The few Northern Transylvanian Jews who survived this horrible period expect that, in addition to the moral satisfaction granted under the form putting the guilty ones on trial, that should also have the inalienable right of being fully compensated for the immense material losses that they were subject to through the series of racial persecutions inflicted on those who had been singled out for extermination and whose legal successors are among the survivors.

As a consequence of the victory of the United Nations, the principle of restoring one's rights, included in the Atlantic charter must also be applied. Nevertheless, this principle would remain unfulfilled if the responsibility for and the obligation

to grant reparations for the losses caused by the series of racial persecutions would not exist.

Contesting of the responsibility of the Hungarian government, as well as its obligation to provide reparations, whose members and institutions authored the racial persecutions discussed here would run counter to the most basic practice of justice.

Hungary's responsibility and its obligation to grant reparations, which follows naturally, are by no means erased as far as the survivors of the Jewish community in Northern Transylvania are concerned now that region was once again placed under the national sovereignty of Romania

We are fully aware of the fact that Hungary owes us compensation for the reparation of the prejudices we and our legal predecessors have endured during the period that followed the Vienna Award, as, beginning with August 30, 1940, we have had to bear the unfortunate existence at the end of the war in the hope that, if Hungary were not willing to acknowledge our reparation rights, this country should be constrained to do so by the will of the victorious United Nations.

But, alas, we should doubt Hungary's good intentions as far as the acknowledgement of our reparation rights is concerned and consequently we would like to draw the attention of the Peace Conference of the 21 United Nations to the necessity of solving such an issue.

In accordance with our belief, it is indispensable - in order to affirm the principle of the restoration of the rights, whose fulfilment needs to be a consequence of the United Nations victory – that Hungary should be constrained to fulfil the following obligation by introducing appropriate dispositions in the outstanding peace treaty between the United Nations and this country:

a) – Hungary would assume responsibility for all the losses caused to the Jewish people, companies and enterprises situated on the territory defined by the Vienna Award of August 30, 1940, losses caused during the time when Hungary had actual national sovereignty on the above mentioned territory, through its government and the institutions subordinated to it which applied the provisions of the laws or the legal decrees in a discriminating fashion or even arbitrarily. This Hungarian responsibility needs to be acknowledged without taking into consideration whether the persecutions occurred following the country's own initiative or under the influence of the Germans.

b) – Hungary would commit itself to repairing all the losses brought about by the series of persecutions, which include all sorts of material losses endured by the Jewish organisations and people, these being a consequence of the legal or arbitrary

actions of those who had public power, if this attitude was adopted towards the Jews on account of their origin, race, or religion

c) – Hungary should commit itself that, within 90 days beginning with the moment when the peace treaty becomes valid, in agreement with the people nominated as representatives of the interested population, accepted by the Romanian government and authorised to claim the reparation of the prejudices caused to establish and juridical and economic bases of a system that would ensure that the reparation obligations would be carried out.

We would urge the Peace Conference of the 21 United Nations to be so kind as to include in the outstanding peace treaty with Hungary similar provisions with the ones formulated above.

Gentlemen, please accept the expression of my deepest respect.

Dr. THEODOR FISCHER

Former member of the Chamber of Deputies of the Romanian Parliament  
(Ministère des Affaires Étrangères, *série Europe (1944-1960)*, *sous-série Roumanie*,  
vol. IV, dos. 25, f. 97-100)