

Working For Farben: A Review of Less Than Slaves

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By Martin Gilbert

This short book is of extreme importance. Benjamin B. Ferencz arrived in the United States from Transylvania as a child. He was 13 when Hitler came to power. During World War II, as an American officer, he saw the horrors of the concentration camps as they were "liberated." After the war, as a war-crimes investigator, he was among the first to examine the Nazi records of the holocaust. Later, after he became a lawyer, his special area of concern was compensation for the victims of what is known as slave labor. He rightly calls his book, based on the experience of 35 years of dedicated legal work on behalf of the survivors, "Less Than Slaves."

In his first 30 pages, Mr. Ferencz traces the wartime story of slave labor, showing how, as the war years progressed, concentration-camp labor increasingly became an essential ingredient of both the Nazi war effort and of both the Nazi war effort and of private German industrial production. In April 1944, with the mounting effectiveness of Allied bombing, Hitler himself ordered Himmler to hand over 100,000 concentration-camp Jews to help build the new underground aircraft factories. In all these factories, the slave laborers were treated abominably and the death rate was grotesque. At one of the Krupp manufacturing plants next to Auschwitz, more than 30,000 slaves were worked to death.

Mr. Ferencz comments at the end of his survey that whereas the concentration-camp commanders were mostly tried and executed, those German industrialists who took slave laborers from the camps and cruelly abused them were for the most part not even put on trial. Even those industrialists who had been tried and sentenced were released in 1951 under the general act of clemency by the United States High Commissioner, John J. McCloy.

The bulk of this book is concerned with the trials of the industrialists and with the quest for reparations by the survivors. Mr. Ferencz describes the first successful appeal, by Norbert Wollheim, a Buna

survivor, in the Frankfurt District Court in 1953. There the court head of the slave-labor camp characterized as a "convalescent home" by a witness from the I.G. Farben corporation. But this particular court was courageous, and concluded that I.G. Farben "cannot evade its responsibility any more than can an individual." This meant the possibility of payment by Farben, not only to Wollheim, but to several thousand others who might be encouraged by the verdict to put in a now legitimate claim.

When Farben challenged the Frankfurt verdict, the author himself was drawn in as a legal advisor. He describes at first hand the tussle provoked by Farben's announcement that any payment they might agree to make would have to be accepted by the survivors as a "gesture of good will" rather than "the discharge of an obligation."

The ensuing legal struggle is described graphically, and it makes for depressing reading. Mr. Ferencz himself has given this section of his book the title "Bargaining about Auschwitz," which is an apt description of Farben's long, drawn-out defense. Two years after the original verdict, the appellate court called for "further evidence." Half a year later Farben and Wollheim were asked to work out a settlement between them. Early in 1956 Farben offered the equivalent of 5,000 marks for each client. The Jewish body principally concerned, the Claims Conference, became, as Mr. Ferencz writes, "fed up with the indignity of the continuing hassle about how much should be paid to which Auschwitz survivors." They therefore closed the deal. On the German stock exchange, Farben shares jumped 10 percent. The agreement was later challenged by the Farben shareholders, and when it was finally ratified it contained the extraordinary condition, approved by the German Parliament and agreed to by the Allies, that all claims must be asserted by the end of that same year, 1957, "or forever be barred."

Mr. Ferencz then describes the claiming process, set in motion by special committees, mostly of survivors in New York, Prague, Vienna, Budapest, London, Oslo, Melbourne and Sao Paulo. But the work could not be done in the 10 months that remained. Many of the questionnaires sent out by the Committee were returned illegible or incomplete.

As the individual payments began to be made, it became clear that Farben was prepared to be more generous to former German guards - one of whom had actually been detained by the Poles for several years as a war criminal - than to the Jews. In 1961 Farben demanded a "refund" from the Claims Conference in order to pay non-Jews - mostly Poles - who had also initiated claims. They were determined to avoid finding a further lump sum for these new and equally valid claims. Mr. Ferencz himself visited Poland to collect more evidence and found a document that had been smuggled out of Auschwitz in the autumn of 1944, in which it was explicitly stated that of the 10,000 Buna inhabitants, 200 (or 5 percent) were Poles. Farben had demanded a "rebate" of 10 percent.

The wrangles continued, and the claimants persevered. How sordid it all seems now: victims finding themselves in the position of plaintiffs and criminals as wheeler-dealers, haggling over sums of money that were, to them, quite insignificant. By 1968, 5,855 claimants had received compensation, mostly 5,000 marks (\$1,250) each. It made their lives, Mr. Ferencz writes, "just a little bit easier."

There were other distressing signs that the destiny of the slave laborers had not really been recognized as the evil which it clearly was. The German Supreme Court confirmed that all claims by forced laborers were in the nature of reparations and would therefore have to await a final peace treaty with Germany. Mr. Ferencz comments wryly, "it was not likely that any slave laborer would live long enough to see that day."

Such was the Farben compensation story. Mr. Ferencz then discusses Krupp, AEG, Telefunken, Siemens and Rheinmetall, all of whom had used, and abused slave labor. All were reluctant to admit it, or pay for it. All eventually gave in. Only one, Fridrich Flick, refused and got away with it. Each of these chapters contains the same detail as the I.G. Farben chapter, and each merits the same careful scrutiny.

The Flick story is certainly the most depressing in the book. Controlling 300 companies,, from toilet paper to dynamite, and including Daimler-

Benz, makers of the luxurious Mercedes. Flick was convicted of "major war crimes" in 1947. His use of slave labor - Jewish girls from Hungary, Czechoslovakia and Poland - could not be denied. They had been sent from Auschwitz to work in his various munitions plants; but Flick refused to pay any compensation whatever. In 1964, on his 90th birthday, Flick donated more than a million dollars to German charities. But still there was nothing for his Jewish slaves.

In 1967 a sum for payment was agreed on, 5 million marks, but Flick excused himself from any actual payment by saying was "short of cash." Yet only a few months , he had given his son a cash payment in excess of the total Jewish claim. His 16-year-old granddaughter had likewise received, as a gift, a sum larger than the Jewish claim. In 1968 Flick's company, Dynamit Nobel, stated that it had "neither a legal nor a moral obligation to make the payment." In 1972, in his 90th year, Flick died. Mr. Ferencz, who had been striving for this settlement for more than nine years, writes: "Although Friedrich Flick was reputedly the richest man in the world and left assets worth over one billion dollars to a playboy son, when he went to his grave he had paid the Jewish concentration camp inmates not a single cent."

This is a book to ponder.

Martin Gilbert is the biographer of Winston Churchill and the author of "Exile and Return: The Struggle for a Jewish Homeland."