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OPENING THE RED CROSS INTERNATIONAL TRACING SERVICE ARCHIVE¹

KENNETH WALTZER*

The Red Cross International Tracing Service (“ITS”) archive in Bad Arolsen, a quaint, Baroque-era spa town in north Hesse, Germany, formerly off limits to scholars, was recently opened by international agreement. The Nazi-era archive contains nearly 50 million World War II and post-war era documents and more than 17.5 million names. The documents are spread along sixteen miles of shelves in a half dozen buildings. The documents are now being digitized and distributed to national repositories in the United States, Israel, and elsewhere, and the ITS is transforming into a scholarly archive.

What led to the release of the documents and opening of the archive? What issues accompanied release of the documents or what issues are likely to arise in the future? What are the contents of the archive? What is the likely significance of these materials for Holocaust survivors and their families and others that the Nazis persecuted? Finally, what is the significance of these materials for scholars of the Nazi Holocaust and the upheaval of Europe in the mid-20th century, and students of human behavior under extreme conditions?

I. OPENING THE INTERNATIONAL TRACING SERVICE ARCHIVE AT BAD AROlsen, GERMANY

Following Allied victory in World War II, the United Nations Relief and Rehabilitation Administration (“UNRAA”) cared for, traced, and helped repatriate most survivors and refugees. Then, in 1947, the International Relief Organization took over a Central Tracing Bureau that

1. An earlier version of this essay was delivered as the Dean Fred F. Herzog Memorial Lecture at The John Marshall Law School in Chicago, Illinois, Sept. 17, 2008.

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had operated at Supreme Headquarters Allied Expeditionary Force (“SHAEF”) since 1944. The International Relief Organization established the International Tracing Service to trace missing persons and collect, classify, preserve the documents relating to persons “interned” in the National-Socialist concentration camps or displaced because of World War II.² ITS also made these documents accessible to governments and interested individuals. During the post-war years, the SHAEF Bureau and the ITS assembled unique collections of Nazi Holocaust, World War II, and post-war documents. The western Allies found these documents during the liberation of the Nazi camps and takeover of Nazi offices ranging from Nazi arrest, prison, and camp records to transport lists and prisoner files. The documents produced related to a far-flung Nazi-forced labor system that mixed with daily life in most German firms, towns, and localities, or were reported at the war’s end. Finally, Allied forces and refugee organizations dealing with survivors and displaced persons generated these documents during the late 1940s until the early 1950s.

It should be noted that most materials in the archive do *not* pertain to the Nazi Holocaust. Since the archive is quite often called a Holocaust archive, this perhaps creates outsized public expectations as to what is there. While much in the collections casts light on aspects of the Holocaust and the fates of many European Jews, more focuses elsewhere: on the huge demographic and political upheaval of Europe during and after the war, and the incarceration, exploitation, and dislocation of many peoples. With regard to the Jews, there is information on those who, after being selected in the killing camps, were transported to concentration camps in Germany and Austria or were brought to the camps and outer commandos on death marches near the end of the war. Schindler’s list to Brinnlitz is there. Lazar Wiesel’s post-liberation interview at Buchenwald is also there. There are deportation lists from the early years of the war for those deported from German cities to eastern cities, e.g., Jews from Hamburg and Frankfurt sent to Lodz and Minsk. Anne Frank is on lists from Westerbork to Auschwitz and then to Belsen. However, few documents exist from the Nazi ghettos in Poland, Lithuania, and elsewhere from which millions were deported to their deaths from 1942 to 1944. Similarly, few documents exist from the Nazi killing camps in Poland, which the Nazis had plowed under by 1944 or the Soviets had liberated.

2. Paraphrased from the Agreement Constituting an International Commission for the International Tracing Service, June 6, 1955, 6 U.S.T. 6186, 219 U.N.T.S. 79, *cited in* Paul Belkin, Opening of the International Tracing Service’s Holocaust-Era Archives in Bad Arolsen, Germany, at 1, The Library of Congress, Congressional Research Service Report (Apr. 5, 2007), *available at* <http://fas.org/sgp/crs/misc/RS22638.pdf>.

ITS organized these materials in three distinct, un-integrated collections. The first is the incarceration/concentration camp collection, consisting of Nazi arrest, prison, transport, and camp records. Numerous materials exist from Buchenwald, the most of any camp, as well as from Dachau, Mauthausen, Neuengamme, Ravensbruck, and others. Bergen Belsen is absent because the Nazis destroyed the records. Auschwitz and Majdanek are thinly represented. The second is the forced labor collection, consisting of Nazi records relating to individuals sent to work in Germany at German firms, towns, institutions, and some camps. These include information on German firms that used forced labor and also on the uses of foreign workers, prisoners of war, military internees, and others in many localities. Finally, the third is the postwar/migration collection, or records primarily concerning displaced persons and lists of survivors and missing persons in varied European locations.

I recently spent two weeks working in the concentration camp records at Bad Arolsen with fifteen scholars from six countries sponsored by the Center for Advanced Holocaust Studies of the U.S. Holocaust Memorial Museum, headed by Paul Shapiro, while colleagues examined the other collections. [The four teams of scholars corresponded to the three collections plus the separate ITS administrative records.] We judged that the archive is a treasure trove, especially if the materials are approached knowingly in conversation with outside information. We made several presentations to ITS leaders, including the new director, Swiss diplomat Reto Meister, and to the press on June 25. We spoke about a "gold mine" of information, sharing examples of things we had found. We also worried openly about the conditions of the documents, the physical circumstance of the archive in old World War II-era buildings, and the need to create searching tools for researchers to know better what the collections contain.³

To return to the story about the opening of the archive, in 1955, when the Allied occupation of Germany ended, the ITS was charged to continue its mission as a missing persons service and caretaker of documents under an International Commission ("IC") and also under the International Committee of the Red Cross ("ICRC").⁴ In June 1955, a treaty called the Bonn Accords codified the agreement and established

3. Information in the Red Cross archive also includes testimonies and affidavits taken by investigators preparing for the post-war Nazi trials, survivor lists compiled by Jewish and other aid organizations in the post-war, and specialized collections, like the *Lebensborn* project, in which Polish and Slavic children were kidnapped to be raised as Aryan *kinder*.

4. The International Commission is comprised of eleven member nations, including Belgium, Britain, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, and the United States.

the structures of ongoing oversight. The Federal Republic of Germany provided and still provides the annual operating budget.

While the ITS shared documents in the 1950s with the National Archives in the United States and with Yad Vashem in Israel, during the 1960s and from the 1970s forward the ITS limited access to information to survivors and victims of the Nazi crimes and their descendants only. These persons could write to ITS and obtain formal responses after searches of the collections. ITS understood itself as a tracing service for the victims of Nazi war crimes and a certifying agency in restitution matters. The records were considered private and were unavailable for historical research. ITS barred scholars access. ITS also withheld access from museum curators at German concentration camp sites. Finally, ITS barred access to investigators abroad that were pursuing deportation proceedings against ex-Nazis guilty of war crimes who had submitted false immigration affidavits.

ITS also in time fell into a lazy bureaucratic routine and became especially slow responding to survivor and family requests, at one point reaching nearly a three-year turnaround. Additionally, ITS personnel also often replied to requests with limited information, less than what was actually available. Even though ITS responded to 11 million requests from around the world over sixty years, by no means a small or insignificant number, by 2004, ITS had generated a backlog of 400,000 cases.⁵ In this context, near the century's end, a generation after Holocaust survivors had begun speaking publicly and had created a powerful social movement of memory, and after important public-private institutions of memory and history were established and gained international influence, criticism of ITS escalated. Many survivors came to feel ill-served. They received little or no information or incomplete information (ITS claims successful responses in fifty-six percent of the cases) and many felt that time was running out to receive the information they were seeking.⁶ Around the same time, the number of requests for certification stemming from new German legislation supported by a \$6.6 billion fund for former slave and forced laborers grew, reflecting new interest from the former Iron Curtain countries.

Also happening around the same time, the U.S. Holocaust Memorial Museum ("UHMM"), survivors' organizations, the U.S. State Department and Congress, and other organizations and actors, including the European Parliament, directors of German concentration camp memori-

5. German historian Wolfgang Wipperman of the Free University of Berlin called ITS "a lazy bureaucrat farm." See Arthur Max, *Closed for Decades, the World's Largest Holocaust Archive Reveals Its Secrets*, U.S. NEWS AND WORLD REPORT, May 21, 2007.

6. Arthur Max, *Opening of Archive Likely to Spur New Generation of Holocaust Research*, ASSOCIATED PRESS, Nov. 16, 2006.

als, and several European national resistance organizations began pressuring the International Commission to open the archive. The European Parliament passed a resolution in 1993; the directors of six German camp site memorials requested access in 1995. A European Council symposium in 1998 was a key moment.⁷ The post-Cold War era, German reunification, the opening of East European archives, and the fight against non-remembrance and Holocaust denial all shaped a new context. But the ITS director at the time, Charles-Claude Biederman, blocked any change, arguing that amendment of the Bonn Accords required unanimous consent of all member nations in the International Commission – not majority vote, as some suggested.

After another six years of difficult discussion, in May 2006 the International Commission agreed unanimously to amend the Bonn Accords and to open the archive. The key development was Germany's decision to end its opposition announced a month earlier.⁸ Biederman was let go. It was also agreed that the ITS would make digital copies of the collections available to one designated research institution in each member state, pending parliamentary approval in each country. The International Commission simply added to the original treaty the expanded mission to guarantee access to the archives and documents "for research purposes, both on site and by providing copies of the archive or document material."⁹ The process of national approvals went on until November 2007. ITS started digitizing materials in 2006 and began distributing them during and after the approvals process in 2007. The first materials from the camp records and central names index arrived in Washington in August 2007, and the second batch came recently in 2008 from the post-war records, and more materials from the forced labor records and post-war records are being sent third, in a process to continue until 2011. One can now go to the U.S. Holocaust Memorial Museum to the Survivors' Registry and work with the digitized materials from the camps from dedicated computer terminals; survivors can also send paper or online requests to the museum to search for them. The promised turnaround is six to eight weeks. Under new leadership, the turnaround at the Red Cross ITS archive in Bad Arolsen is also eight weeks.

7. See Friedrich P. Kahlenberg, Speech at the Ceremony Opening the Red Cross Archive (Apr. 30, 2008). The Federation Nationale des Deportés et Internes, Résistants et Patriotes in France presented the European Council with a memorandum in remembrance of the liberation of the camps fifty years earlier. *Id.*

8. See Arthur Max, *Vast Nazi Archive Soon to be Opened*, WASHINGTON POST, May 16, 2006; Andrew Curry, *The Nazi Chronicles*, U.S. NEWS AND WORLD REPORT, May 13, 2007; Reto Meister, Press Release, *Toward the Opening of the International Tracing Service Archive in Arolsen*, May 14, 2007. See also David Stout, *Germany Agrees to Open Holocaust Archive*, N.Y. TIMES, Apr. 19, 2006.

9. Vincent C. Frank-Steiner, Speech at the Ceremony Marking the Opening (Apr. 30, 2008).

II. ISSUES REGARDING THE DIGITIZED ARCHIVAL MATERIALS AND NATIONAL REPOSITORIES

Before exploring the collections and their historical significance, some issues have arisen concerning access to the distributed materials and about the likely national repositories to receive materials that deserve attention. Some but by no means all or even most survivors in this digital age have become adept with computers and some of these have expressed the desire to be able to Google their records directly via online connections in their homes. This has not proved possible, for several reasons – and there was for a time considerable friction between some grassroots survivor organizations and the U.S. Holocaust Museum. Secondly, some researchers and scholars have wondered about what institutions have been or will be certified as national repositories and how well or poorly they will support new work on the Holocaust.

In May 2007, before the first batch of materials had arrived, David Schaecter, President of the Florida-based Holocaust Survivors Foundation U.S.A. called on the U.S. Holocaust Memorial Museum to allow direct access to the data via the Internet and expressed shock and dismay when Museum officials indicated that staff researchers, like ITS before, would handle survivor requests. Survivors would thus continue to have indirect rather than direct access and would have to go through intervening professionals. Many activist survivors, having waited for ITS to handle requests, did not wish to wait for Museum staff to do the same and were outspoken about their displeasure.¹⁰

At a minimum, such protests were ironic, because no institution had done more to loosen ITS's grip on the archive than the Holocaust Museum. Paul Shapiro was a key leader in the effort, and at one point he spoke out sharply against Germany for "exerting a stranglehold" on the process. In Shapiro's view, as he told a subcommittee of the U.S. House Committee on Foreign Affairs in March 2007, that the documents comprise "the most extensive collection of records in one place tracing the fates of people from across Europe, Jews and members of virtually every other European nationality as well, who were arrested, deported, sent to concentration camps, and murdered by the Nazis, who were put to forced and slave labor under inhuman conditions. . .and who were displaced from their homes and families. . ." ¹¹ More than anyone, Shapiro had sensed the archive's value and had also anticipated the challenges that

10. "Where does the museum get the chutzpah?" said Schaecter. See Edwin Black, *Survivors Outraged at Holocaust Museum over Bad Arolsen*, HISTORY NEWS NETWORK, May 17, 2007.

11. *Bad Arolsen Holocaust Archives: Hearing before the Subcomm. on Europe of the Comm. on Foreign Affairs*, 110th Cong. 110-31 (2007) (statement of Paul Shapiro, Director, Center for Advanced Holocaust Studies).

would accompany responsible stewardship. The records will ultimately double the Museum's holdings, resulting in new demands to enhance the museum's technology infrastructure, expand survivor services, and upgrade understaffed research and translation services.

Two points should be made. First, the U.S. Holocaust Museum was not a free actor concerning management of the documents and issues about direct access. ITS transferred digital copies of documents and opened the archive to researchers, but IC decisions directed all. Privacy concerns continue to shape how the materials must be handled. Confidential materials about specific individuals (like objects of medical experimentation) clearly require protection, and the IC ruled that member governments must "take into consideration the sensitivity of certain information" *under national privacy laws*. This was a Shapiro victory, as no common denominator based on European standards was set; but at the same time IC members emphasized the obligation to observe privacy standards nation by nation. J. Christian Kennedy, the director of the Office of the Special Envoy for Holocaust Issues in the U.S. State Department, said that the international agreement process emphasizing privacy rules (even devolved to differing national standards) basically "ruled out" broad use of the Internet.¹²

Second, difficulties in offering direct access via the Internet were also shaped by important challenges involving the technology. The Bad Arolsen search engine was over ten years old and incompatible with more current applications. The data was also not easily searchable, as the database was flawed and incomplete, created without using all the name index cards. Technical experts from nine countries confirmed that the Bad Arolsen software was not usable elsewhere and a new software system was created to export data to the United States and Israel. In addition, issues in the scanning of the documents (the creation of non-searchable document images, or jpegs), in the documents themselves (they don't explain themselves), and in the spread of related documents in distinct collections all suggested that users would need professional assistance to find and make meaning of relevant information.¹³

In the past year the Museum has reached out to survivors in an effort to explain and to tell them how to obtain access through requests. At

12. Telephone Interviews with J. Christian Kennedy, U.S. State Dept., and Arthur Berger, USHMM (June 2007). Arthur Berger also confirmed that the agreement regarding observation of national privacy laws worked against providing broad internet access. *Id.*

13. Arthur Max, *Web Access to Nazi Files May be Put Off Forever*, OAKLAND TRIBUNE, Aug. 4, 2007, available at http://findarticles.com/p/articles/mi_qn4176/is_ai_n19441872. Max quoted Sara Bloomfield of the Museum that critics "grossly oversimplify [the issue of] accessibility" and Michael Lieber at Yad Vashem who said the documents were too disorganized. *Id.* Max comprehended the issue involved a legal dimension, the privacy laws, and also a technical one. *Id.*

the same time, the Museum has trained staff, explored new software and searching systems, and sought to maximize client satisfaction. Sara Bloomfield, the director, announced to the press and at a closed door meeting with survivor organizations in January 2008 that the Museum was committed to getting information to survivors quickly.¹⁴ Mainstream organizations such as the American Gathering of Holocaust Survivors were satisfied but some other groups continued to complain. Participating in opening the Red Cross archive has been one of the Museum's top accomplishments and, given the commitment to serve survivors and offer "real value added," reflects "a tremendous achievement." Others have suggested that some survivors simply fail to understand how staff expertise is needed to find and make sense of the documents or misunderstand what is required to make even selected data accessible on the Internet.¹⁵

The subject is still touchy, but less so than earlier. In 2007, Leo Rechter, executive director of the National Association of Jewish Child Holocaust Survivors ("NAHOS"), accused the Museum of seeking to control the documents. "We don't expect immediate access," he said in a phone interview.¹⁶ "The materials must be processed, prepared in ways to make it understandable, delivered, multiple languages sorted. There is a lot of preparation, we know."¹⁷ "But the Museum," Rechter said, "looks at the documents as if it is their property. We look at it as our property. What they are saying sounds to us like an effort to act as 'a

14. Media Advisory, USHMM, United States Holocaust Memorial Museum to Begin Responding to Survivor Requests for Information from International Tracing Service Archive (Jan. 14, 2008) *available at* http://www.ushmm.org/museum/press/archives/detail_advisory.php?category=08-advisory&content=2008-01-14; Press Release, USHMM, United States Holocaust Memorial Museum to Begin Providing Holocaust Survivors Information from International Tracing Service Archive (Jan. 17, 2008), *available at* <http://www.ushmm.org/museum/press/archives/detail.php?category=07-its&content=2008-01-17>; Ron Kampeas, *U.S. Holocaust Memorial Museum Launches Searches of Archives*, DEEP SOUTH JEWISH VOICE, Jan. 23, 2008, *available at* <http://www.dsjv.com/2008/01/nation-file-us-holocaust-memorial.html>. See also Sara Bloomfield, *A Mandate to Rescue Evidence of the Shoah*, FORWARD, Aug. 11, 2006, *available at* <http://www.forward.com/articles/a-mandate-to-rescue-evidence-of-the-shoah/>; Interview with J. Christian Kennedy, U.S. State Dept. (June 2006).

15. "People generally don't understand the complications and difficulties and or the costs of putting data on line and making it usable," Dean Rehburger, Associate Director of Matrix, the Center for Humane Arts, Letters, and Social Sciences at Michigan State University, reflected when we reviewed the controversy together in June 2007. Privacy issues interfere with putting all the records online. There are cost and time issues in developing meta-data to make the database valuable to potential users, and creating "secondary repositories" or sifted data collections in a layered approach, which might actually be (or have been) promising in the ITS case, and might help (or have helped) with privacy concerns, also requires considerable planning, costs, and time.

16. Phone Interview with Leo Rechter, Executive Dir., NAHOS (June 2007).

17. *Id.*

gateway.”¹⁸ Rechter today argues for remote terminal access in satellite locations in New York and Florida. Survivor computer experts and the activist journalist and gadfly Edwin Black have also pooh-poohed the challenges and insisted in public meetings and in print that the will to provide direct Internet access can and should (or should have) overcome all.¹⁹

A less visible but equally important issue concerns where the digitized materials are to be placed. Reputable institutions focused on the Nazi Holocaust and Nazi crimes or institutions with other priorities. Placement with the U.S. Holocaust Museum or Yad Vashem or in a new Bad Arolsen archive is one matter. Placement in nations where Holocaust museums or centers lack similar standing or in national institutes that are politicized is another. In some countries, the materials are likely to go to a government agency rather than a recognized Holocaust center. France may be one example. In others, like Poland, where the Institute of National Remembrance (*Instytut Pamięci Narodowej*) (“IPN”), created by the Polish Sejm, received the materials, there is worry due to its orientation.²⁰

The primary orientation of the IPN, or at least its investigative side, is on study not of the Nazi crimes of World War II, but on Communist crimes before and after World War II. The IPN is secondarily focused on Nazi oppression from 1939-1945, although primarily on Nazi crimes against the Polish nation. While the archive is a professional operation, the institute overall is influenced by the Polish right wing and operates in a nationalist framework that glorifies Polish resistance and non-complicity. The IPN can and does facilitate history on the German camps, the mistreatment of Poles and Jews, and activities by the Polish under-

18. *Id.*

19. See, e.g., Edwin Black, *USHMM's Media Misinformation Muddies Survivors' Quest for Bad Arolsen Remote Access*, THE CUTTING EDGE, Jan. 21, 2008, <http://www.thecuttingedgenews.com/index.php?article=291&pageid=13&pagename=Analysis>; Leo Rechter, *Survivors Rebuke USHMM's Shapiro and ICRC Over Bad Arolsen Discord Following Closed Door Meeting*, THE CUTTING EDGE, Mar. 3, 2008, <http://www.thecuttingedgenews.com/index.php?article=329&pageid=&pagename=>. Rechter and Black argue now for remote terminal access in satellite locations. See Edwin Black, *USHMM Launches Promising if Daunting Individualized Bad Arolsen Search Program* THE CUTTING EDGE, Jan. 17, 2008, <http://www.thecuttingedgenews.com/index.php?article=289&pageid=&pagename=>.

20. On the Institute of National Remembrance, see Institute of National Remembrance, http://www.ipn.gov.pl/portal/en/1/2/Institute_of_National_Remembrance_Commission_for_the_Prosecution_of_Crimes_agai.html (last visited Nov. 10, 2008). See also Marian Bagiński, *A Different View of the Lomza Region*, POLISH NEWS, Apr. 30, 2008, available at http://www.polishnews.com/index.php?option=com_content&view=article&id=173:a-different-view-on-the-oma-region-in-poland&catid=93:historiapolish-history&Itemid=329. On the Bielski partisans, see Marissa Brostoff, *Polish Investigators Tie Partisans to Massacre*, FORWARD, Aug. 7, 2008, available at <http://www.forward.com/articles/13935/>.

ground state to assist Jews, but there is less focus on the Nazi Holocaust or the fate of Jews (as distinct from Poles) in the camps.

Some indications of IPN defensiveness in reaction to scholarship about Polish behavior under the Nazis, particularly respecting Jews, have included responses to two books by Jan Tomas Gross, *NEIGHBORS* (2001), a study of the Jedwabne massacre in July 1941, and *FEAR* (2006) about Polish anti-Semitism after the Holocaust. An IPN investigation of Jedwabne and similar incidents at Radzilow and elsewhere in early 1941 strongly affirmed that they happened and that this was troubling because of broad Polish involvement, but the IPN suggested that they were really German-inspired. IPN director Janusz Kurtyk reacted to Gross' next book by attacking the Princeton historian as "a vampire of historiography."²¹ These incidents suggest IPN serves not merely as a historical repository but an institute that responds to slanders against the Polish nation and engages in Polish apologetics. The IPN's investigation of the Bielski partisans, whom are depicted in a Hollywood movie *DEFIANCE*²² later this year, is another worrisome sign. The IPN accuses the Jewish group which cooperated with Soviet partisans in the Naliboki forest and protected a large Jewish family camp of committing atrocities against Poles.

At this writing, it is not certain where the distributed ITS documents will be located in other member nations, such as Britain, France, Belgium, Italy, Luxemburg, the Netherlands, or Greece. In Germany, the repository is the Bad Arolsen archive, which is currently active in sponsoring seminars to acquaint historians and memorial site staff and others with the new possibilities. Elsewhere, though, where will the materials be housed, and under whose care? What support will be provided for scholarship? Distribution and broadened access to date has occurred only in the United States, Israel, and Poland, so this second issue bears ongoing watching.²³

III. WHAT IS IN THE BAD AROlsen ARCHIVE? WHAT DO THE COLLECTIONS CONTAIN?

Let us now turn to what the collections contain. The collections contain substantial, if uneven, documentation from the Nazi concentration camps, their growth and change over time during the war, and their embrace of new functions in a far-flung Nazi network of camps linked in a burgeoning SS industrial slave labor empire. For example, as stated ear-

21. Marissa Brostoff, *Polish Investigators Tie Partisans to Massacre*, *FORWARD*, Aug. 7, 2008, available at <http://www.forward.com/articles/13935/>.

22. *DEFIANCE* (Paramount Pictures 2008).

23. Reto Meister informs that Great Britain and France are looking into "technical modalities," probably including satellite connections to the Bad Arolsen archive.

lier, there is good documentation from Buchenwald and several other camps in Germany and Austria. There is documentation on hundreds and hundreds of outer camps. On the other hand, there is little from Auschwitz-Birkenau or its sub-camps, Buna-Monowitz or Blechhammer, and there is nothing at all from the Operation Reinhard camps – Belzec, Sobibor, and Treblinka. Jewish prisoners deported from East European ghettos or West European transit camps were brought to these camps without being registered and were quickly exterminated. The concentration camp records do include transport lists among the concentration camps – lists of registered prisoners sent to Auschwitz and Auschwitz prisoners sent back to the concentration camps. There is also nothing on Nazi factory labor camps in Poland, like the HASAG camps in Skarzysko-Kamienna or Czestochowa, which exploited thousands and operated until mid- or late-1944, when prisoners were moved to concentration camps. Further, there is nothing on Polish or Lithuanian ghettos that became official *konzentrationslager* until they were liquidated and the Jews deported. The Lodz and Kovno ghetto camps existed until summer 1944.

There are also substantial records of forced labor during the war and of companies that exploited forced labor. It is estimated that 9-10 million foreigners were involved in the Nazi forced labor system. There are also records pertaining to 3.4 million persons who sought designation as Displaced Persons (“DPs”) after the war. Thousands of postwar testimonies and depositions taken by American soldiers from former inmates are in the records. Former prisoners pointed out cruel and brutal SS officers, guards, and prisoner functionaries. Arthur Max of the Associated Press reports, “Some files contain detailed histories of survivors and the tortures they endured.”²⁴ There are files on orphaned and separated youths, on women and children found in camps and on the roads, and on men and boys in the camps who survived eleventh hour Nazi efforts to evacuate or kill them.

During the IC discussions concerning whether to open the archive, many member nations shared the view that there was really not much to find, since the collections contained mainly “lists.” Indeed, the ITS had long treated lists as simple documents containing names, period, and ITS researchers largely looked for names on the lists to certify that persons had been in the camps, worked as slave or forced labor, and survived or perished. ITS searches ended there. To put it another way, the searches were genealogical and biographical – focused on individuals.

24. Arthur Max, *Archive Details Misery of Holocaust Survivors*, L.A. TIMES, May 27, 2007, at A10, available at <http://articles.latimes.com/2007/may/27/news/adfg-hpapers27>. See also Arthur Max, *Nazi Archive Shows Swath of Misery in Newly Liberated Europe*, USA TODAY, May 20, 2007, available at http://www.usatoday.com/news/world/2007-05-20-holocaust_N.htm.

They were not historical – focused on groups or categories of individuals or on topics. What neither IC members nor ITS administrators appreciated were how lists containing individual names, with related information alongside, like birthdates or towns of origin, can be linked and used to do the history of identified groups. That is, such lists can be the bases for writing more detailed social histories or sociologies of the camps and prisoners or postwar survivors.

Let me clarify by focusing on the concentration camp records. The concentration camp records contain transport lists of prisoners to and from the camps, new prisoner or new arrivals lists, transfer lists inside the camps, block books, and personal card envelopes. The personal card envelopes contain block and work commando assignments, personal cards, health records, interviews by prisoner functionaries with new prisoners, and postwar interviews with Allied authorities before survivors departed. The transport lists in particular are often detailed documents, containing information about birth date, place of birth or town of origin, nationality and religion, previous camp and registration number, occupation, and prisoner registration number. These are akin to the ship manifests that genealogists explore on the Ellis Island database, revealing age, place of origin, nationality, who one is traveling with, and to whom one is coming. They identify prisoners by age, town of origin, nationality, and experience, and – if used carefully – offer hints about whether the prisoners were completely alone or with others.

Other documents in the collection, such as new arrivals lists, transfer lists, block books, and the personal card envelopes also make it possible to follow these prisoners into the camps and see in what blocks they were placed, whether they were sent to outer commandos, and what their fates were. This is akin to following immigrants into American cities and neighborhoods using census manuscripts, city directories, and other related documents.

Thus, one can work with these documents, stratify samples of people from specific towns of origin or regions, or of specific ages or genders, and explore what happened to them. One can also examine whether prisoners were “alone” or moved in small fragments of former families or with fellow townspeople or were placed in barracks or outer commandos with others. All this opens up possibilities for the study of everyday life among the prisoners inside these murderous Nazi camps and for probing the question of the limited range of agency among prisoners seeking to survive Nazi terror.

A substantial literature exists on the Nazi camps built upon insights first provided by former camp prisoners like David Rousset shortly after the war, and conceives the concentration camp as “a world apart,” set off

radically from the human universe outside the gate.²⁵ The camps comprised a separate “concentrationary universe” and a new and absolute structure of power that went far beyond anything ever seen before. The leading theoretical work in this genre, Wolfgang Sofsky’s brilliant *THE ORDER OF TERROR* conceives the concentration camp as a place of extraordinary terror and brutality, where absolute power confronted absolute powerlessness, and as a consequence prisoners were reduced to a coerced, manipulated, and seriated mass.²⁶ The camps were a new regime of power beyond dominion and obedience, beyond exploitation and punishment, Sofsky argues; they comprised a new regime of terror and violence. Power was so unobstructed that the prisoners’ selves and bodies were completely transformed by ubiquitous terror and humiliation. Prisoner functionaries, the middle managers in the camps, forced to be complicit, extended Nazi terror and power, permitting it to reach deep into the barracks and work commandos at all times. This happened even when camps became extraordinarily large and unwieldy and scores of thousands moved through the gates. The claim is that under such absolute and terrible pressure prisoners who were already socially dead as citizens were reduced to isolated humans radically alone in a Hobbesian war of all against all for survival; Nazi power and its extension through functionaries created a “deformed sociality” in prisoner society. The claim is also that total power destroyed human relatedness to time, pressing prisoners into an “eternal present,” cut off from the past and isolated from any sense of a future.

The documents in the Bad Arolsen archive raise the question whether this is a useful portrait or perhaps goes too far, suppressing important differences among the camps and underestimating prisoner abilities within the narrowest limits to exert modest agency. The documents now available to us expand our opportunity to study the potential ability of human beings even under Nazi camp conditions to adapt strategies or draw on resources to endure Nazi terror and tyranny.

There are also historical documents in the archive about the development of the camp system from modest beginnings in the 1930s, the training of cadres of camp administrators and guards at Dachau and Sachsenhausen in the mid-late 1930s, and the growth in number and

25. DAVID ROUSSET, *L'UNIVERS CONCENTRATIONNAIRE* (Paris, Editions de Pavois, 1946); *A WORLD APART* (Secker and Warburg 1951). Hence Buchenwald was “a vast, isolated city,” and the camps were “a world apart” where men were made naked, stripped of all culture, lacerated by the whip, and subjected to vicious routines. “Little by little, the human being decomposed in the internee,” said Rousset. *Id.*

26. WOLFGANG SOFSKY, *THE ORDER OF TERROR: THE CONCENTRATION CAMP*, 280 (Princeton Univ. Press 1997) (1993). Sofsky’s book was published in Germany in 1993. Sofsky insists that misery doesn’t bond people; it transforms them into a coerced, seriated, pathogenic mass. *Id.*

change of camps in size and function during the war. At some point, the camps ceased to be national institutions filled primarily with German and Austrian political and criminal prisoners and filled up with foreign prisoners – Russians, Czechs, Poles, Slavs, French, Ukrainians, and others – from the expanding continental racial empire.²⁷ Nazi camps that at the outset were primarily political institutions for controlling Aryan prisoners and terrorizing German society became part of an extensive SS camp and industrial slave system in which foreign prisoners were exploited in German industry. The camps were also forced to engage in backbreaking construction and tunnel projects, armaments production, the manufacture of synthetic oil, and numerous other war economy activities.

In the spring of 1944, under the pressure of escalating labor scarcity, the Nazis started selecting European Jews on the ramp at Auschwitz to be sent to Germany to slave in the camps. Earlier, Germany and all camps in Germany had been made *Judenrein*.²⁸ So now, in addition to foreign slave laborers, Jewish slaves were brutally forced into the construction, armament, and fuel projects at the bottom of this racial hierarchy. They were also forced into building air raid shelters and defusing and cleaning up after Allied bombs dropped on industrial and fuel sites. The Nazi concentration camps became key distribution and transshipping points in an enormous and expanding murderous slave system where being sent to the outer commandos often meant death. There are also historical documents about the impact the Allied armies had on the camps during the last stages of the war, as advances by the Red Army led to evacuation of camps in Poland and sent prisoners moving through the massive system in terrible numbers in the freezing winter cold - including Jews from Auschwitz-Birkenau and its sub-camps and Gross Rosen. The materials permit historians to historicize the development of the Nazi camp system, study change and development over time amidst the shift to new functions and new scale and demography, and watch the enormous system as it came under great pressure during the final days.

Alongside the Nazi concentration camp and slave labor system, the Nazis also built and presided over a forced labor system of great range

27. Christian Gerlach, *Network of Terror: The Nazi Concentration Camps*, YAD VASHEM STUDIES 29 423-33 (2001), available at http://www1.yadvashem.org/odot_pdf/Microsoft%20Word%20-%20202028.pdf (discussing the stages of growth in the Nazi camp system). See also NIKOLAUS WACHSMANN, GERMAN HISTORY 615-18 (1999) (providing a review of ULRICH HERBERT, KARIN ORTH, AND CHRISTOPH DIECKMAN, DIE NATIONALSOZIALISTISCHEN KONZENTRATIONSLAGER (1998)).

28. Holocaust Glossary, *Jewish Virtual Library*, http://www.jewishvirtuallibrary.org/jsource/Holocaust/wiesenthal_glossary.html (last visited Nov. 10, 2008).

and size. Ulrich Herbert,²⁹ the leading German historian on Nazi forced labor has suggested that, in 1944, the Nazi regime deployed nearly 8 million foreign civilian workers, prisoners of war, military internees, and concentration camp inmates in a coerced system combining radical exploitation with racist regulation - the largest use of foreign forced labor since the end of slavery during the 19th century.³⁰ A three-tiered society was created in the Reich rooted in labor exploitation, racism, and segregation. The deployment of some Jews as forced labor (and many non-Jews as slave labor) meant that the Nazi Holocaust and camp system, and the forced labor system, late in the war, overlapped. Forced labor involved the exploitation and regulation of foreign workers throughout the intimate web of German society. Laborers worked for firms, local professionals, on farms, for localities, in hospitals, and for the churches.

My colleagues who visited Bad Arolsen showed that using the documents they could study the forced labor system regionally, including the history in local towns. Several colleagues focused on Bad Arolsen and nearby Kassel in Hesse, and others looked at particular firms. Forced labor was ubiquitous and, while conditions were better and freer than for concentration camp labor, and forced laborers were less terrorized or brutalized, nonetheless this was yet another form of forced labor or bondage. Forced laborers worked on contracts and could take periodic leaves, but violations of contracts and disapproved behavior like racial mixing, minor transgressions, or even heightened Nazi fears all produced severe punishment and swift induction of foreign workers into the camps.

Finally, the postwar collection of documents about the DPs were found to be especially rich, containing stories given in postwar interviews, hints, and insights into their strategies to make new lives, and clues about where they went and why. Konrad Kwiet, a historian of the Nazi Holocaust and of mid-century Europe at the University of Sidney in Australia, believes the archive should rethink itself as a European institution, a repository of materials on the great mid-century upheaval.³¹ In other words, he means the cumulative impacts across the continent of destruction, exploitation, uprooting, and migration. The historian Tony Judt has described an unprecedented exercise in wartime and postwar Europe in ethnic cleansing and population transfer and reported that 1.5 million people left for England, the United States, Canada, Australia,

29. Goethe-Institut, *Dr. Ulrich Herbert*, <http://www.goethe.de/wis/fut/prj/kwi/ref/her/enindex.htm> (last visited Nov. 8, 2008).

30. ULRICH HERBERT, *FORCED LABORERS IN THE THIRD REICH: AN OVERVIEW*, 192-218 (2000). See also TONY JUDT, *POSTWAR 16* (New York: The Penguin Press, 2005). Foreign workers comprised twenty-one percent of the labor force in late wartime Germany. *Id.*

31. Konrad Kwiet, Presentation at ITS in Bad Arolsen (June 25, 2008).

Israel, and other places.³² In a sense, the history of transnational European society at mid-century is in the archive. Kwiet emphasized that the end of colonialism, Europe's reduction in stature in international society, and the displacement of millions and migration to new global locations marks a caesura of European history.

IV. WHAT THEN IS THE SIGNIFICANCE OF THE MATERIALS?

What then is the significance of the materials? What does it represent to Holocaust survivors and their families and others persecuted by the Nazis, to scholars of the Nazi Holocaust and the great upheaval of Europe in the mid 20th century, and to students of human behavior under extreme conditions?

A. TO THE SURVIVORS AND THEIR FAMILIES

As we have seen, the materials are now considerably more accessible, especially in the United States, Israel, and Germany, and perhaps soon in England and France. While survivors and family members cannot obtain access from their home computers, the records can be obtained with professional assistance, and historians are also beginning to work creatively with them, so survivors can follow up with additional questions after obtaining their documents. What does it mean to Frieda Jaffe in Miami to learn that her late uncle was sent from Buchenwald to Schlieben? What was Schlieben? What occurred there? What does it mean to child survivor Sidney Finkel of Chicago to learn that, despite what he wrote in his fascinating memoir, *Sevek*, he arrived after child slave labor in Polish factory camps in Piotrkow and Czestochowa at Buchenwald in December 1944, not January 1945, and was in block 23, not block 66?³³ What does it mean to child survivor Mikki Schwartz of San Diego, to discover that after arrival from Auschwitz at Buchenwald in May 1944, his name was on a transport list to infamous Dora, Hitler's "super weapons complex," where Hungarian Jewish boys and also Gypsy boys died quickly from terrifying labor? But his name was scratched off the list, and he was placed in children's block 8.³⁴ Access to the documents is a first step that often demands more investigation.

32. See JUDT, *supra* note 30 at 24, 31-32.

33. SIDNEY FINKEL, *SEVEK AND THE HOLOCAUST: THE BOY WHO REFUSED TO DIE* (2006) (stating that Sevek was protected in block 23 by Polish Jewish prisoners working with the German Communist-led international clandestine underground to save children and that Block 66 was created in January 1945).

34. *Sixty Minutes: Revisiting the Horrors of the Holocaust* (CBS television broadcast Dec. 17, 2006); Telephone Interview with Mikki Schwartz (Dec. 21-22, 2006). Mikki Schwartz was saved by the underground at Buchenwald and put in block 8, a barrack for protecting youth directed by the resistance. *Id.*

Regrettably, some survivors will still be disappointed after the opening of the Red Cross archive because they will still not discover any documents. Survivors and family members may want to know what happened to relatives about which there is no information. Such people disappeared without a trace at Auschwitz-Birkenau, or at Belzec, Sobibor, or Treblinka. They were shot at Nazi factory labor camps. They were mowed down in the Nazi killing fields or in Jew hunts in East European forests. They were never registered or on transports in the camp system.

Others, though, will get new information. A large number of survivors were freed in the camps in Germany and Austria or were in the postwar DP camps and they and family members will find relevant and precise records. Being able to see copies of the transport lists or the personal card envelopes of missing relatives or forbears will offer closure to some about some peoples' fates and greater understanding to others about their experiences. The forthcoming appearance of a multivolume encyclopedia of camps and ghettos sponsored by the Center for Advanced Holocaust Studies will also assist importantly in this effort.

The collections will also reveal a great deal, it must equally be emphasized, about other victims of Nazi persecution, namely other victims in the Nazi camps who comprised the majority of prisoners, including Germans, French, Belgians, Danes, Czechs, Poles, Gypsies, Ukrainians, Soviet prisoners, and others. Save for the Gypsies, they were not targeted in the Nazi Holocaust but were nonetheless torn from their homes and countries and subjected to tyranny. These people suffered miserably and terribly. In Bad Arolsen, in the Buchenwald records, for example, considerable documentation exists about French political prisoners who were transported in 1943-44, many of whom were then sent to the dreaded Dora. There is also information about the fate of Gypsies who were brought to Buchenwald in mid-1944 after the destruction of the famous Gypsy camp at Auschwitz. Also in the Buchenwald file, I found the name of the mysterious "Fyodor from Rostow"³⁵, an 18-year old Russian foreign worker arrested by the Gestapo in November 1943 who in early 1945 protected a young eight-year-old boy in children's block 8 who later became the Chief Ashkenazi Rabbi of Israel.³⁶

In early 2008, the children and grandchildren of eight prisoners from the rural town of Putten in central Holland visited Bad Arolsen and were assisted by staff to view prisoners' personal card envelopes from

35. He is also known as Fyodor Michajlistchenko.

36. See Moti Katz, *Former Chief Rabbi Closes Buchenwald Chapter of His Life*, HAARETZ (Sept. 24, 2008) (stating that Irene Steinhardt, Department of the Righteous, Yad Vashem, has confirmed that Michajlitschenko's family has been located in Rostov, and a tape he made during a visit to Buchenwald shared with Rabbi Lau).

Neuengamme. Their fathers and grandfathers had been arrested and brought to the camp near Hamburg in 1944 and died there. Some envelopes held an identification card only; others contained photos. One man saw the only picture he had ever seen of his father. This is a World War II story that should be better known, for it reveals the depths of Nazi brutality, which shaped forever the history of this small village. The Nazis deported 602 men from Putten in October 1944 as punishment for Dutch resistance activities in the area. Some 589 came to Neuengamme. Less than fifty survived.³⁷

The collections will also generate information about the lives and work of other coerced laborers who slaved in a looser system of bondage. The laborers and their relatives will be able to discover in many cases what happened and to find closure and greater understanding. Some may still obtain information related to ongoing restitution and compensation proceedings, but this seems less likely than some anticipate. The ITS documents hence serve as a window onto part of the Nazi Holocaust for some victims and also into aspects of the large-scale upheaval of Europe for others.

B. TO STUDENTS OF NAZI HOLOCAUST AND THE UPHEAVAL OF EUROPE

The ITS documents will be promising for scholars who want to study growth and change in the Nazi camp system and to do specialized studies of particular camps and their structure and functioning. The documents permit historians to explore the practical workings of the camps, probe life inside in new detailed ways, and examine what happened to specific individuals and groups. It will now be possible to explore the role and work of prisoner functionaries in the gray zone in the camps, and to ask questions about and verify whether functionaries merely collaborated and extended Nazi power or sometimes carried out clandestine resistance.³⁸ It will now also be easier to explore the fates of specific categories of prisoners, homosexuals or Jehovah's witnesses, for example, or criminal greens or political reds. Most important, it will now be possible to explore questions about the mass of prisoners who will have names and identities and be from particular places, not merely numbers. If Nazi Gestapo and camp records show the creation of more complex camp institutions, the Nazi camp records – transport lists, *zugangsbucher*, *block bucher*, transport lists to *aussenkommando*, and *personal karte* files – make it possible to study of the camps as complex social places populated with groups as well as by a coerced and seriated mass.

37. Toby Axelrod, *For Some, Bad Arolsen Archives Yields Personal Effects*, JTA NEWS AND FEATURES (Jan. 25, 2008). See also Judith Schuyf, *The Good, the Bad, and the Innocent: Dutch Accounts from Neuengamme* (Unpublished paper).

38. See Primo Levi, *The Gray Zone*, THE DROWNED AND THE SAVED (Vintage 1989).

Again, we turn to Wolfgang Sofsky's *THE ORDER OF TERROR* as a take-off point.³⁹ Sofsky posits the camps as a world apart, nearly outside time, a regime of absolute power, places of extreme terror and brutality.⁴⁰ This is true but also neglects diversity among the camps, comparatively and across time, and overstates the consequence for some prisoners. The collection enables us to see the camps as distinct and different, albeit parts of a synergistic, terrible and gigantic system, and also helps us appreciate the great complexity of movement and re-movement that pulsed through the Nazi web. In this kinetic and gigantic picture, prisoner functionaries and prisoners possibly sometimes and in some places found space for modes of resistance against and forms of adaptation to total power and its effects and also to express meanings of their own contrary to the Nazis.⁴¹ Also, small groups of people, fragments of families, knots of fellow townsmen sometimes found in each other for brief moments at critical junctures crucial resources to continue.

ITS materials will also help Holocaust study because in the camp and DP records are trace elements of what happened to family and relatives of survivors. In each camp, new prisoners were asked who and where their parents or family were. Often answers were general or vague, but these records are completely untapped and these additional names are not in the central names index. Similarly, interviews with postwar DPs generated similar information. There is broad availability of the data, so there are also new possibilities to work creatively with survivor testimonies and memoirs in conversation with these documents. Survivor memory endures with stability over long periods and recalls key traumatic episodes capably and consistently. Yet such memory also can and must be sharpened and made more precise by cross checks with relevant data.⁴² New careful dialogue between memory and testimony and historical data will yield large and small new insights about history in the camps.

The collections will underwrite new history – local studies of transports from particular places, social history on the fates of people from particular towns in the camps, and specialized studies of groups or categories of prisoners – women, children and youths. It will soon be possible to search the records across all the camps and find all children and

39. WOLFGANG SOFSKY, *THE ORDER OF TERROR: THE CONCENTRATION CAMP*, (Princeton Univ. Press 1997) (1993).

40. *Id.*

41. See EUGEN KOGON, *THE THEORY AND PRACTICE OF HELL: THE GERMAN CONCENTRATION CAMPS AND THE SYSTEM BEHIND THEM* (Farrar, Strauss, and Giroux 2006). This immediate postwar account recently reissued offers a different “take” on the camps and prisoner functionaries than Rousset. *Id.*

42. See CHRISTOPHER R. BROWNING, *COLLECTED MEMORIES: HOLOCAUST HISTORY AND POSTWAR TESTIMONY* (2003).

youths who were in the camps. Yehuda Bauer of Hebrew University predicts, "The overall story [of the Holocaust] is pretty well established but many details will be filled in."⁴³ One detail may be the story of children and adolescents sixteen years and under whom the Nazis viewed as "useless eaters" and slated for annihilation but not all were killed. The ITS holdings will also permit close study of the everyday practices of persecution beyond the juridical (the daily routines and interactions of Nazi overlords and camp prisoners), and will also enable historical and comparative work on the camps, and on the coexisting slave and forced labor systems. The DP records will also provide a basis for writing a massive history or histories of the dislocation of millions, who went to many places.

C. TO STUDENTS OF HUMAN BEHAVIOR UNDER EXTREME CONDITIONS

Finally, the collections at Bad Arolsen will permit us to enter into the concentration camps in detailed ways which have seldom been done or conceived before until recently.⁴⁴ For quite a long time, historians neglected staring into the abyss of the Nazi camps even while leading social theorists suggested that the camps were a key social invention of the twentieth century. But this has been changing recently, and scholars have begun seriously examining the camps, their histories, the elite of killers that directed or guarded the camps, and the experiences of prisoners inside.⁴⁵ The camp records together with survivor memoirs and testimonies will permit historians to explore even further life lived under extreme conditions and to understand better the dynamics of the camp system and prisoner society.

In my estimation, the camps were largely apart yet not completely isolated from the surrounding world. Prisoners came and went carrying information and prior experience. The camps were also sometimes so large and complex that small opportunities and spaces existed or came to exist for some for influence or resistance or for finding solace and support. Finally, the prisoners were formerly people with histories and cultures from particular places, who sometimes (but not always) were with some others who were linked with them. We know of stories from survivors of mutual help and of surreptitious religious observance in some

43. Yehuda Bauer in Arthur Max, *Largest Archive of Holocaust Records to Open Up*, USA TODAY, Nov. 19, 2006, available at http://www.usatoday.com/news/world/2006-11-19-holocaust-papers_x.htm.

44. About.com, *Opening 16 Miles of Nazi Files*, http://judaism.about.com/od/holocaust/a/its_badarolson.htm (last visited Nov. 10, 2008) (defining Bad Arolsen as a place in Germany where the fullest records of Nazi persecutions exist).

45. Nikolaus Wachsmann, *Looking into the Abyss: Historians and the Nazi Concentration Camps*, 36 EUROPEAN HISTORY QUARTERLY 2, 247-78 (2006). This piece masterfully explores recent historical writing on the camps.

camp. We know of some efforts at small-scale solidarity and sustaining hope by recalling the past or envisioning a future. All was not a mirror image of Nazi absolute power. Nor was all a world of all against all or an “eternal present”—although all was indeed terror, brutality, cruel violence, tyranny, and “choiceless choices.” Brutal reality diminished and deformed humanity yet glimmers remained.

I am venturing to explain all of this in a forthcoming work on *The Rescue of Children and Youths in Buchenwald*, when the U.S. Third Army liberated the camp near Weimar, Germany on April 11, 1945, and there were 904 boys among the 21,000 surviving prisoners. Most were adolescents but about one-sixth of the prisoners were younger children, with the youngest two children barely four years old. What explains how these children and youths were alive to be liberated in a Nazi concentration camp? What explains the experiences of many prisoners linked or bonded in real or surrogate connections with others – fathers and sons, mothers and daughters, brothers, sisters, surrogate siblings – how many endured? Or endured for a time? Was it merely luck and fate? Were other factors involved? Here the materials offer a valuable opportunity to bring memoirs, testimonies, Nazi documents, transport, and camp records together in new ways to study and probe prisoner society, and behavior amidst the extreme conditions in the Nazi camps.

