

SLAVE LABOR CLASS I

I. INTRODUCTION

Otto Count Lambsdorff, who represented the German government in the recently concluded negotiations that led to the July 17, 2000 establishment of the German Foundation “Remembrance, Responsibility and the Future” (the “German Fund”) and its forthcoming payments to slave and forced laborers, remarked that “there was hardly a German company that did not use slave and forced labor during World War II.”¹ The German Bundestag, in its preamble to the statute, clearly acknowledged that “the National Socialist State inflicted severe injustice on slave laborers and forced laborers, through deportation, internment, exploitation which in some cases extended to destruction through labor, and ... that German enterprises which participated in the National Socialist injustice bear a historic responsibility and must accept it.”²

The Settlement Agreement, by including Slave Labor Class I, is designed to provide compensation to certain persons who were forced to perform slave labor during the Third Reich. According to the Settlement Agreement, Slave Labor Class I consists of “Victims or Targets of Nazi Persecution who actually or allegedly performed Slave Labor for companies or entities that actually or allegedly deposited the revenues or proceeds of that labor with, or transacted such revenues or proceeds through, Releasees, and their heirs, executors,

¹ Cited in testimony of Deputy Treasury Secretary Stuart E. Eizenstat before the House Banking Committee on Holocaust Related Issues, September 14, 1999 at 6, *available at* <http://www.house.gov/banking/914/99see.htm>.

² Preamble to Law on the Creation of a Foundation “Remembrance, Responsibility and Future” (“*Gesetz Zur Errichtung Einer Stiftung ‘Erinnerung, Verantwortung und Zukunft’*”), July 17, 2000, informal translation prepared by the United States Embassy in Berlin, *available at* <http://www.usembassy.de/dossiers/holocaust>.

administrators and assigns, and who have or at any time have asserted, assert, or may in the future seek to assert Claims against any Releasee for relief of any kind whatsoever relating to or arising in any way from the deposit of such revenues or proceeds or Cloaked Assets or any effort to obtain redress in connection with the revenues or proceeds of Slave Labor or Cloaked Assets.”³ Accordingly, to be a member of Slave Labor Class I, a claimant must be a “Victim or Target of Nazi Persecution” who performed “Slave Labor” for an entity that deposited or transacted proceeds with a “Releasee,” a defined term which includes every Swiss financial institution as well as virtually every other public and business entity in Switzerland.

This annex is intended to analyze the composition of Slave Labor Class I. Section II examines a variety of sources concerning former slave laborers. Section III identifies certain German entities that are known to have exploited slave laborers. Section IV ascertains whether those entities can be said to have deposited proceeds or revenue of that labor with, or transacted such revenues or proceeds through, a “Releasee.”

II. SLAVE LABORERS

A. Definition of Slave Labor

“Slave Labor” is defined in the Settlement Agreement as “work for little or no remuneration actually or allegedly performed by individuals involuntarily at the insistence, direction, or under the auspices of the Nazi Regime.”⁴ This definition is broad, requiring only

³ Settlement Agreement, Section 8.2(c).

⁴ The defined term “Nazi Regime” includes not only the Nazi government of Germany, but all “its instrumentalities, agents, and allies (including, without limitation, all other Axis countries), all occupied countries, and all other individuals or entities in any way affiliated or associated with, or acting for or on behalf of or under the control or influence of, the Nazi Regime...” Settlement Agreement, Section 1. Thus, the Hungarian Jews numbering in excess of 100,000, who were enslaved as forced laborers by the collaborationist Hungarian regime of Miklos Horthy, are slave

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that the work be done involuntarily and “for little or no remuneration.” It clearly includes work involuntarily performed under a wide variety of conditions. This definition plainly encompasses all types of labor forced upon “Victims or Targets of Nazi Persecution” by the Nazi Regime and its allied regimes.

It should be noted that the Settlement Agreement makes no distinction between slave and forced labor.⁵ By contrast, the German Fund does differentiate between slave and forced laborers, recognizing the difference in Nazi philosophy toward and treatment of the two groups: “Slave Laborers, Jewish and non-Jewish, who lived in concentration camps while they were forced to work, will receive the highest per capita allocation, because they were being worked to death. The Nazis had three methods of extermination: gassing, shooting and slave labor, known in German as ‘*Vernichtung durch Arbeit*,’ literally ‘extermination through labor.’”⁶

B. Survivors of Slave Labor

There is no definitive means to determine the actual number of Jews and other “Victims or Targets of Nazi Persecution” who were forced to perform slave labor. Nor can it be

laborers under the terms of the Agreement. See Randolph L. Braham, “Munkaszolgalat,” Encyclopedia of the Holocaust, at 1008.

⁵ The German “*Zwangsarbeiter*” is often translated as “forced laborer” and is used to refer to any one of several groups of people who all were denied the ability to initiate or terminate employment of their own free will and who were denied any right to protest. See Ulrich Herbert, “Forced Laborers in the “Third Reich” - An Overview,” in Klaus Barwig, ed., Compensation for NS-Forced Labor (Baden-Baden: Nomos Verlagsgesellschaft, 1992) (hereinafter, “Forced Laborers”). This use of the term differs slightly from that of the Settlement Agreement’s definition of “Slave Labor,” which, as noted above, requires that the work be done involuntarily and “for little or no remuneration.” “Forced labor” clearly falls within the scope of the Settlement Agreement’s definition of slave labor, and the Special Master will use the Agreement’s term, “slave labor,” throughout this discussion. “*Zwangsarbeitslager*” will be translated as “forced labor camp,” even though “slave labor” was performed there.

⁶ Remarks of Stuart E. Eizenstat, Deputy Secretary of the Treasury, Special Representative of the President and Secretary of State for Holocaust Issues, 12th and Concluded Plenary on the German Foundation, Berlin, Germany, July 17, 2000 (*available at* <http://www.usembassy.de/dossiers/holocaust>).

precisely determined how many of those persons survived the War. As the Allies marched through Germany at the end of the War, they liberated prisoners not only from well-known concentration camps (like Auschwitz and Dachau), but also from hundreds of lesser-known and incompletely researched factory work sites, external work detachments, “death marches,” and other types of imprisonment and enslavement. Thus, assessments of the number of survivors that include only those liberated from “official” concentration camps generally underestimate the numbers of Jews and others who labored in that system and who were able to escape with their lives.

A measure of the number of slave laborers from across Nazi Europe who survive even today is the ongoing German Holocaust compensation program. As more fully described at Annex E (“Holocaust Compensation”), there are at least four German-derived indemnification funds for which former slave laborers are currently eligible: (1) the BEG, which has its origin in the 1952 Luxembourg Agreement and is administered entirely by Germany, (2) the Israeli Disabled Victims of Nazi Persecution Law, which also arose pursuant to the Luxembourg Agreement, and its provision for German reparations to Israel, (3) the Article 2 Fund, begun in 1993, which is monitored and audited by Germany and administered by the Conference on Jewish Material Claims Against Germany, Inc. (the “Claims Conference”), and (4) the 1998 Central and Eastern European Fund (“CEEF”), which, like Article 2, is monitored and audited by Germany and administered by the Claims Conference.⁷

The complex BEG compensation program provides for, among other things, pensions to Nazi victims who suffered damage to health. The Israeli, Article 2 and CEEF

⁷ Each of these programs is discussed in greater detail at Annex E (“Holocaust Compensation”) and its exhibit.

programs similarly provide for pensions to eligible Holocaust survivors. The funds are mutually exclusive; a Nazi victim can receive only one German pension.

In accordance with Germany's requirements, each of the four programs has stringent eligibility criteria. A recipient must demonstrate that, for a certain specified period of time, he or she was imprisoned in a concentration camp, ghetto, work camp or lived in hiding.⁸ Further, the BEG pensions for damage to health, and the Israeli, Article 2 and CEEF programs, require a showing of disability as a result of Nazi persecution. Moreover, with the exception of the BEG, each of the other pension programs is applicable only to those who do not exceed certain income requirements, or who are presumed needy because of residence in Central or Eastern Europe.

In recent years, the number of survivors receiving monthly pensions from Germany and, via German reparations, through Israel, has been as follows:

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| • BEG Damage to Health (as of 1998): | 86,138 | |
| • Israeli program (as of 1999): | 22,000 | (approximate) |
| • Article 2 (as of 1999): | 48,948 | |
| • CEEF (as of 2000): | <u>13,479</u> | |
| • TOTAL: | Approximately | 170,565 |

⁸ Article 2 and the CEEF also apply to those who lived under false identity and who were separated from their families, if younger than age 18 at the time of Nazi persecution. One additional German compensation program, the Hardship Fund, provide for one-time payments of DM 5,000 (approximately \$2,500 to \$3,000), to approximately 200,000 recipients thus far, who have been required to satisfy essentially the same criteria as under Article 2 and the CEEF. The Hardship Fund also was available to those who fled from the Nazis.

With the exception of those who lived in hiding (the total number of whom is unknown), it may be presumed that most pension recipients – having been imprisoned in concentration camps, ghettos and/or work camps – performed slave labor. Moreover, since the Israeli, Article 2 and CEEF programs are limited to needy survivors only, and also have other threshold criteria, it may further be presumed that there are a considerable number of surviving slave laborers who are ineligible for these pensions and so are not reflected in the numbers set forth above. The above estimate of the number of survivors who may have performed slave labor therefore appears to be conservative.

III. GERMAN ENTITIES THAT USED SLAVE LABOR

The pervasive use of slave labor throughout the German wartime economy is evident in the sheer number of concentration camps and external work detachments. The most comprehensive, but by no means exhaustive, list of camps and prisons in Germany and German-occupied territories is the Catalogue of Camps and Prisons in Germany and German-Occupied Territories, Sept. 1, 1939 – May 8, 1945, published by the International Tracing Service at Arolsen, Germany (the “Catalogue”).⁹ The Catalogue also contains the names of German entities that used slave labor.

Professor Ulrich Herbert of the Albert-Ludwigs-University in Freiburg, Germany cites the German statute of 1977, which lists 1,634 concentration camps and external work

⁹ International Tracing Service, Records Branch, Documents Intelligence Section, Catalogue of Camps and Prisons in Germany and German-Occupied Territories, Sept. 1 – May 8, 1945 (International Tracing Service: Arolsen, Germany, July 1949/April 1950/March 1951). In Martin Weinmann, (Hgg.), Das nationalsozialistische Lagersystem (3d ed.) (Frankfurt: Zweitausendeins, 1998) (hereinafter, “the Catalogue”).

detachments existing for various periods of time during the War.¹⁰ Herbert notes that the overwhelming majority of the external detachments were not set up until the end of 1943, or the early summer of 1944, and that a total figure of about a thousand work detachments with 500,000 to 600,000 prisoners seems realistic for the end of 1944. He writes that “[f]rom the spring of 1944 the number of work detachments in the main camps rose rapidly; the list of German firms that established external camps and used concentration camp labour grew longer and longer, and included many well-known companies,” and that, “Jewish prisoners in particular suffered terrible consequences.”¹¹

The pervasiveness of slave labor is reflected in the data provided thus far by Class Members. Of the approximately 560,000 individuals who have submitted Initial Questionnaires thus far, approximately 205,000 (including survivors as well as heirs) have stated that they are asserting a claim for slave labor.¹² Responses to the Initial Questionnaires indicate that “Victims or Targets of Nazi Persecution” were forced to perform slave labor for a variety of German

¹⁰ Ulrich Herbert, “Labour and Extermination: Economic Interest and the Primacy of *Weltanschauung* in National Socialism,” *Past and Present*, No. 138 (February 1993) (hereinafter, “Labour and Extermination”), at 191. The most recent version of the German statute listing concentration camps is described as follows in the English translation of the Commentary (“About the Individual Provisions”) to the July 17, 2000 German legislation implementing the Foundation “Remembrance, Responsibility and Future”: “a concentration camp as defined by Section 42, Paragraph 2 of the German Indemnification Law as further elaborated in the Second Ordinance concerning the Amendment of the Sixth Ordinance for the Implementation of the German Indemnification Law (2. AendV 6. DV-BEG) dated September 20, 1977 (BGB1. I S. 1786), which was most recently amended through the Third Ordinance concerning the Amendment of the Sixth Ordinance for the Implementation of the German Indemnification Law (3. AendV – 6. DV-BEG) of November 24, 1982 (BGB1. I S. 1571).” *Id.* “About Section 11, Paragraph 1,” at 34. See Annex E (“Holocaust Compensation”) at § II(C)(2)(c).

¹¹ Herbert, “Labour and Extermination,” at 191.

¹² See Summary Report of Initial Questionnaire Data Entered as of August 30, 2000 (hereinafter, “Initial Questionnaire Data”), at 5. Additional Initial Questionnaires continue to be received by the Notice Administrators, who will continue to update their Summary Reports as needed.

entities in several locations. Entities for which Class Members labored include, among others: Bayer, BMW, Dynamit Nobel, HASAG, Philipp Holzmann, IG Farben, Krupp, Messerschmidt, Organisation Todt, Siemens, Volkswagen, and the German Railroad. Class Members also indicate they were forced to perform slave labor for the Nazi Regime at concentration camps and at mining projects, among other locations.

The responses to the Initial Questionnaires also indicate that “Victims or Targets of Nazi Persecution” performed slave labor in a variety of locations throughout the German Reich and in the occupied territories. Class Members have reported being forced to work at the following locations, among others: Auschwitz, Bergen-Belsen, Birkenau, Buchenwald, Dachau, Mauthausen, Ravensbrück, Sobibor, Theresienstadt, Treblinka, the Cracow, Lodz, and Warsaw Ghettos, and ghettos in Austria, Belarus, Estonia, Germany, Hungary, Latvia, Lithuania, Poland, Romania, and the Ukraine, among others.

These and other slave labor sites noted by the Class Members are discussed in greater detail below.

A. The State of Existing Scholarship

Despite all the published literature on World War II and the Holocaust, significant gaps remain regarding the Nazi use of slave labor. Indeed, Richard J. Evans of the University of London, in his 1989 book, wrote that intensive research into the broader question of the Nazi economic exploitation of its prisoners “has only recently begun.”¹³ Avraham Barkai, writing in 1991, echoed this observation and noted that “the various and sundry activities of German

¹³ Richard J. Evans, In Hitler's Shadow (New York: Pantheon Books, 1989), at 142.

entrepreneurs in the occupied territories is a chapter that has been little investigated to date.”¹⁴

And, in his 1998 study, Peter Hayes of Northwestern University observes that it is only now “becoming possible to write a systematic and comprehensive history of the role of German big business in the Nazi assault on European Jews.” Hayes cautions, however, that “much documentation is probably gone forever, lost in the destruction attendant on orders like the Reich Economics Ministry’s directive of February 1945 that ‘the historically and politically important records of ‘dejewification’ ... must be prevented under all circumstances from falling into enemy hands.’”¹⁵

Several scholars have pointed out existing gaps in the research regarding the Nazi use of slave labor. Herbert writes that the “number of Jews who were deployed to forced labor ... cannot be estimated precisely enough ...”¹⁶ And in another essay, Herbert notes that “[g]aps in research include the activities of German industry in Poland and the occupied regions of the Soviet Union, the deployment of concentration camp inmates as forced labor in the Reich (especially during the final phase of the War), as well as the Head Office for Economy and Administration (... W.V.H.A.) of the S.S.”¹⁷ Felicja Karay, a survivor who has written the history of the Skarzysko-Kamienna slave labor camp in Poland, writes that “hundreds of anonymous slave labor camps across the face of Europe have remained a blank page in the history of the Third Reich. The lack of scholarly interest in the subject stemmed from a dearth of

¹⁴ Avraham Barkai, “German Entrepreneurs and Jewish Policy in the Third Reich,” 21 Yad Vashem Studies 125, 141 (1991).

¹⁵ Peter Hayes, “State Policy and Corporate Involvement in the Holocaust,” in Michael Berenbaum and Abraham J. Peck, The Holocaust and History: The Known, the Unknown, the Disputed, and the Reexamined, (1998) (hereinafter, “Hayes”), at 197.

¹⁶ Herbert, “Forced Laborers,” at 17, 30.

¹⁷ Herbert, “Labor and Extermination,” at 144, 148.

German documentary sources, which had either been lost or deliberately destroyed, the unappealing nature of the subject and language difficulties (the testimonies of former prisoners have been recorded in every European language imaginable and never translated into English)."¹⁸

In an essay examining the relationship between state policy and corporate involvement in the Holocaust, Hayes writes:

[T]he surviving documents provide only a sketchy accounting of the use of Jewish slave labor by major German firms during the war. To be sure, among the hundreds of corporations to which nearly one-half million camp or ghetto inmates were yoked at the end of 1944, the greatest offenders were either the state-owned firms – such as BRABAG, the Hermann Göring Works and Volkswagen – or the munitions and arms makers in the narrowest sense: Dynamit Nobel, Rheinmetall-Borsig, Krupp, Messerschmitt, Heinkel and Junkers. But by 1943, almost every major firm in Germany was woven into the military economy, so it is not surprising that BMW, AEG-Telefunken, Siemens, Daimler-Benz and IG Farben were also among the principal exploiters.... Slave labor at IG Farben's factories three miles east of Auschwitz cost the lives of about twenty-five thousand Jewish inmates and earned the Reich some twenty million marks. Though researchers are making progress in this regard, we probably will never be able to get accurate comparable figures for myriad other locations.¹⁹

Even less is known about the slave labor performed by members of the other groups that comprise the "Victims or Targets of Nazi Persecution." The Special Master is aware of no comprehensive study of Nazi exploitation of homosexuals, Jehovah's Witnesses, the disabled or the Roma as slave laborers.²⁰ Where information exists at all, it is sketchy and limited.

¹⁸ Felicja Karay, *Death Comes in Yellow: Skarzysko-Kamienna Slave Labor Camp*, (Amsterdam: Harwood Academic Publishers, 1996) (hereinafter "Death Comes in Yellow"), at xvi.

¹⁹ Hayes, at 197, 209.

²⁰ In the Documentation and Culture Center of German Sinti and Roma in Heidelberg, the history of the National Socialist persecution is researched and documented. Studies concerning camps for Sinti
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To determine the extent of slave labor use by German entities that may have deposited the revenues or proceeds of such labor with, or transacted such revenues or proceeds through, Releasees, the Special Master has reviewed the research of leading scholars in the field.²¹ The work of these scholars makes clear that the Nazi Regime exploited the slave labor of hundreds of thousands of “Victims or Targets of Nazi Persecution” in every corner of its realm, and that slave labor was not only integral to Nazi policy goals but also critical to the Nazi war effort, particularly in its later years. The following section of this Annex outlines the use of slave labor in Nazi Germany by German entities.

B. Nazi Slave Labor Policy in its Historical Context

The Special Master has relied heavily upon the work of Ulrich Herbert.²² Herbert distinguishes among three large groups of slave laborers: (1) foreign civilian workers and prisoners of war who were transported to Germany between 1939 and 1945; (2) concentration camp prisoners in the territory of the Reich and, to a lesser extent, in the occupied territories, particularly Eastern Europe; and (3) European Jews, who were forced to perform labor for short

and Roma have been published in German by Michail Krausnick, Frank Sparing, and Michael Zimmerman. See, e.g., Michael Zimmerman, Verfolgt, Vertrieben, Vernichtet: die nationalsozialistische Vernichtungspolitik gegen Sinti und Roma (Essen: Klartext, 1989). See also Gudrun Schwarz, Die nationalsozialistischen Lager (Frankfurt: Fisher, 1997) (hereinafter, “Schwarz”), at 92-94.

²¹ These include, among others: Keith Allen, David Bankier, Avraham Barkai, Yehuda Bauer, Randolph L. Braham, Christopher R. Browning, Martin Dean, Benjamin Ferencz, Henry Friedlander, Martin Gilbert, Israel Gutman, Peter Hayes, Ulrich Herbert, Raul Hilberg, Felicja Karay, Shmuel Krakowski, Konrad Kwiet, Falk Pingel, Franciszek Piper, Daniel Romanovsky, Christopher Simpson, Sybille Steinbacher, Aharon Weiss and Leni Yahil.

²² Prof. Dr. Ulrich Herbert has held the Chair for Contemporary History in Freiburg since 1995. From 1992 to 1995, he was Director of the *Forschungsstelle für die Geschichte des Nationalsozialismus* in Hamburg. His publications include: A History of Foreign Labor in Germany, 1880-1980 (Ann Arbor: Michigan University Press, 1990); Hitler's Foreign Workers. Enforced Foreign Labor in Germany under the Third Reich (New York: Cambridge University Press, 1997); and Die nationalsozialistischen Konzentrationslager, 1933-1945. Entwicklung und Struktur (Göttingen, 1998, co-edited with K. Orth and C. Dieckmann).

or long periods of time in their native countries and after their deportation to ghettos, slave labor camps, or external camp installations.²³

The extent and conditions of the deployment of each group of workers were, to a large degree, dependent upon the changing course of the German war effort. Moreover, the development of Nazi slave labor policy must be understood partially as a result of the tension among competing demands: on the one hand, those of industry and the war economy, which called for ever-increasing productivity and widespread deployment of cheap laborers, and, on the other, those underlying Nazi ideology, which called for the separation of the races and “blood purity” (*Blutreinheit*) in society and for the ultimate extermination of all Jews.

1. Foreign Civilian Workers and Prisoners of War

According to Herbert, the use of massive numbers of foreign slave laborers developed as a strategy to cope with the shortage of workers that grew increasingly more dire as the nature of the War shifted.²⁴ After the start of the War in September 1939, close to 300,000 Polish prisoners of war were transported to the Reich and forced to work. The Germans also began to bring Polish civilians to the Reich; this campaign grew increasingly more predatory in nature.²⁵ It became apparent by May 1940 that these efforts were not enough to ease the German labor shortage. Thus, during and after the German conquest of France, more than 1 million French prisoners of war were transported to the Reich for labor deployment.²⁶

²³ Herbert, “Forced Laborers,” at 17-18.

²⁴ *Id.* at 18.

²⁵ Herbert reports that by May 1940, more than 1 million Polish workers had been brought to the Reich by the Nazi measures. Herbert, “Forced Laborers,” at 19.

²⁶ In theory, civilian workers from western countries received the same wages as German workers in comparable positions. Wages for Polish workers were also comparable to German wages, but they were forced to pay a special 15% tax, termed the “Polish contribution,” to compensate for the fact
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After the fall of 1941 and the German army's first defeat in the East, German industry began to recognize that the War would be long and protracted. Existing methods were not sufficient to fill the labor shortage. According to Herbert, the only immediately available source for more workers was the Soviet Union.²⁷ The deployment of Soviet prisoners of war or civilian workers had been expressly ruled out prior to the War. However, because the labor shortage was so severe, the Nazis began a brutal program to draft Soviet civilian workers, during which 2.5 million civilians from the Soviet Union were deported to the Reich within a period of two and one-half years.²⁸ By this time, a veritable "constellation of camps" had been developed inside the Reich.²⁹

2. Concentration Camp Prisoners

Although the SS had enslaved concentration camp prisoners in its businesses since 1938 (primarily in stone quarries, brick making factories and repair shops), their enslavement was viewed primarily as a means to punish and as a method to kill – not in economic terms. With the establishment of such enterprises as the *Deutsche Ausrüstungswerke* ("DAW") ["German Armament Works"] and the *Deutsche Erd- und Steinwerke GmbH* ("DEST") ["German Earth and Stone Works"], however, the SS began to realize that the

that they were not drafted into military service as the Germans were. Herbert, "Forced Laborers," at 22.

²⁷ Herbert, "Forced Laborers," at 20.

²⁸ Because the Nazi leadership had decided not to use Soviet prisoners of war for labor in the Reich, millions were left to their own fate in massive camps behind the Eastern Front and thus had not survived or were not healthy enough to be deployed for slave labor. Herbert reports that more than half of the 3.3 million Soviet prisoners captured by Germany until the end of 1941 "starved, froze, died of exhaustion or were killed." Herbert, "Forced Laborers," at 21.

²⁹ These camps were located in every corner of large cities as well as in the countryside. Herbert reports that there were 500 camps in Berlin alone, that the total number of camps in the Reich might
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concentration camps under their control had economic potential. DEST, for example, began acquiring quarries and gravel pits where concentration camp prisoners were put to work. Most new camps around this time were established next to these industries (Mauthausen and Flossenberg in 1938, Gross-Rosen in 1940, and Natzweiler in 1941).³⁰ Nevertheless, these economic considerations remained subordinate to the political goals of camp imprisonment until well into the War.³¹

This situation began to change in the fall of 1941 with the German military stalemate on the Eastern Front. To ease the growing labor shortage, the Reich leadership not only began impressing Soviet workers (noted above), but also ordered the SS to devote concentration camp labor to armaments production. This change was difficult to implement. The camps had not been set up for such purposes, and the newly-created SS central organization for concentration camps, the *Wirtschafts- und Verwaltungs-Hauptamt* (“WVHA”) [“Head Office for Economy and Administration”] was neither experienced nor equipped enough to construct a large-scale armament factory from the ground up. Instead, in April 1942, the WVHA assigned the responsibility for the deployment of concentration camp prisoners to concentration camp commanders.³² Thereafter, in the spring of 1942, the SS began to deploy greater numbers of

have been 20,000, and that some 500,000 Germans were directly involved in the organization of the deployment of foreign workers in a variety of functions. Herbert, “Forced Laborers,” at 21.

³⁰ Franciszek Piper notes that SS chief Heinrich Himmler “realized that exploitation of prisoner labor in SS enterprises offered an opportunity to gain financial independence for his organization, and with that would come the prospect of consolidating his position and the independence of the SS within the apparatus of power.” Franciszek Piper, “The System of Prisoner Exploitation,” in Yisrael Gutman and Michael Berenbaum, eds. *Anatomy of the Auschwitz Death Camp* (Bloomington: Indiana University Press, 1994) (hereinafter, “Piper”), at 36.

³¹ Herbert, “Forced Laborers,” at 24.

³² *Id.*

concentration camp prisoners to the armament industry, in particular to the construction of the IG-Farben factory near Auschwitz.³³

On September 22, 1942, Hitler decided, at the suggestion of Armaments Minister Albert Speer, that the SS should “loan” concentration camp prisoners to industry, which would, in turn, integrate them into their existing production processes. Private companies reported their need for workers to the WVHA, which reviewed their requests and issued labor permits.³⁴ The prisoners were then transferred to an “external installation” [*Außenkommando*] of the concentration camp, which was usually set up in close proximity to the work site.³⁵ The companies paid the SS 6 Reich Marks (“RM”) per day for skilled workers and 4 RM per day for unskilled workers and women.³⁶ Under this arrangement, the use of slave labor profited both the

³³ *Id.* at 25.

³⁴ It is important to note that concentration camp inmates could only be obtained by a German firm when and if it submitted a formal application requesting such labor and when the company established to the satisfaction of the SS that it was able to meet the SS requirements for security to avoid escape of the inmates. Shortly after the War, as lawsuits were filed by individual plaintiffs who had worked as slave laborers and settlement negotiations were held by the Claims Conference on behalf of such laborers, several German firms, in their defense, insisted that they were merely agencies of the Reich and had been forced to accept the assignment of prisoners. This position has been refuted in the sworn statements of the Nazi leadership in charge of approving the labor assignment process. See Benjamin B. Ferencz, Less than Slaves (Cambridge, MA: Harvard University Press, 1979) (hereinafter, “Ferencz”), at 109-111. See also Herbert, “Forced Laborers,” at 25. Herbert writes: “[P]rivate companies would report their need for workers at the WVHA, which would review them for accommodations and security reasons and would issue the permits. As a rule, company representatives could also look themselves in the camps for prisoners who appeared to be adequate.”

³⁵ The word “*Kommando*” (“Kdo.”) was used to refer to groups of concentration camp prisoners assigned to a particular work detail. *Innenkommandos* were assigned to work inside the camps. “*Außenkommandos*” were assigned to work outside the camps. “External installations,” or auxiliary or sub-camps, were later built closer to the actual place where work was assigned. The term “*Aussenkommando*” came to mean the external installation or sub-camp itself. See Martin Weinmann, (Hgg.), Das nationalsozialistische Lagersystem (3d Edition) (Frankfurt: Zweitausendeins, 1998), at XXII.

³⁶ Herbert, “Forced Laborers,” at 25.

companies, which were supplied with extremely cheap labor, and the SS, which was paid for the “use” of “its” prisoners. During this time, SS-owned companies also began to change the focus of their production to armaments.³⁷

As the German military defeats on the Eastern Front hampered the Reich’s ability to impress more Soviet civilian workers, private industry turned increasingly to concentration camp prisoners to fill their labor needs. Herbert notes that from September 1942 to April 1943, the size of the workforce in all concentration camps climbed from 110,000 to 203,000. By the beginning of 1945, the workforce numbered over 700,000.³⁸ At the end of 1942 there were 82 external camp installations in the Reich territory alone; a year later there were 186. This number climbed to 341 by the summer of 1944, and to 662 by January 1945.³⁹

The camps themselves made widespread use of slave labor. In the spring of 1943, approximately 15% of concentration camp prisoners worked in camp maintenance, or 25,000 of the 160,000 prisoners held in camps administered by the WVHA.⁴⁰

³⁷ *Id.*

³⁸ The increased demand did not result in a fundamental change in the working and living conditions of camp prisoners. The death rate for prisoners remained high and only began to decline in the spring of 1943 – from 10% in December 1942 to 2.8% in April 1943. However, because the number of prisoners had increased so significantly, the absolute number of dead declined much less than the percentages suggest. The average length of time which a prisoner remained fit to work – and therefore, the average life span – of prisoners during 1943-44 was between one and two years, although it varied widely according to the place of deployment and the racial/social group to which the individual belonged. Improvements in working conditions only came when no more replacements were available, or when replacement was impractical due to the skill level of the worker. Herbert, “Forced Laborers,” at 26.

³⁹ Exact calculations are difficult because the figures provide by the SS and by Speer’s ministry are, in part, inconsistent. Herbert, “Forced Laborers,” at 26.

⁴⁰ Raul Hilberg, The Destruction of the European Jews, Revised and Definitive Edition, (New York: Holmes & Meier, 1985) (hereinafter, “Hilberg”), at 919.

A more detailed description of the use of prisoners as slave laborers at selected concentration camps follows.

a. Auschwitz

Located in East Upper Silesia in Poland, which had been annexed to the Third Reich after the defeat of Poland in September 1939, Auschwitz was both the most extensive of some two thousand Nazi concentration and forced-labor camps and the largest camp at which Jews were exterminated. In March 1941, Himmler ordered the construction (using concentration camp labor) of a second, much larger section of the camp; this was called Auschwitz II, or Birkenau, and the original camp became known as Auschwitz I. Later a third camp was built in nearby Monowitz, which was called Auschwitz III. In the course of time, another 45 sub-camps were built.

Auschwitz III also was known as Buna-Monowitz. The name Buna derived from the Buna synthetic rubber works, which IG Farben had established at Dwory in order to take advantage of cheap concentration camp labor and the nearby Silesian coal fields. IG Farben invested more than 700 million RM (about 1.4 million U.S. dollars in 1942) in Auschwitz III.⁴¹ Auschwitz inmates were also forced to work on huge farms, including the experimental agricultural station at Rajsko, in coal mines, in stone quarries, in fisheries, and especially in armaments industries such as the DAW.⁴² Hilberg notes that Krupp used Jewish workers imprisoned in Auschwitz in its fuse plant, which was transferred to the vicinity of Auschwitz from Essen. “Besides Krupp, the ubiquitous Hermann Göring Works (coal mines), Siemens-

⁴¹ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 97.

⁴² *Id.* at 97-98.

Schuckert, and a number of other firms drew upon the inmate resources of Auschwitz III, setting up satellite camps for miles around. The average number of inmates used by these firms was about 40,000.”⁴³

Shmuel Krakowski, in his study of Auschwitz’s satellite camps, reports that “many German firms were involved in the exploitation of Auschwitz prisoners. The most important were IG Farbenindustrie and Bismarckhütte, Oberschlesische Hydrierwerke, Siemens-Schuckert, Hermann Göring Werke, Ost Maschinenbau, Grün & Bilfinger, Holzmann, Königshütter Metallwerke, Emmerich Machold, Borsig Koks-Werke, Rheinmetall Borsig, and Schlesische Feinweberei. These firms worked in close partnership with the SS.”⁴⁴

Piper, in his study of the system of prisoner exploitation at Auschwitz, concludes that “cheap prisoner labor, combined with the low cost of upkeep of prisoners, made the prisoners a source of profits for the state, the SS, and the industrial firms involved.... Total earnings of the Nazi state from Auschwitz prisoners’ labor from 1940 to 1945 are estimated to have reached 60 million Reich Marks.”⁴⁵

b. Natzweiler-Struthof

The Germans established the Natzweiler-Struthof concentration camp near Natzweiler, in eastern France. One of the smallest concentration camps, it was apparently set up after Albert Speer went on an inspection tour of recently-occupied France and noted the presence of granite deposits in the Natzweiler area. By the fall of 1940, DEST launched a project to

⁴³ Hilberg, at 933.

⁴⁴ Shmuel Krakowski, “The Satellite Camps,” in Yisrael Gutman and Michael Berenbaum, eds., Anatomy of the Auschwitz Death Camp (Bloomington: Indiana University Press, 1994), at 50, 53, 58, 59.

⁴⁵ Piper, at 45-46.

quarry the granite, with the work to be done by prisoners.⁴⁶ By the end of 1943, the prisoners in the main camp numbered 2,000. Prisoners worked in nearby granite quarries, in construction projects, and in the maintenance of the camp.⁴⁷

In 1944, as concentration camp prisoners became increasingly important in German armaments production, the Germans used prisoners throughout the Natzweiler-Struthof camp system as slave laborers for the production of arms and the construction of underground manufacturing facilities. There were about 50 sub-camps in the Natzweiler-Struthof camp system, located mostly in Alsace and Lorraine and in the adjacent German provinces of Baden and Württemberg. One of these camps was in Neckarelz, where an existing gypsum mine was converted to an intricate tunnel system into which Daimler-Benz moved its engine plant from the Berlin area, in a joint project undertaken by Daimler-Benz, the Natzweiler camp, and the Ministry of Armaments.⁴⁸ Another satellite was Leonberg, near Stuttgart, where a disused autobahn tunnel was put at the disposal of Messerschmitt. When it went into operation in the spring of 1944, Leonberg started out with 1,500 prisoners, and the number rose to 3,000 within a year.⁴⁹ By the fall of 1944, there were about 7,000 prisoners in the main camp and more than 20,000 in sub-camps.

c. Gross-Rosen

The Gross-Rosen concentration camp was originally a labor camp, a sub-camp of the Sachsenhausen concentration camp. In 1941, it was designated an autonomous concentration

⁴⁶ Falk Pingel, "Natzweiler-Struthof," Encyclopedia of the Holocaust, at 1037

⁴⁷ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 113.

⁴⁸ Falk Pingel, "Natzweiler-Struthof," Encyclopedia of the Holocaust, at 1038.

⁴⁹ *Id.*

camp. The camp was erected near the city of Striegau, just south of the town of Gross-Rosen in eastern Germany. At first, the camp prisoners were put to work in the quarry, owned by DEST, and in the construction of the camp, which was speeded up in the summer of 1943.

The increasing emphasis on the use of concentration camp prisoners in armaments production led to the expansion of the Gross-Rosen camp, which became the center of an industrial complex and the administrative hub of a vast network of over 60 sub-camps.⁵⁰ The number of prisoners grew steadily, from 1,487 in 1941 to 6,780 in 1942, 15,400 in 1943, 90,314 in 1944, and 97,414 just before the camp was liquidated and the prisoners evacuated to other locations.

Jews represented the largest group among the victims in Gross-Rosen, and their proportion in the camp population was considerable, especially in late 1943 and early 1944. For a period of twelve months, from October 1942 to October 1943, Gross-Rosen was *judenfrei* ["free of Jews"], as part of the Nazi campaign to remove Jews from all camps situated in the Reich. But the influx of Jewish prisoners into Gross-Rosen was renewed in October 1943, this time in larger groups and transports. Beginning in late 1943, 57,000 Jews were brought there, including 26,000 women. The assignment of Jews to the camp, and their use as labor for the German war economy, resulted from a reorganization of the SS methods for exploiting Jews and from the evacuation of the Plaszow camp and of Auschwitz. The Jews, among them a high proportion of women, were distributed among satellite camps outside the main camp.⁵¹

⁵⁰ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 156.

⁵¹ Alfred Konieczny, "Gross-Rosen," Encyclopedia of the Holocaust, at 623.

The first such group of Jews in October 1943 consisted of 600 prisoners moved from the Markstädt labor camp to Fünfteichen, a new Gross-Rosen satellite camp, where they were put to work in Krupp factories. Another group of 600 Jewish prisoners was put at the disposal of IG Farben, to work in the factories at Dyhernfurth, where poison gas was produced.⁵²

Most of the Jewish prisoners were from Poland and Hungary, but others were from Belgium, France, Greece, Yugoslavia, Slovakia, and Italy. The Jewish prisoners of Gross-Rosen were distributed among the satellite camps. Some of these satellite camps were established when Gross-Rosen took over a number of *Zwangsarbeitslager* [“forced labor camps”] from Organisation Schmelt (see discussion of Organisation Schmelt, below). A total of 28 such forced labor camps were appropriated by Gross-Rosen, 23 in Lower Silesia and five in the Sudetenland. Of these, 20 were kept in operation as Gross-Rosen satellite camps, and the prisoners from the remaining eight camps were transferred to existing satellite camps.⁵³

A second group of completely new satellite camps for Jews was put up when more transports came in at the demand of the armaments inspector for the Silesia military district and of the Organisation Todt, (“OT”)⁵⁴ and, later, upon the partial evacuation of the Plaszów and

⁵² *Id.* at 624.

⁵³ The following satellite camps were established in this way: Bunzlau I (for men); Dyhernfurth II (for men); Gräben (for women); Gräflich-Röhrsdorf (women); Grünberg (women); Hirschberg (men); Kittlitzbren (men); Langenbielau (women and men); Merzdorf (women); Neusalz (women); Peterswaldau (women); Waldenburg (men); Wolfsberg (men); Zillerthal-Erdmannsdorf; and five camps in the Sudetenland: Bernsdorf, Gabersdorf, Ober Altstadt, Parschnitz, and Schatzlar (all for women). Alfred Konieczny, “Gross-Rosen,” *Encyclopedia of the Holocaust*, at 624.

⁵⁴ Organisation Todt, (“OT”) was founded in 1938 in order to build the Westwall and steadily grew in importance. The OT’s structure was patterned after that of the military, but it was not part of the Wehrmacht. The OT was involved in all sorts of construction work, including roads, railroad tracks, bridges, mines, and factories. The group served war aims by maintaining essential infrastructure, thereby allowing the Wehrmacht to fulfill its logistical tasks. In 1942, the OT was organized in seven task forces, which operated only in the occupied territories and behind the front. See Edith Raim, “Concentration Camps and the Non-Jewish Environment,” in Michael Berenbaum and

(footnote continued on next page)

Auschwitz camps. Conspicuous among these camps were the 12 in the Sudetic Mountains that comprised the *Arbeitslager Riese* ["Giant Labor Camp"] complex, all for men.⁵⁵ Established from April to June 1944, these camps provided a labor reserve for the construction of Hitler's subterranean home. They held 13,000 Jews, most of them from Hungary.⁵⁶

Other satellite camps for Jewish prisoners were Bad Warmbrunn, Balkenhain, Friedland, Schertendorf, Grünberg, Brünnlitz, and Geppersdorf, whose inmates were forced to work in local armaments factories. The women, distributed over 42 satellite camps, came mostly from Poland and Hungary. They arrived from Poland when Organisation Schmelt was disbanded and, beginning in late 1944, when Plaszów, Auschwitz, and the Lodz ghetto were evacuated (the latter via Auschwitz). They also came from Hungary in transports that first passed through Auschwitz. The women's camps taken over from Schmelt contained 6,000 to 7,000 prisoners. The prisoners in 13 of these camps were forced to work in textile factories; in one camp, in the aircraft industry; and in another, in an armaments factory. Other satellite camps for women were established from March 1944 through 1945. Tens of thousands of women were concentrated in these camps and put to work in armaments factories (the prisoners from eight camps); in the aircraft industry (five camps); in the radio industry (four camps); in the Organisation Todt, constructing trenches (four camps); in textile factories (two camps); and so on.⁵⁷

Abraham J. Peck (eds.), *The Holocaust and History. The Known, the Unknown, the Disputed, and the Reexamined*. (Bloomington: Indiana University Press, 1998) (hereinafter, "Raim"), at 402-403.

⁵⁵ These included: Dörnhau, Erlenbusch, Falkenberg, Fürstenstein, Kaltwasser, Lärche and Märzbachtal, Oberwüstegiersdorf, Säuferwasser, Schotterwerk, Tannhausen, and Wolfsberg. Alfred Konieczny, "Gross-Rosen," *Encyclopedia of the Holocaust*, at 624.

⁵⁶ Alfred Konieczny, "Gross-Rosen," *Encyclopedia of the Holocaust*, at 624.

⁵⁷ *Id.* at 624-25.

The main camp, Gross-Rosen itself, was evacuated in early February 1945 and the remaining satellite camps thereafter. Including the transfers made in 1944, at least 19,500 Jewish prisoners were moved from Gross-Rosen to concentration camps in the Reich. About half of the Jewish prisoners in the satellite camps are known to have been left behind. The surviving prisoners in these camps were liberated by Soviet troops on May 8 and 9, 1945. “Even from these incomplete data, it is clear that a large proportion of the prisoners lived to see the Nazi regime’s downfall. When the satellite camps were liberated, Jewish committees were formed in them that took the prisoners under their care, especially the many who were sick. They obtained food and clothing and assisted in the prisoners’ repatriation to their countries of origin.”⁵⁸

d. Dachau

Established in March 1933, Dachau was the first concentration camp established by the Nazis. It remained in operation until April 1945. The camp was located in the town of Dachau, near Munich in southern Germany. At first, Dachau prisoners were forced to work in the operation of the camp, in various construction projects, and in small handicraft industries established in the camp. Prisoners built roads, worked in gravel pits, and drained marshes. As noted above, concentration camp labor became increasingly important for the German armaments industry during the course of the War. In the summer and fall of 1944, to increase war production, satellite camps under the administration of Dachau were established near armaments factories throughout southern Germany. Dachau alone had more than 30 large sub-camps in which over 30,000 prisoners worked almost exclusively on armaments.⁵⁹

⁵⁸ *Id.* at 625.

⁵⁹ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 145.

Among the two biggest sub-camps of those that surrounded Dachau were Kaufering and Mühldorf. They were founded in 1944 in connection with the OT's work on bunkers. The Kaufering sub-camp system consisted of 11 camps, and the Mühldorf sub-camp also consisted of several camps. The camps were not founded simultaneously, but were built and abandoned as needed.⁶⁰ The work at the Kaufering and Mühldorf camps consisted of building dams, laying track for railways, cutting wood, and other construction activities. The OT was not only responsible for accommodation, nutrition, and medical supervision at its sites, but also for the conditions of work.⁶¹

In April 1945, as American forces approached the camp at Dachau, the Nazis forced more than 7,000 prisoners, mostly Jews, on a death march from Dachau to Tegernsee far to the south. On April 29, 1945, American forces liberated Dachau. In early May 1945, American forces liberated the prisoners who had been sent on the death march. Approximately 30,000 prisoners were liberated when the American army entered Dachau.⁶²

e. Buchenwald

Buchenwald, constructed in 1937 near Weimar in east-central Germany, was one of the largest concentration camps established by the Nazis. The Buchenwald camp system became an important source of slave labor, and the prisoner population expanded rapidly, reaching more than 80,000 by 1945. In the eight years of its existence, from July 1937 to March

⁶⁰ Raim, at 404.

⁶¹ In her essay focusing on the OT and on the camps at Kaufering and Mühldorf, Raim notes that the OT "made decisions even about the life and death of the prisoners since, apart from destruction through work, there was selection and handing over of prisoners for killing in Auschwitz. In some sense the concentration camps were completely run by the OT, since the SS was simply an instrument to terrorize and guard the prisoners." Raim, at 406.

⁶² Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 145.

1945, a total of 238,980 prisoners from thirty countries passed through Buchenwald and its satellite camps; of these, 43,045 were killed or perished in some other fashion there (including Soviet prisoners of war).⁶³

Buchenwald prisoners were used in the DAW, in camp workshops, and in the camp's stone quarry. In March 1943 the Gustloff armaments works, a large factory producing aircraft parts, was constructed in the western part of the camp. A rail siding completed in 1943 connected the camp with the freight yards in Weimar, facilitating the shipment of war supplies.⁶⁴ Buchenwald administered more than 100 sub-camps located across central Germany, from Düsseldorf in the Rhineland to the border with Czechoslovakia in the east. Prisoners in the satellite camps were put to work mostly in armaments factories, in stone quarries, and on construction projects.⁶⁵

In accordance with the order issued in October 1942, which provided that all Jewish prisoners in the Reich were to be transferred to Auschwitz, the Jews in Buchenwald, except for 204 "essential workers," were sent to that camp. Later, that order was reversed, and in 1944, transports of Hungarian Jews began coming to Buchenwald from Auschwitz. After a short stay in the main camp, most of them were distributed among the satellite camps, where they were put to work in the armament factories. Beginning on January 18, 1945, when Auschwitz and other camps in the east were evacuated, thousands of Jewish prisoners were sent to Buchenwald.⁶⁶

⁶³ Yehoshua R. Büchler, "Buchenwald," Encyclopedia of the Holocaust, at 255.

⁶⁴ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 147.

⁶⁵ *Id.*

⁶⁶ Yehoshua R. Büchler, "Buchenwald," Encyclopedia of the Holocaust, at 255.

f. Ravensbrück

The Ravensbrück concentration camp was the largest concentration camp for women established by the Nazis. The camp was located near Ravensbrück, a village north of Berlin, and was opened in May 1939. By the end of 1942, the female inmate population of Ravensbrück had grown to over 10,000.⁶⁷ In January 1945 the camp had more than 45,000 prisoners, mostly women. By early 1945, 106,000 women had passed through the Ravensbrück camp. Fifteen percent of them were Jewish and 5.5 percent were Roma. In April 1941 a concentration camp for men was established near the Ravensbrück camp, but officially it was a satellite of the Sachsenhausen camp. Approximately 20,000 male prisoners passed through this camp during the years of its existence, 16 percent of whom were Jews.⁶⁸

Women in the Ravensbrück were required to perform slave labor in agricultural projects, farming, and local industry. As noted above, in 1944, slave labor became increasingly important to Germany's armaments production efforts. Ravensbrück became the administrative center of a system of more than 40 sub-camps. These sub-camps, most of which were established adjacent to armaments factories, were located throughout the Reich, from Austria in the south to the Baltic Sea in the north. Several camps provided labor for construction projects or for clearing rubble in cities damaged by Allied air attacks. The SS also built an armaments factory near Ravensbrück. There were also textile factories and a Siemens plant at the camp.⁶⁹ In late March 1945 the order was given for Ravensbrück to be evacuated, and 24,500 prisoners, women and men, were marched to Mecklenburg.

⁶⁷ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 153.

⁶⁸ Shmuel Spector, "Ravensbrück," Encyclopedia of the Holocaust, at 1226.

⁶⁹ Historical Atlas of the Holocaust (New York: Macmillan Publishing, 1996), at 153-54.

g. “Gypsy Camps” [Zigeunerlager]

In her work on the National Socialist camp system, Gudrun Schwarz reports that 21 camps for “Sinti and Roma” were established in Germany and Austria.⁷⁰ On April 27, 1940, the deportation of “Sinti and Roma” from the Reich territory to the *Generalgouvernement* was ordered. Starting in mid-May 1940, approximately 2,330 “Sinti and Roma” from Hamburg, Bremen, Hannover, Cologne, Düsseldorf and Frankfurt were deported. “Sinti and Roma” from the Stuttgart area were deported to Poland and later sent to the ghetto in Radom.⁷¹

Schwarz quotes the work of Michael Zimmerman, who reports that the majority of the deportations were later formed into “work gangs” [*Zwangsarbeitskolonnen*] in the *Generalgouvernement*, and, like the Jews, were put to work constructing streets, trenches, bunkers, shelters, and airfields; placed in armaments factories; or assigned to work draining moors.⁷²

At the beginning of November 1941, 5,000 “Sinti and Roma” from Austria were deported to the ghetto in Lodz. At the beginning of 1942 they were sent to the extermination camp at Chelmno. In 1942 approximately 2,000 East Prussian Sinti were sent to the ghetto in Bialystok and later on to the Ukraine. The survivors were sent to Auschwitz in the spring of

⁷⁰ Prior to the War, these were established mainly in large cities, where most “Sinti and Roma” either resided permanently or where they resided during winter months. These camps were: Berlin-Marzahn, Biebrich am Rhein, Danzig, Düsseldorf, Essen, Frankfurt am Main, Fulda, Gelsenkirchen, Hannover, Herne, Kiel, Cologne, Königsberg, Lackenbach by Vienna, Leopoldsberg, Magdeburg, Neubrandenburg, Pölitz by Stettin, Ravensburg, Salzburg-Leopoldskron, and Wattenscheid. It is not known whether this list includes all the camps for Sinti and Roma. It may be assumed that other camps were established. Schwarz, at 92-93.

⁷¹ Schwarz, at 93.

⁷² *Id.* at 93.

1944. Approximately 1,000 Polish Roma were sent to the Warsaw ghetto in summer and fall 1942. Later, they were sent with the Jews from the Warsaw ghetto to Treblinka.⁷³

A special “Gypsy camp” was established on February 26, 1943 in Birkenau, where 18,736 “Sinti and Roma” from Germany and the occupied territory were held. The “Gypsy camp” at Auschwitz was liquidated during the night of August 2, 1944.⁷⁴

3. European Jews

The complicated history of Nazi policy concerning the fate of Europe’s Jews during the Third Reich resists periodization. It developed differently in the different areas under Nazi control, depending to some extent both upon regional economic needs and upon specific administrative relationships.

a. Within Germany’ s Pre-War Borders

In December 1938, the president of the Reich Institute for Employment and Labor Insurance issued a secret order to the employment offices to put jobless Jews to work “in special groups, segregated from the rest of the work force, in private and public enterprises. These groups were recruited to perform specially chosen dirty and difficult menial tasks.”⁷⁵ In early 1939, the Nazi leadership decreed that unemployed German Jews must be deployed to work details. These details, numbering some 20,000 men by the summer of 1939, were forced to work

⁷³ *Id.* at 93-94.

⁷⁴ *Id.* at 94.

⁷⁵ Avraham Barkai, *From Boycott to Annihilation: The Economic Struggle of German Jews, 1933-1945* (London: University Press of New England, 1989) (hereinafter, “Barkai”), at 159.

primarily in street construction work, canal and flood plain projects, and later, in snow removal or crop harvesting.⁷⁶

During 1940, the work assignments shifted to industry, and all German Jews who were able to work, both male and female, were forced to work independent of receipt of unemployment assistance.⁷⁷ Assignment to jobs in the armament industry, however, by no means guaranteed German Jews protection from deportation; Nazi leadership planned to deport all Jews from Germany and thereby make the Reich *judenfrei* ["free of Jews"].⁷⁸ The Nazi leadership issued an order in October of 1942 decreeing that all Jews must be removed from Reich territory.⁷⁹ As the foreign workers arrived to replace them, German Jews were increasingly subject to deportation to the East. By the summer of 1943, with a few exceptions, there were no longer any Jews within the pre-war German borders.⁸⁰

This situation did not last long, however. Early in 1944, as the Reich began to experience a dramatically increasing labor shortage, the regime's economic needs began to outweigh its ideological aim to annihilate the Jews. At the beginning of 1944, Nazi leadership ordered armament production shifted to underground factories to protect it from aerial bombing.⁸¹ Much of this work was carried out by concentration camp prisoners, made available by the SS in large numbers. Among the organizations using concentration camp prisoners for

⁷⁶ Herbert, "Forced Laborers," at 26.

⁷⁷ *Id.*

⁷⁸ Herbert, "Labour and Extermination," at 168.

⁷⁹ Konrad Kwiet, "Forced Labour of German Jews in Nazi Germany," in Leo Baeck Institute Year Book XXXVI (London: Secker & Warburg, 1991) (hereinafter, "Kwiet"), at 403.

⁸⁰ Herbert, "Forced Laborers," at 27.

⁸¹ *Id.* at 29.

this type of work was Organisation Todt.⁸² Between 1942 and 1945, Organisation Todt constructed the largest underground factory in the world, Mittelwerk, near Nordhausen, for the production of missiles and plane engines, where tens of thousands of concentration camp prisoners worked.⁸³

The dangerous working conditions at these underground construction sites, and the high death rate associated with them, depleted even the large numbers of concentration camp prisoners available for slave labor. In the spring of 1944, Nazi leaders decided to allow Jews to work in the Reich to fill the labor needs created by these and other projects, and the prohibition against Jews working on Reich territory was lifted.⁸⁴ Thereafter, Jewish workers were deployed throughout the Reich territory, in both private and SS-owned companies, and the number of external camp installations in the Reich grew rapidly, as noted above.

Among those sent to work in the Reich were over 100,000 Hungarian Jews. Hungary's Jewish population, which numbered about 765,000, fell into Nazi hands after the German occupation of Hungary in March 1944. In April, Hitler decided, apparently based on a survey by *Organisation Todt*, that the 100,000 men needed to move the armament production underground and to build large bunkers would be procured from among the Hungarian Jews. Thereafter, from April 15 until July, approximately 458,000 Hungarian Jews were deported to Auschwitz. Of these, approximately 350,000 were gassed immediately, and 108,000 who appeared able to work were selected for work deployment in the Reich. These Jews were

⁸² Ulrich Herbert, *A History of Foreign Labor in Germany, 1880-1980* (Ann Arbor: University of Michigan Press, 1990) at 175.

⁸³ Hans-Heinrich Wilhelm, "Organisation Todt," *Encyclopedia of the Holocaust*, at 1096.

⁸⁴ Herbert, "Forced Laborers," at 29.

assigned to concentration camps in the Reich and distributed to companies that had requested concentration camp workers.⁸⁵ Some of these Jews were assigned to Organisation Todt, which exploited them in the creation of the *Sudöstwall* ["Southeast Wall"].⁸⁶

A brief description of how Nazi policy affected Jews in Berlin and Dresden follows.

(i) Berlin

By the summer of 1941, some 50,000 German Jews were deployed as slave laborers in armament companies, in jobs that had been classified as "crucial for armament."⁸⁷ In the beginning of 1943, there were over 15,000 Jews deployed as slave laborers in factories in Berlin alone.⁸⁸ Herbert notes that these jobs "did not offer any guaranteed protection from deportation; rather, only a delay determined by the significance of their occupation to the armament economy."⁸⁹

On September 22, 1942, Hitler gave the order to remove all Jews from the armaments factories. Konrad Kwiet quotes Reichsminister Joseph Goebbels' diary entry celebrating Hitler's decision:

The *Führer* once again expresses his firm determination to get the Jews out of Berlin at all costs. Even the comments of our economic experts and industrialists, to the effect that they cannot do without so-called Jewish precision work, do not impress him.... It will not be too difficult, in view of the fact that in Berlin alone we have 240,000 foreign workers, to replace the remaining 40,000 Jews – of

⁸⁵ *Id.* at 29.

⁸⁶ Hans-Heinrich Wilhelm, "Organisation Todt," Encyclopedia of the Holocaust, 1095-96 (19).

⁸⁷ Herbert, "Forced Laborers," at 27.

⁸⁸ Leni Yahil, The Holocaust: The Fate of European Jewry, 1942-1945 (New York: Oxford University Press, 1990), at 407.

⁸⁹ Herbert, "Forced Laborers," at 27.

whom only 17,000 are active in the production process – with foreign workers as well.⁹⁰

Contemporaneous records, such as diary entries and daily camp logs, provide further insight about the fate of Berlin's Jews. Goebbels' diary entry for March 2, 1943 reads: "We are now removing the Jews from Berlin at last. They were gathered together suddenly last Saturday and will now be shifted to the East in the shortest time possible."⁹¹ Danuta Czech, a Polish scholar who compiled a record of daily events at Auschwitz, notes that on March 2, 1943: "Commandant Höss is informed at 9:40 P.M. that the deportation of the Jewish inhabitants of Berlin began on March 1, 1943. Again there is reference to the fact that with these transports approximately 15,000 able-bodied, healthy Jews will arrive who until now have been used in the Berlin armaments industry. It is stressed that they absolutely must be kept able-bodied."⁹²

(ii) Dresden

Jews in Dresden were also forced to work in armaments production. Victor Klemperer's diary of the war years⁹³ refers to the use of slave laborers by Zeiss-Ikon in its Dresden factory, which manufactured fuses for the German navy. On November 18, 1941, Klemperer writes: "Frau Voss is doing labor service at Zeiss-Ikon "voluntarily" because that is

⁹⁰ Kwiet, at 403.

⁹¹ *Id.* at 404.

⁹² *Archiwum Panstwowego Muzeum w Oswiecimiu* [Archive of the State Auschwitz Museum], D-Aul-3a/87, Labor Deployment. Cited in Danuta Czech, Auschwitz Chronicle: 1939-1945 (New York: H. Holt, 1990), at 342.

⁹³ Victor Klemperer, I Will Bear Witness: A Diary of the Nazi Years (New York: Random House, 1998) (hereinafter, "Klemperer"). A Dresden Jew and veteran of World War I, Klemperer was spared from deportation because he was married to a Christian woman. In his diary, which he kept secretly, Klemperer documented daily life in Hitler's Germany.

supposed to provide protection against deportation....”⁹⁴ On January 17, 1943 Klemperer’s diary entry reads: “In the course of last January’s evacuation [at Zeiss-Ikon] there was a dramatic about-face. First the Gestapo gave the order, then the company fetched back its Jews, who were ready to be transported. Now there is supposed to be a new Reich decree. No Jew can be employed in armaments plant anymore.”⁹⁵

b. In the Occupied and Annexed Territories

In the occupied and annexed territories, Jews were also subjected to slave labor, particularly in that part of eastern Europe that was formerly Poland.⁹⁶ Raul Hilberg, in his seminal work The Destruction of the European Jews, notes that although Polish Jews were mostly poor, they constituted an unusually high percentage of available skilled labor.⁹⁷ Hans Frank, head of the *Generalgouvernement*, just after ordering the creation of the Warsaw ghetto, remarked at a secret conference, “the Jews ... are not always decrepit creatures but a necessary skilled-labor component of the total structure of Polish life.... That is why we are forced to permit these skilled Jewish laborers to continue in their work.”⁹⁸ Labor exploitation in Poland, according to Hilberg, consisted of three parts: (1) forced labor columns, suitable only for day-to-

⁹⁴ Klemperer, Vol. 1, at 444.

⁹⁵ Klemperer, Vol. 2, at 190.

⁹⁶ Germany occupied and annexed most of western Poland in 1939. In the south-central occupied portion of Poland that was not officially annexed into the Reich, the Germans formed a civil administration called the *Generalgouvernement* [“General Government”]. In the areas actually incorporated into the Reich, new administrative units were established. These consisted of Warthegau, Upper Silesia, and Danzig-West Prussia. Hitler expected the men he appointed as governors of these areas to “Germanize” the areas under their control. See Czeslaw Madajczyk, Encyclopedia of the Holocaust, at 1143-1151.

⁹⁷ Hilberg, at 249.

⁹⁸ *Id.* at 259.

day emergency work and for some construction projects; (2) labor camps, set up to exploit Jews on a larger scale in more formidable projects, such as constructing an enormous antitank ditch along the new border facing the Red Army; and (3) the ghetto labor system.⁹⁹

Immediately after the outbreak of the War, civilian and military authorities in the occupied territories of Poland began to deploy Jews forcibly for the removal of rubble, the construction of anti-tank ditches, and other tasks. At the end of October 1939, governor-general Frank issued a decree stipulating that all Jews were to be deployed as laborers in closed work detachments. Initially, Jewish “work gangs” [*Judenkolonnen*] were deployed to temporary work assignments and construction projects. In February 1940, Himmler suggested that tens of thousands of Jews be used to construct an anti-tank ditch, and other large-scale projects were initiated, such as regulating rivers and clearing land. In such a fashion, the temporary work gangs developed into fixed work camps, in which tens of thousands of Jewish workers were crowded together under appalling conditions.¹⁰⁰

From spring of 1940, the number of Jews forced to live in ghettos grew rapidly. From mid-1940, the main focus of Jewish labor mobilization shifted from the camps to the ghettos. Ghetto labor was utilized in essentially two ways: through the municipal workshop system and in private enterprises.¹⁰¹ Hilberg notes that the ghettos “became an integral part of the war economy, and this development was to cause considerable difficulty during the

⁹⁹ *Id.* at 255.

¹⁰⁰ Herbert notes the report of the Warsaw *Judenrat* in late 1940, which described the conditions on the river-regulation project in Lublin District, in which about 10,000 Jews were deployed as laborers. Herbert, “Labour and Extermination,” at 159.

¹⁰¹ Herbert, “Labour and Extermination,” at 162.

deportations. The Germans came to depend on the output of the Jewish labor force.”¹⁰² In his essay on the Starachowice labor camp,¹⁰³ Christopher Browning notes that “[a]side from those who made good their escape to the east, about 300,000 Polish Jews remained alive under German control in various work camps and so-called remnant or work ghettos.”¹⁰⁴

The Nazi leadership ordered the dissolution of the ghettos and the deportation of Polish Jews to extermination camps beginning in March 1942. A portion of these Jews, however, were sent to special work camps under SS direction, where they were deployed in construction projects and in armaments production. On July 19, 1942, Himmler ordered that all Polish Jews were to be killed by the end of the year. Only those performing labor crucial to the armaments industry were to be spared temporarily.¹⁰⁵

A few examples of the use of slave labor in the ghettos and in other areas outside the Reich follow.

(i) Lodz Ghetto

The first large ghetto was created in February 1940 in the city of Lodz in the area of western Poland that had been annexed by Germany. Over 150,000 Jews were forced into a small area of the city. In 1941 and 1942, almost 40,000 Jews were deported to the Lodz ghetto:

¹⁰² Hilberg, at 259.

¹⁰³ Browning notes that he studied Starachowice because there was a significant body of survivor testimony that documents the conditions there. Starachowice was located in the Radom district in west-central Poland. In the fall of 1939, the Hermann Göring Werke appropriated its steel and munitions factories. Initially, there were two large camps – Strelnica, where Jews worked in a munitions factory, and Majowka, where they worked in the blast furnace and rolling mill of the steel works – and two small camps – the lumber mill and the electricity works. Some 2,300 Jews worked at the camps until they were evacuated to Birkenau in August 1944. Christopher R. Browning, Nazi Policy, Jewish Workers, German Killers (Cambridge: Cambridge University Press, 2000) (hereinafter, “Browning”), at 90, 92, 114.

¹⁰⁴ Browning, at 89.

¹⁰⁵ Herbert, “Forced Laborers,” at 28.

20,000 from Germany, Austria, Czechoslovakia, and Luxembourg, and almost 20,000 more Jews from the smaller provincial towns in the Lodz region. About 5,000 Roma from Austria were also deported to the Lodz ghetto, where they were confined in a segregated block of buildings.¹⁰⁶

Lodz had been a key industrial center in pre-war Poland, and thus the Lodz ghetto became a major production center under the German occupation. As early as May 1940, the Germans began to establish factories in the ghetto and to utilize Jewish residents for slave labor. By August 1942, there were almost 100 factories within the ghetto. The major factories produced textiles, especially uniforms, for the German army. By producing goods in exchange for a prison diet of bread and soup, the workers in the Lodz ghetto earned their keep and provided a profit that was “not to be underestimated.”¹⁰⁷ The exploitation of the Jews imprisoned in the ghetto yielded a profit to the ghetto administration estimated at 350 million RM (\$14,000,000).¹⁰⁸ The Lodz ghetto was liquidated in August 1944 and the prisoners were evacuated.¹⁰⁹

(ii) Warsaw Ghetto

The Warsaw ghetto, established on October 12, 1940, was the largest ghetto in the *Generalgouvernement*, in both area and population. More than 350,000 Jews – about 30 percent of the city’s population – were eventually confined there in about 2.4 percent of the city’s total area. Beginning in the spring of 1941, German manufacturers established workshops or factories in the ghetto to utilize Jewish slave labor. Such workshops were created in part also to supply

¹⁰⁶ Historical Atlas of the Holocaust, at 43.

¹⁰⁷ Hilberg, at 255-256.

¹⁰⁸ Encyclopedia of the Holocaust, at 903.

¹⁰⁹ *Id.* at 908-909.

the Germany army, and the army emerged as the most important purchaser of ghetto products.¹¹⁰ Like workers in the Lodz ghetto, Warsaw ghetto workers manufactured such products as uniforms, ammunition boxes, leather, straw and wooden shoes, metal gadgets and metal finishing work, brushes, brooms, baskets, mattresses, containers, and toys. They also repaired old furniture and old clothes.

Industrialization of the Warsaw ghetto proceeded slowly due to problems such as the interruption of electricity, requisitions by the Armament Command, and the poor health, including undernourishment, of the work force. Wages were of “minor significance.”¹¹¹ By July 1942, the work force in the Warsaw ghetto numbered 95,000.¹¹² The ghetto uprising occurred in April 1943.

(iii) Kovno Ghetto

The Germans established the Kovno ghetto in July 1941 in the suburb of Slobodka/Vilijampole in Lithuania. “The Kovno Ghetto provided a substantial workforce for the Germans throughout 1942 and 1943: 8,000 Jews left the Kovno Ghetto every morning to work outside it, and a further 2,000 remained inside to work in the Ghetto workshops. Many of the inmates believed that in work lay the way to survival. Like the Jews in the Lodz Ghetto ... or those of Vilna ... the Jews of Kovno believed that their labor was sufficiently important to the

¹¹⁰ Hilberg, at 258-259; *See also* Hilberg, Staron, and Kermisz, eds., The Warsaw Diary of Adam Czerniakow: Prelude to Doom, (New York: Stein and Day, 1979).

¹¹¹ *Id.* at 256.

¹¹² *Id.* at 257.

German war economy for them to be allowed to survive, despite the spasmodic killings which never fully ceased.”¹¹³

A May 28, 1943 memorandum from the German Labor Office in Kovno to Brigadier Cramer, Governor of Kovno states:

In view of the noticeable shortage of Lithuanian manpower, and the still-increasing demand for urgent and important war production, the compulsory labor of Jews becomes ever more important. To the Jewish labor already in use must therefore be added about 300 Jews The working brigades at the airport must be increased from 800 to 1,000. The manpower working in the Ghetto workshops ... has had to be increased from 1,250 to 1,600 At present, Jews are employed by 110 employers The work of the Army is carried out in close cooperation with the war production command, according to the urgency of the work Jewish manpower employed by the Army consists mostly of craftsmen In traffic and bridge construction, the Jews are employed by the railway administration, the office for the construction of new railroads, the bridge construction company Grün and Bilfinger, the Demag textile factory, and the Krovejas transportation company, some as locksmiths but most as unskilled workers¹¹⁴

In the fall of 1943, the ghetto was liquidated. Thousands of Jews were deported to forced-labor camps in Estonia, and the Kovno ghetto was converted into a concentration camp. In July 1944, as Soviet forces approached, the remaining Jews were deported: the women to Stutthof, the men to Dachau. Soviet forces entered Kovno on August 1944.¹¹⁵

¹¹³ Martin Gilbert, Introduction, in Avraham Tory, Surviving the Holocaust: The Kovno Ghetto Diary (Harvard University Press: Cambridge and London, 1990), at viii. Gilbert notes that many entries in Tory's diary reflect the debate on whether work will prevent, or merely postpone, the day of destruction.

¹¹⁴ Tory, at 353-355.

¹¹⁵ Historical Atlas of the Holocaust, at 68.

(iv) Czestochowa Ghetto

When World War II broke out, approximately 28,500 Jews lived in Czestochowa, a Polish city located southwest of Warsaw. A ghetto was established on April 9, 1941 in the eastern part of the city, and was sealed off on August 23. Some 20,000 Jews from other cities (Lodz, Plock, Cracow) and villages were sent to the Czestochowa ghetto, which eventually held more than 48,000 persons. The main places of work outside the ghetto were the German Metallurgie military factories on Krótka Street.¹¹⁶

After the deportations of some 39,000 Jews to Treblinka, the northeastern part of the ghetto, called the “small ghetto,” held some 5,000 able-bodied Jews with skills or professions. On September 2, a privately-owned German munitions factory belonging to the HASAG network was established in the suburb of Stradom. This slave labor camp existed for two years, and a total of 3,000 Jews from Poland, Germany, and Austria passed through it. The camp was closed on January 16, 1945, when a typhoid epidemic broke out, and the surviving inmates were deported to an unknown destination.¹¹⁷

(v) Skarzysko-Kamienna Labor Camp

The Skarzysko-Kamienna labor camp was established in August 1942 as a slave labor camp for Jews, adjacent to an ammunition factory in the Kielce district of Poland. The camp belonged to the German Hugo Schneider AG (“HASAG”) concern. It existed until August 1, 1944. Most of the prisoners were from Poland; the remaining prisoners were from Austria, Czechoslovakia, Germany, the Netherlands, and France. The average number of prisoners in the

¹¹⁶ Sinai Leichter, “Czestochowa,” Encyclopedia of the Holocaust, at 337.

¹¹⁷ *Id.* at 337.

camp was 6,000,¹¹⁸ and a total of some 25,000 – 30,000 Jewish prisoners passed through the camp.¹¹⁹

The Skarzysko-Kamienna camp was initially established in three separate localities. The prisoners worked principally in the production of ammunition for the army, producing underwater mines and filling them with picric acid.¹²⁰ The conditions at the camp were deplorable. In all three camps there were epidemics of dysentery, typhus, and a disease caused by weakness, called *hasagowka* by the prisoners (after the HASAG company).¹²¹ Two days before the liquidation a mass escape of several hundred prisoners took place. Most of them were killed during the attempt or in the surrounding forests. In late July 1944 mass “selections” took place, and some six hundred persons were killed on the spot. The remaining prisoners, numbering over 6,000, were transferred to the Buchenwald camp, to camps at Czestochowa and Leipzig, and to other camps in Germany.¹²²

(vi) East Upper Silesia: Organisation Schmelt

East Upper Silesia (formerly part of Poland) had a special and unique status in the German war economy. In her essay regarding the murder of the Jews there, German historian Sybille Steinbacher notes “rich deposits of zinc, minerals, and lead, huge production sites for iron and steel, and one of the largest coal fields in Europe made the province ‘an armament

¹¹⁸ Karay, “Skarzysko-Kamienna,” Encyclopedia of the Holocaust, at 1360.

¹¹⁹ Karay, “HASAG,” Encyclopedia of the Holocaust, at 647.

¹²⁰ Karay, “Skarzysko-Kamienna,” Encyclopedia of the Holocaust, at 1361.

¹²¹ *Id.*

¹²² *Id.* at 1362.

factory for the Reich.”¹²³ SS Oberführer Albrecht Schmelt, operating under Himmler’s direction, established the operation in October 1940 to exploit slave labor in East Upper Silesia. Schmelt was in charge of coordinating all programs designed to exploit Jewish labor, and local authorities were under orders to support his efforts by all means at their disposal. Within a short period of time he organized 17,000 Jewish slave laborers to work in specially established camps at construction sites, in forced labor camps attached to various private businesses in open country or near large industrial sites, and in the shops of the Wehrmacht factories in the cities where Jews were herded, including Sosnowice, Bedzin and Dombrowa.

Steinbacher states that Schmelt developed and controlled a network of 200 individual camps with exclusively Jewish inmates stretching from East Upper Silesia to Lower Silesia. He collected fees from firms for the loan of Jewish workers.¹²⁴ The allocation of Jewish workers to the German plants was based on an agreement between Schmelt and each German plant; these agreements specified working conditions, wages, and the internal organization of the labor camps. For example, an agreement with the Luranil Company (an IG Farben subsidiary), drawn up in 1942, states that 180 Jews would be used in the construction of a plant for war gas production at Dyhernfurth.¹²⁵

Thousands of the Jews drawn from ghettos into camps by Organisation Schmelt were forced to work in the construction of factories and war plants. An SS officer in Upper

¹²³ Sybille Steinbacher, “In the Shadow of Auschwitz. The Murder of the Jews of East Upper Silesia.” in Ulrich Herbert, ed., National Socialist Extermination Policies: Contemporary German Perspectives and Controversies (New York: Berghahn Books, 2000) (hereinafter, “Steinbacher”), at 284.

¹²⁴ *Id.* at 286.

¹²⁵ Alfred Konieczny, “Organisation Schmelt,” Encyclopedia of the Holocaust, at 1094.

Silesia considered the Jewish workers so indispensable that he wrote to Himmler in April 1942 that 6,500 Jews in major construction projects could not be replaced.¹²⁶ Several months later, when Krupp was planning to build a plant for the production of naval artillery at Markstädt, near Breslau in Silesia, the firm discovered that the Organisation Todt was using many Jewish workers in projects nearby. With the complete approval of Nazi authorities, Krupp suggested that these Jews stay on to erect the naval factory. In 1944 the Silesian Krupp plant was still enslaving thousands of these Jews.¹²⁷

Schmelt was supported by economic and Wehrmacht enterprises that profited from Jewish labor. As late as November 1943, Schmelt had at his disposal 50,570 Jews.¹²⁸ Himmler ordered the destruction of all Jewish communities in East Upper Silesia in May 1943, and between September 1943 and July 1944 the largest camps were incorporated into the state concentration camp system at Gross-Rosen and Auschwitz-Birkenau. The smaller camps were abolished.¹²⁹

(vii) Jewish-Hungarian Labor Battalions in Bor

In his essay about Jewish-Hungarian slave laborers in the copper fields of Bor, Zvi Erez describes how, in February 1941, the State Bank of Prussia acquired “the most important copper mine in Europe,” located southeast of Belgrade, Yugoslavia.¹³⁰ The Germans

¹²⁶ Hilberg, at 524.

¹²⁷ *Id.* at 524-525.

¹²⁸ Steinbacher, at 292.

¹²⁹ *Id.* at 276-305. See also Hilberg, at 524-525.

¹³⁰ Zvi Erez, “Jews for Copper: Jewish-Hungarian Labor Service Companies in Bor,” in Yad Vashem Studies, David Silberklang, ed. Vol. XXVIII (Jerusalem: Yad Vashem, 2000) (hereinafter, “Erez”), at 243.

then established a company called Bor Kupferbergwerke und Hutten AG, headquartered in Strasbourg, with the goal of attaining an annual copper output of one million tons. To achieve this output, the Germans needed to procure laborers. In February 1943, Gerhardt Frank, head of the Organisation Todt, suggested that contact should be made with Hungary – which regularly sent Jewish labor battalions outside its borders – to mobilize some 10,000 Jews to fill the labor shortage.¹³¹ On July 6, 1943 the Royal Hungarian Government signed an order which effectively sold thousands of Hungarian citizens to Organisation Todt. Fourteen Jewish battalions, with 240 men in each, and one company of Jehovah's Witnesses – 3,600 slave laborers in all – were dispatched to Bor.¹³²

Satellite camps, named after German or Austrian cities or districts, were established in the vicinity of Bor. The Hungarian battalion was stationed at the main and largest camp, called Berlin, located in Bor. A group of the Hungarians was put to work building a railroad across a mountain summit.¹³³

In March 1944 the Germans occupied Hungary, and a new government was installed in Budapest. The Germans requested more workers for Bor, and in June 1944, over 3,000 Jews organized in 15 companies were dispatched to Bor. The Germans paid their “salary” of one pengo to the Hungarian treasury.¹³⁴ As the Soviet army advanced in September 1944, the prisoners were crowded into the main “Berlin” camp. A portion was marched back to Belgrade and on to Hungary. Those that survived were marched toward the German border and sent to

¹³¹ *Id.* at 244.

¹³² *Id.* at 249.

¹³³ *Id.* at 253.

¹³⁴ *Id.* at 263. The pengo was the Hungarian unit of currency. Erez notes that in 1944, its black-market exchange rate was 40-50 to U.S. \$1.

various concentration camps. Others were later evacuated in a second convoy from Bor, and Bor itself was liberated on October 3. Some 200 Hungarian Jews were found alive there at the time of liberation.

C. Selected German Entities That Exploited Slave Labor

The section that follows briefly examines the use of slave labor by selected German enterprises. In doing so, it focuses less on how Nazi slave labor policy affected different groups of *victims* throughout the Nazi sphere of influence. Rather, it focuses on how selected German *perpetrators* implemented Nazi policy by exploiting slave laborers in factories and business in wide-ranging sectors of the German economy and throughout the vast area of Europe under Germany's control. The entities discussed below are among the most notorious and prolific of slave labor users, but they are not the only entities that used slave labor.¹³⁵ By focusing on the exploiters of slave labor, a picture emerges of how pervasive and how profitable the use of slave labor was in state-owned and private enterprises.

¹³⁵ In his October 4, 1946 affidavit, taken for use in the Nuremberg War Crimes Trials and appended to Ferencz's book, SS Captain Karl Sommer identified numerous German companies that used concentration camp inmates as slave labor. These companies include BMW Eisenach; Siebel, Halle; BRABAG Boehlen; OSMAG; Damag Iron Works; Gustloff Works; Heinkel Works; Messerschmitt; Polte, Magdeburg; Volkswagen Works, Fallersleben; IG Farben, Buna; Hermann Göring Works; and Siemens. See Ferencz, at 199-201. Hilberg also lists German firms known to have used slave labor. He notes the widespread use of Jewish slave labor by the armament industry in the *Generalgouvernement*. Armament industry statistics report that 156,988 Jews used by the armaments industry in SS labor camps and company camps in the *Generalgouvernement* from January 1943 until May 1944. Hilberg lists some of the more important enterprises with Jewish labor forces: Stahlwerke Braunschweig Werk Stawola-Wola; Stahlwerke, Starachowice; Ostrowiecer Hochofen; Ludwigshütte; Kabelwerk, Krakow; Warthewerk; Lutwaffenbetrieb Vereinigte Ostwerke GmbH, Mielec; Heinkel Flugzeugwerk, Budzyn; Flugzeugmotorenwerk Reichshof (Rzeszow); Steyr-Daimier-Puch AG, Radom; Hasag, Kamienna; Pulverfabrik, Pionki (with plants at Kielce and Czestochowa); Delta Flugzeughallen- und Barackenbau GmbH, Muszyna and Zakopane; Karpathen-01, Drohobycz; Walther C. Többens, Poniatowa; Schultz & Co., Trawniki. All but three of these companies maintained their own company camps. Heinkel Budzyn, Többens Poniatowa and Schultz Trawniki were in SS camps. See Hilberg, at 536-537.

1. German Enterprises that Compensated Survivors

As more fully described at Annex E (“Holocaust Compensation”), six of the largest German industrial firms that used slave labor during the Third Reich reached settlement agreements with the Claims Conference on behalf of individual plaintiffs. Ferencz describes the use of slave labor at those enterprises: IG Farben, Friedrich Krupp, Co., AEG-Telefunken, Siemens, Rheinmetall, and Dynamit Nobel. At Auschwitz, prisoners were used first to construct the Buna synthetic rubber plant and then in its operation. The Catalogue lists 20 separate slave labor sites for IG Farben.¹³⁶

Krupp erected a plant in the area of Wüstegiersdorf, near Lublin, and used Jewish concentration camp prisoners, mostly Hungarian or Yugoslavian, for work there. Krupp also used prisoners from other camps, including those at Markstädt and Fünfteichen, a branch camp of Gross-Rosen. Ferencz estimates that between 10,000 and 15,000 prisoners worked for Krupp at Markstädt/Fünfteichen.¹³⁷ In April 1943 the company set up a branch in the Lodz ghetto, inside a textile factory that had been seized from its Jewish owner.¹³⁸

Germany’s major electrical concerns, AEG, Telefunken, and Siemens, not only provided the electrical installations to the concentration camp, but they also staffed some of their production lines with concentration camp inmates. A Siemens subsidiary, the Siemens-Bauunion (“SBU”), was one of about 17 companies that constructed an underground armaments factory with about 8,000 inmates from the Ebensee sub-camp of Mauthausen. Women from Gross-Rosen were put to work digging trenches for SBU at Ober Altstadt, in the district of

¹³⁶ Catalogue, at 848, 915-916.

¹³⁷ Ferencz, at 92.

¹³⁸ *Id.* at 93.

Trautenau. Large numbers of Jews worked for SBU in Cracow/Plaszow in Poland.¹³⁹ SBU also used large numbers of Jews in copper mines at Bor, in Yugoslavia.¹⁴⁰

Rheinmetall enslaved over 5,000 concentration camp inmates, including over 1,000 women transferred from Buchenwald to work for Rheinmetall at Sömmerda.¹⁴¹

Rheinmetall also used slave labor at Hundsfeld near Breslau, where Jews from the Lodz and Warsaw ghettos and from Hungary were used in the manufacture of condensers, electrical instruments, and small parts for V-2 rockets.¹⁴² Rheinmetall's work camps in Unterlüss housed an estimated 900 female prisoners, including some from the Lodz ghetto. The inmates were forced to dig trenches, build air-raid shelters and roads, and construct a new plant to supplement another Rheinmetall factory nearby.¹⁴³

In August 1944, some 1,000 Jewish women from Hungary and Czechoslovakia were forced to work in an underground munitions factory of Dynamit Nobel in Allendorf, near Kassel. Another thousand Hungarian Jewish women were sent to Hessische Lichtenau near Leipzig, where they were transported to Fürstenhagen to work at an underground munitions factory which was a subsidiary of DAG. Both camps were attached to Buchenwald.¹⁴⁴

¹³⁹ *Id.* at 118.

¹⁴⁰ *Id.* at 118-119.

¹⁴¹ *Id.* at 134, 150.

¹⁴² *Id.* at 151-152.

¹⁴³ *Id.* at 150-151.

¹⁴⁴ *Id.* at 158-159.

2. Other German Entities that Used Slave Labor

a. Deutsche Ausrüstungswerke [German Armament Works] (“DAW”)

The Deutsche Ausrüstungswerke was founded by the SS in May 1939. It assumed control of the production plants that the SS had established to exploit the labor of concentration camp inmates from Dachau, Sachsenhausen, Buchenwald, and later, Auschwitz. Shmuel Krakowski reports that more such factories were established with time, in the Lublin, Pulawy, Stutthof, Fürstenwalde, Ravensbrück, and Neuengamme camps, and that the number of prisoners enslaved in these plants rose from 1,220 in 1940 to 15,500 in 1943.¹⁴⁵ The largest factories were in the Janowska concentration camp in Lvov and the Jewish prisoner-of-war camp in Lublin-Lipowa, which together enslaved some 8,000 Jews.¹⁴⁶ Hilberg reports that as the “end phase of the Polish deportations” arrived, DAW (as an SS institution) ironically “stretched out its arms for a share of the surviving Jewish labor force.”¹⁴⁷ Because DAW had no capital, it simply appropriated the machinery of the private firms of Schwarz and Company and Walter C. Többens, including, in the case of Schwarz and Company, complete with the Jewish laborers that worked there.¹⁴⁸

b. HASAG (Hugo Schneider AG)

HASAG was a privately-owned German armaments manufacturer that utilized concentration camp prisoners. Karay notes that HASAG was the third largest privately-owned

¹⁴⁵ Shmuel Krakowski, “Deutsche Ausrüstungswerke (German Armament Works; DAW)” Encyclopedia of the Holocaust, at 370 (1990).

¹⁴⁶ *Id.*

¹⁴⁷ Hilberg, at 533.

¹⁴⁸ *Id.* at 533.

armaments manufacturing company to utilize slave laborers, surpassed only by IG Farben and the Hermann Göring Werke.¹⁴⁹ In September 1940, upon the recommendation of the Armed Forces High Command, HASAG administered the confiscated ammunition factories in Skarzysko-Kamienna, the Granat grenade factory in Kielce, and the Rakow foundry in Czestochowa. In 1943, HASAG purchased these plants from the *Generalgouvernement*. In October 1942, HASAG entered into an agreement with the SS leadership to utilize Jews as slave laborers in six labor camps, including the three mentioned, in the vicinity of Radom, Poland. HASAG paid the SS four to five zlotys per day for each Jewish prisoner. From July 1944 until early 1945, most of the equipment and raw materials of these plants were transferred to HASAG factories in Germany, including most of the Jewish prisoners who remained after camp selections.¹⁵⁰ Karay estimates that a total of 25,000 to 30,000 Jewish prisoners worked in the Skarzysko-Kamienna factories from August 1942 to August 1944.¹⁵¹ Statistics for late June 1943 show approximately 17,000 Jewish prisoners in HASAG forced labor camps.¹⁵²

The Wehrmacht periodically suffered a shortage of ammunition, and it depended on HASAG for its supply. By March 1944, HASAG supplied one-third of the total ammunition needs of the infantry on the Eastern Front. Ammunition production, however, was not a popular industrial undertaking because it afforded minimal profits. HASAG's monopoly position enabled it to demand a supply of cheap labor, that is, Jews, from the regime.¹⁵³

¹⁴⁹ Felicja Karay, "HASAG," Encyclopedia of the Holocaust, at 645-47.

¹⁵⁰ *Id.* at 646-647.

¹⁵¹ Karay, "Skarzysko-Kamienna," Encyclopedia of the Holocaust, at 1360.

¹⁵² Karay, "HASAG," Encyclopedia of the Holocaust, at 647.

¹⁵³ Karay, "Death Comes in Yellow," at 236-237.

HASAG had eight plants in Germany during the War. Beginning in the summer of 1944, labor camps were established next to each HASAG plant, all listed as satellites of Buchenwald. Over 4,000 Jewish men and over 10,500 Jewish and other women were in the work force. Karay estimates that between 70 to 80 percent of the Jewish prisoners in the German camps “may be presumed to have survived.”¹⁵⁴

c. Daimler-Benz

Two recent studies have examined the role of Daimler-Benz in the economy of the Third Reich. Neil Gregor’s Daimler-Benz in the Third Reich¹⁵⁵ and Bernard P. Bellon’s Mercedes in Peace and War¹⁵⁶ both describe the role Daimler-Benz played in the production of tanks, trucks, engines for warships, parts for the V-2, and airplane engines for the German armed forces. Both works also describe Daimler-Benz’s use of slave labor. In late 1941, Daimler-Benz established a facility in Rzeszow, Poland for the production of aircraft engines; Jews were used as slave labors there beginning in the summer of 1942. The Jewish work force reached 500 in November 1942. These Jewish workers were spared deportation during the 1943 liquidation actions. Bellon records that “Daimler-Benz’s production of airplane motors and parts at Reichshof (Rzeszow) totaled 14 million marks in 1942, 19 million in 1943, and more than 10 million in the first half of 1944. In light of the rock-bottom wage-costs, the Mercedes factory in the GG (*Generalgouvernement*) may have turned a profit for the company.” As the Soviets advanced in July 1944, the factory was evacuated and relocated to Alsace.¹⁵⁷

¹⁵⁴ Karay, “Death Comes in Yellow”; Karay, “HASAG,” Encyclopedia of the Holocaust, at 645-47.

¹⁵⁵ Neil Gregor, Daimler-Benz in the Third Reich (New Haven: Yale University Press, 1998).

¹⁵⁶ Bernard P. Bellon, Mercedes in Peace and War, (New York: Columbia University Press, 1990).

¹⁵⁷ *Id.* at 245-248.

Bellon also documents the use of Jewish women deported from Hungary in late 1944 at the Daimler-Benz plant in Genshagen that produced aircraft engines.¹⁵⁸ Daimler-Benz was also responsible for a large facility in Minsk, “where it was aided by large numbers of Soviet prisoners of war and Jews from the Minsk ghetto.”¹⁵⁹ Daimler-Benz also operated factories in Dnepropetrovsk, Lvov, and Riga for the manufacture of aircraft engines and other military equipment.¹⁶⁰

d. Kontinentale Öl (“Konti”)

In his book, The Splendid Blond Beast, Christopher Simpson describes the creation of Kontinentale Öl by IG Farben and the four largest German oil companies “as a new petroleum monopoly for Eastern Europe. The company enjoyed German government sponsorship, exclusive production contracts, and first claim on any petroleum-related properties in the Nazi occupied territories, particularly those seized from Jews, Poles, or the USSR. Kontinentale Öl became one of the largest single exploiters of concentration camp labor, Jewish ghetto labor, and prison labor in history.”¹⁶¹ Citing records compiled by the International Tracing Service of the International Red Cross, Simpson records, “Konti and its network of subsidiary companies maintained their own concentration camps for Jews at Boryslaw (1942-1944), Drohobycz (1942-1944), Iwonocz (1943-1944), Jaslo (1943), Lublin (1941-1943), Moderowka (1942-1944), Opary (1943), Stryj (1941-1944), Truskawiec (1943-1944), and

¹⁵⁸ *Id.* at 242-244.

¹⁵⁹ *Id.* at 239.

¹⁶⁰ *Id.* at 239.

¹⁶¹ Christopher Simpson, The Splendid Blond Beast: Money, Law, and Genocide in the Twentieth Century (New York: Grove Press, 1993), 224-25.

Ugarsthal (1942-1944).... The prisoners did the crushing construction labor needed to reopen roads and oilfields sabotaged during the Soviet retreat, to lay pipelines to Wehrmacht supply centers, and to build – and then later destroy – new petroleum sites in areas under Nazi Control.”¹⁶²

e. Phillip Holzmann

Records compiled by the Claims Conference in 1960 indicate that the German construction firm Philipp Holzmann enslaved at least 2,000 Jews in at least eight different locations.¹⁶³ For example, beginning in the winter of 1942 German Jews were sent to the Estonian port of Tallinn and worked there until the summer of 1944 when they were evacuated to the concentration camp at Stutthof; Dachau inmates were forced to work at Kaufering and Landsberg; Gross-Rosen inmates were forced to work at Waldenburg.¹⁶⁴

f. Braunkohlen-Benzin AG (“BRABAG”)

Prior to the War, a number of German coal mining companies merged to form BRABAG, which manufactured synthetic fuel from lignite, or brown coal, in four big plants. Ferencz reports that BRABAG “became one of the biggest users of slave labor.” Buchenwald supplied over 5,000 Jewish slave laborers to work for BRABAG at Zeitz and over 1,000 at a plant in Bohlen; Auschwitz supplied 1,000 laborers to work at BRABAG’s plant in Schwarzheide. “Most of those thousands of Jewish concentration camp inmates who worked for BRABAG were “exterminated through labor,” but over 500 survivors turned to the Claims

¹⁶² *Id.*

¹⁶³ Ferencz, at 239.

¹⁶⁴ *Id.* at 179-180.

Conference for help after the War to seek compensation for their past labor. Five years of effort by the Claims Conference to reach an accommodation with BRABAG, in the late 1950s and 1960s, failed, as did four test cases against BRABAG in the Berlin district court.¹⁶⁵

IV. THE “SWISS CONNECTION”

The Settlement Agreement makes clear that only “Victims or Targets of Nazi Persecution” who performed slave labor for an entity that “actually or allegedly deposited the revenues or proceeds of that labor with, or transacted such revenues or proceeds through, Releasees”¹⁶⁶ (and their heirs) are members of Slave Labor Class I. Since essentially every Swiss business entity is a “Releasee” under the Settlement Agreement, any Swiss asset of a German slave labor user – including, but not limited to, bank accounts – makes the slave laborers of that entity potential members of Slave Labor Class I.

There is no requirement that the slave labor user have “directly” transacted or deposited the proceeds with a Releasee. Transactions accomplished indirectly, through subsidiaries, for instance, also qualify. Thus, for example, if a German company that exploited slave labor but had no known Swiss bank account operated a subsidiary that maintained Swiss bank relations, all of the slave laborers of the German company belong to Slave Labor Class I.

In preparing to recommend a Plan of Allocation and Distribution, the Special Master deemed it necessary to determine which “companies and entities” that exploited “Victims or Targets of Nazi Persecution” as slave laborers during the Nazi Regime – some of which have been discussed in Section III above – had the requisite “Swiss connection.” There has been no

¹⁶⁵ *Id.* at 177-179.

¹⁶⁶ Settlement Agreement, Section 8.2(c).

prior research regarding financial transactions with Swiss Releasees involving the revenues or proceeds of companies or entities that exploited slave labor. This lack of scholarly attention is understandable. Until the settlement of this action, it is likely that no scholar ever studied the members of Slave Labor Class I – a class created not by historians but by attorneys in order to settle a lawsuit – in the terms in which the Settlement Agreement defined them.

Therefore, the Special Master has made this determination, in large part, by comparing the list of German entities known to have used slave labor¹⁶⁷ with documents obtained from the Independent Commission of Eminent Persons (“ICEP,” also known as the “Volcker Committee”) and from the Swiss Federal Archives (“SFA”).¹⁶⁸ Specifically, the list compiled by the ICEP during the course of its three-year forensic accounting investigation of Swiss banks identifies German persons or entities that had a bank account at the time of the February 16, 1945 asset freeze.¹⁶⁹ The list compiled by the SFA contains information obtained by the ICEP and from the records of the now-defunct Swiss Compensation Office, which administered the 1945 asset freeze. The SFA list identifies only the name of the owner of a frozen asset; it does not identify or describe the asset itself. It should be clearly understood that neither the ICEP list nor the SFA list is a list of slave labor exploiters. Rather, they are lists of

¹⁶⁷ The names of German entities known to have used slave labor were taken, unless otherwise noted, from the Catalogue.

¹⁶⁸ The Special Master is grateful to both of these institutions for their cooperation in providing these materials.

¹⁶⁹ Pursuant to a decree of the Swiss Federal Council, all assets in Switzerland of Germans who lived in Germany were frozen on February 16, 1945. A Swiss Government ruling of May 29, 1945 required that all German assets in Switzerland had to be reported to the Swiss Compensation Office. *See* Independent Committee of Eminent Persons, Report on Dormant Accounts of Victims of Nazi Persecution in Swiss Banks (December 6, 1999) (hereinafter, the “Volcker Report”), at A-214.

frozen German assets reported to the Swiss Compensation Office. The lists identify large numbers of persons or entities with no known connection to slave labor use. For that reason, and in deference to Swiss banking secrecy statutes, the Special Master recites only the relevant information contained in the two lists and declines to reproduce the lists themselves.

The comparison of the frozen assets lists to the list of German entities reveals that hundreds of German private entities that exploited slave labor held Swiss bank accounts or other Swiss assets at the time of the asset freeze. Moreover, several reports have documented the banking ties between the Nazi state and Switzerland. The reports, respectively coordinated by then-Under Secretary of Commerce Stuart E. Eizenstat, U.S. and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II, Preliminary Study (May 7, 1997) (the “Eizenstat Report”), the Independent Commission of Experts chaired by Prof. Jean-François Bergier, Switzerland and Gold Transactions in the Second World War (the “Bergier Gold Report”),¹⁷⁰ and the British Archives, Nazi Gold: Information from the British Archives: Part II (the “British Archives Report”), all describe the substantial banking and financial relationships that existed between the Nazi Regime and the Swiss banking industry during the Third Reich.

¹⁷⁰ “Switzerland was of central importance for the Reichsbank as a place of transit for gold. Thus, in the polemics of Joseph Goebbels’ weekly newspaper ‘Das Reich,’ the German central bank viewed Switzerland as a ‘gilded country’ which was ‘practically the only country whose intercession enables us today to acquire foreign currency with gold, in other words to still be able to sell gold. In our opinion it should not be a matter for newspaper articles to sneer at Switzerland’s gold reserves, most of which stem from us.’” Jean-Francois Bergier, Switzerland and Gold Transactions in the Second World War – Interim Report (Bern 1998), at 25. See also Annex G (“The Looted Assets Class”) for a more detailed discussion of these government-sponsored reports.

Furthermore, the frozen assets lists described above demonstrate banking relationships among Swiss banks and the Nazi state that transcended mere trading in gold. The ICEP list reveals that the Reichsbank alone had thirteen known Swiss bank accounts. The Reich's Air Ministry and the German National Railway also appear on the ICEP list. The SFA list includes assets belonging to Organisation Todt, two branches of the German military (*Oberkommando der Deutschen Kriegsmarine* and *Oberkommando des Deutschen Heeres*) and other German government entities.

The results of the comparison of the lists have been set forth in a document, the "Slave Labor Class I List," attached hereto as Exhibit 1, that identifies those German entities that are known to have exploited slave labor and to have also had assets in Switzerland as of the date of the asset freeze, February 16, 1945. This is not to suggest that the Swiss banks or other entities with which German entities transacted had knowledge that some of these funds may have been derived from the exploitation of slave labor, or that the Swiss entities necessarily were aware that their German depositors made use of slave labor. Rather, the available data presented in the list that follows – the Slave Labor Class I List – indicate simply that known slave labor-using "companies or entities ... deposited the revenues or proceeds of that labor with, or transacted such revenues or proceeds through, Releasees," in accordance with the definition of Slave Labor Class I as set forth in Section 8.2(c) of the Settlement Agreement.

The list is divided into four sections. ***Section One*** identifies entities owned or controlled by the Nazi state, including the SS, (as well as private entities established or controlled by the SS or individual members of the SS or Nazi state) that exploited slave labor. It lists enterprises established by the SS or the Nazi Regime that used slave labor, as well as numerous types of work brigades and camp administration commando units where "Victims or

Targets of Nazi Persecution” were enslaved. The work sites where slave labor is known to have been performed are set forth opposite each listing.

Section Two identifies German private entities that are known to have exploited slave labor and to have maintained Swiss bank accounts, as reported in the ICEP list. Unless otherwise noted, the slave labor-using firms listed in Section II were named only if they, a parent or a subsidiary were identified on the ICEP list as having had a bank account at the time of the 1945 asset freeze. The matching of entities that used slave labor to account holder information was done conservatively. In the absence of additional information, entities whose names were similar but not identical were not considered a “match” and thus were not identified in Section II. As noted above, the ICEP list contains no information about any other point in time, and thus would not reflect Swiss bank accounts that had been closed in anticipation of the February 16, 1945 asset freeze or earlier.

Section Three identifies German private entities that are known to have exploited slave labor and to have operated business offices, subsidiaries, or cloaks in Switzerland.¹⁷¹ The Special Master is not aware of specific bank accounts maintained by the slave labor users identified in Section III. Nevertheless, these entities are listed in Section III based on the strong presumption that these business entities – either Swiss cloaks or German subsidiaries doing business in Switzerland – necessarily utilized the Swiss banking and financial community.

Section Four identifies German entities (private or state-owned) that are known to have exploited slave labor and to have had unspecified Swiss assets, as reported (but not

¹⁷¹ Subsidiaries are reported in Section III of the Slave Labor Class I List if there is evidence showing that the slave labor user owned at least 25% of the subsidiary entity. This is generally the same test adopted in the Settlement Agreement to determine whether an entity qualifies as a Releasee. See Settlement Agreement, Section 1 (definition of “Releasees”).

specifically described) in the SFA list. These unspecified assets may include bank accounts or other financial instruments. A number of entities listed by the ICEP, and which therefore appear in Section II, also appear on the list compiled by the SFA. Many entities on the SFA list are listed in Sections I-III. This section identifies only those entities listed by the SFA that have not already been identified in previous Sections.

The Slave Labor Class I List is not complete, and cannot be completed until further research examines the relationship between slave labor exploiters and the Swiss economy.¹⁷² Nevertheless, even without additional scholarly research, this initial examination demonstrates that virtually all of the most notorious slave labor users maintained banking ties in Switzerland – directly or through Swiss cloaks – or owned other assets in Switzerland. By documenting the pervasive interrelationships among German entities that exploited slave labor and the Swiss economy, particularly Swiss financial institutions, this list supports the

¹⁷² Indeed, the data sources from which this list was derived are themselves incomplete. The Catalogue is the most comprehensive listing of camps and prisons in Germany and German-occupied territories, but it is not exhaustive. Similarly, the “frozen assets lists” are widely understood to be incomplete, because they do not reflect all German entities with assets in Switzerland during the 1930s and 1940s, only those with Swiss assets as of the date that the freeze was implemented, February 16, 1945. Thus, they do not show any German assets or accounts in Switzerland that may have been closed in advance of the asset freeze. *See, e.g.*, Seymour Rubin, “Neutrality, Morality, and the Holocaust: The Washington Accord Fifty Years Later,” 14 *Amer. Univ. Int’l. Law Rev.* 61, 72 (1998) (“A full and complete census of German-owned properties was argued [by the Swiss] to be next to impossible, and in fact seems never to have been done – despite the vaunted record-keeping skills of the Swiss (and Germans)... [T]he lack of importance attached by the Allies to Swiss failure to take a complete count of German assets, and other measures, ranging from bureaucratic delays to what seems to have been complicity in cloaking, impeded or frustrated the implementation of the reparation aspects of the Washington Accord.”) Mr. Rubin was Deputy Negotiator for the United States delegation which negotiated the Washington Accord. The documents also list only those German assets or accounts reported by Swiss asset managers to the Swiss Compensation Office in 1945 (and not by the German corporate entities). *See* Letter of Prof. Dr. Christoph Graf, Swiss Federal Archives, to Special Master, May 16, 2000; *Sperre, Meldung, Registrierung deutscher Vermögenswerte in der Schweiz*,” (Freezing, Reporting, Registration of German Assets in Switzerland), Notes from the Swiss Federal Archives for Special Master, May 9, 2000.

presumption that “virtually all German companies that employed slave labor also ‘deposited’ or ‘transacted’ the revenues or proceeds of this labor in Switzerland.”¹⁷³ Therefore, all “Victims or Targets of Nazi Persecution” who performed slave labor for private entities, entities owned or controlled by the state or Nazi authorities, or by the concentration camp or ghetto authorities are members of Slave Labor Class I.

The Slave Labor Class I List follows.

¹⁷³ *In re Holocaust Victim Assets Litig.*, 96 Civ. 4849 (ERK) (MDG) slip op. at 38-39 (E.D.N.Y. July 26, 2000, corrected Aug. 2, 2000).