



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)

-----x  
**AFFIDAVIT OF JULIE R. DORF IN SUPPORT  
OF JOINT OBJECTION AND PROPOSAL  
OF THE PINK TRIANGLE COALITION**

1. I, Julie R. Dorf, am a founding member of the Pink Triangle Coalition and former Executive Director of Coalition member International Gay and Lesbian Human Rights Commission. I currently serve in a coordinating role for the Pink Triangle Coalition's efforts to ensure proper representation in settlement distributions for the gay and lesbian targets of Nazi repression who are known or unidentified class members in this litigation. Additional information about my credentials and background appear in Appendix 1 to the accompanying Proposal For A Cy Pres Allocation For Homosexual Victims Of The Nazis ("Proposal"). My work on behalf of the Pink Triangle Coalition has included coordinating the preparation and updating of the Proposal, which has been prepared with the assistance of scholars and other experts on the subjects it covers. I have reviewed the Proposal and its Appendices, and I believe them to accurately present the history of the Nazi persecution of gay men and lesbians and the post-war repression of these victims, the work of the Pink Triangle Coalition and of efforts to locate gay and lesbian survivors of the Third Reich, and the initiatives the Coalition seeks to fund through a *cy pres*

award in this action to benefit homosexual class members, the vast majority of whom will never be identified.

2. The Pink Triangle Coalition, formalized in February 1998 in Berlin, is an international consortium dedicated to advocating for gay and lesbian victims of the Nazis. Our name derives from the pink triangle symbol sewn on the uniforms of gay Nazi concentration camp prisoners. The Coalition has a dual mission: to ensure representation of gay and lesbian victims of the Third Reich within international funds addressing the Holocaust, and to collect and disseminate information about the Nazi's targeting of gay men and lesbians with an aim of involving more organizations in documenting the crimes and commemorating the victims. It is the sole international advocacy group for gay and lesbian victims of the Nazis.

3. Membership in the Coalition is limited to international and national gay and lesbian non-governmental organizations with particular experience working on compensation issues or with relationships to compensation funds. The following gay and lesbian organizations are the Coalition's members:

Aguda (Association of Gay Men, Lesbians, Bisexuals, and Transgendered in Israel)

European Region of the International Lesbian & Gay Association (ILGA - Europe)

Homosexuelle Initiative, Vienna (HOSI Wien)

International Association of Gay and Lesbian Children of Holocaust Survivors, USA

International Gay and Lesbian Human Rights Commission (IGLHRC), San Francisco

Lesben- und Schwulenverband Deutschland (Lesbian and Gay Federation of Germany)  
(LSVD), Berlin

Magnus Hirschfeld Gesellschaft, Berlin

Mémorial de la Déportation Homosexuelle, Paris

Pink Cross, Switzerland

World Congress of Gay, Lesbian, Bisexual, and Transgender Jews (WCGLBTJ)

Information about each of these organizations is described in an Appendix to the accompanying Proposal.

4. The Coalition also includes two at-large individuals with expertise on issues regarding Nazi victims or in administering grant funding. In addition to myself, Dr. Kurt Muller is an at-large member. Dr. Muller has been program coordinator at the United States Holocaust Memorial Museum in Washington, D.C., since 1994. His biographical information is also included in the Appendix.

5. In addition, the Coalition has a category of Survivor Member-Beneficiary, for known gay and lesbian survivors of Nazi persecution, persecuted as such, whose interests the Coalition advances.

6. Representatives of the Pink Triangle Coalition were officially in attendance at the 1997 London Conference on Nazi Gold, and a paper authored by the Coalition was published in the official proceedings of the conference. In February 1998, the Pink Triangle Coalition, together with the Heinrich Boll Foundation, Berlin, convened the Pink Triangle Colloquium, a historic two-day conference in Berlin. The Colloquium brought together scholars, homosexual survivors of Nazi persecution, human rights activists, and policy makers to raise awareness and present new

documentation about the persecution of gay men and women in Nazi Germany. The event drew more than 100 people from Europe and North America. The Coalition also sent an official observer to the International Conference on Holocaust Era Assets, held in Washington, D.C. (2000). The Coalition has presented at numerous conferences and events, including the United States Holocaust Memorial Exhibition and Tour of "Nazi Persecution of Homosexuals, 1933-1945" in Los Angeles, in May 2003.

7. In January 2002, the Coalition filed a motion in this proceeding formally requesting a *cypres* distribution from the settlement proceeds of this suit. That motion was denied with leave to renew. The Coalition now renews and updates its Proposal and lodges its objection to the Special Master's October 2003 Recommendation to the extent it would insufficiently acknowledge the interests of homosexual class members, the vast majority of whom are unknown. Based on information and belief, the Pink Triangle Coalition is the only entity appearing in this action on behalf of gay and lesbian survivors of Nazi persecution.

8. The Coalition has secured distributions to benefit gay and lesbian victims of the Third Reich from various funds, including \$72,000 in 1999 and \$528,000 in 2000 from the International Nazi Persecutee Relief Fund administered by the United States Department of State. In 2000, the Coalition retained Astraea Lesbian Foundation for Justice (formerly the Astraea Lesbian Action Foundation) to serve as its fiscal sponsor and distributor of the \$528,000 awarded from the International Nazi Persecutee Fund. Consistent with the Coalition's proposal to the U.S. Department of State, among distributions from these funds were:

– A grant to the Magnus Hirschfeld Society (Berlin) to create a memorial on CD-ROM and the web and in a printed book to document the Nazi destruction of the Berlin-based Institute for Sexual Sciences and the effects of that destruction on the gay community.

– A grant to Reflective Image (San Francisco) to distribute Paragraph 175, an award-winning documentary which premiered on HBO in July 2000. The documentary features interviews with several gay and lesbian survivors of the Nazi persecution. (A DVD version of Paragraph 175 is submitted to the Special Master as an Appendix to the Proposal.)

– A grant to the Schwules Museum (Berlin) to underwrite an exhibition on underground gay life in Berlin during the Nazi regime.

– A grant to fund a Berlin-based research project to uncover additional living gay survivors of the Third Reich.

– Distributions to each of seven needy gay survivors of Nazi persecution, administered through the Pink Cross, Switzerland. Of those seven needy gay survivors, three have since passed away. One, living in Poland, died in only the past several months. The other four are elderly and in very ill health. Biographical information about these four survivors, along with information about three additional needy men who have since been located, is listed in an Appendix to the Proposal.

9. In my role with the Pink Triangle Coalition, I have had the opportunity to work with historians, researchers, memorialists, and scholars around the world who are active with the Coalition's member organizations. In my first contacts with member organizations in 1997 by telephone conferences and then in person during our two-day colloquium in 1998 in Berlin, we thoroughly

discussed the need to locate additional gay and lesbian survivors of Nazi repression who may still be alive today.

10. I was informed in those discussions and in subsequent meetings that many historians have spent their careers attempting to locate gay and lesbian survivors of the Nazi period. For instance, Dr. Gunter Grau, Dr. Rainer Hoffschildt, Lutz Van Dijk, Dr. Ilse Kokula, Dr. Rutiger Lautmann, Joachim Mueller, Dr. Klaus Muller, Dr. Claudia Schoppmann, Dr. Andreas Sternweiler, and Dr. James Steakley, who has submitted an affidavit in support of our proposal in this case, have each spent many years interviewing survivors, and researching and writing about this period with a particular focus on gays and lesbians. Through the work of these and other historians, fewer than a dozen gay men are known to be still alive today to tell anything about their stories. All of these important historians have shared their findings with us.

11. Very recent research commissioned by the Pink Triangle Coalition continues to bear out the extraordinary difficulty of locating additional survivors of Nazi persecution of gay men and lesbians. As described more fully in the accompanying Proposal, the Coalition funded research conducted by the Magnus Hirschfeld Gesellschaft of Berlin aimed at finding additional survivors in Berlin who could potentially be compensated in some form by existing funds. That study, completed in late 2001, attempted to trace in Berlin 553 men who were persecuted under section 175 of the Penal Code during the Nazi era. Despite extensive research efforts, none could be found still living.

12. In addition to work commissioned directly by the Pink Triangle Coalition, members of the Coalition have been working with the International Office of Migration (IOM) to assist it in its use of the

initial *cypres* distribution on behalf of non-Jewish class members in Stage One of this settlement. The IOM hired a public relations firm in Germany to conduct outreach, but did not find any additional bona fide survivors through these efforts. This firm placed advertisements in newspapers, conducted an internet campaign, and conducted virtual press conferences. Members of the Pink Triangle Coalition collaborated with the IOM on this process as much as possible.

13. Members of the Coalition also have been in communication with staff of the Bundesverband Information und Beratung fuer NS-Verfolgte (The Federation for Information and Support for the Survivors of NS-Persecution) in Germany, to locate additional survivors, and have identified three additional needy survivors through that source, who are listed in an Appendix to the Proposal.

14. Despite all of these efforts to locate gay and lesbian survivors, the Pink Triangle Coalition is in touch with ten gay men who were victims of Nazi persecution, seven of whom are in particular financial need. Most of the men that we are in touch with still do not wish to have their names revealed in any public way and some do not wish to attempt to claim any compensation because of their persecution as homosexuals by the Nazis. They are all over 70 years old at this time, and several are in their 90's. Most are needy and in ill-health. Since the Pink Triangle Coalition began its efforts in 1997, seven other gay Nazi survivors on whose behalf Coalition members have been advocating have died. The deaths of three of the identified survivors just in the past two years since the Pink Triangle Coalition last moved this Court for a *cypres* distribution highlights the urgency of the Coalition's Proposal to distribute without delay funds to the few needy survivors still living, and the importance of granting a



broader *cypres* award to benefit and commemorate the many victims who remain unidentified or have perished.

15. Based on the work of the Pink Triangle Coalition and of the scholars and organizations that have attempted to locate additional pink triangle victims, I am convinced that we have undertaken as extensive an outreach effort as feasible to find survivors. Yet despite these efforts we have found only a few additional living victims. This is largely due to the particular nature of the persecution of homosexuals by the Nazis, the continued persecution of gay men and lesbians after the war, the continuing stigmatization of gay and lesbian people to this day, the lack of direct heirs to help identify the few remaining elderly survivors, and the many decades that have passed without recognition of the suffering of gay men and lesbians at the hands of the Nazis.

16. The few identified needy gay survivors still living, all of whom are elderly and many of whom are known to be in very ill-health, are not in a position individually to represent themselves and other class members in this action. The Pink Triangle Coalition exists to advocate for and represent the interests of these elderly gay Holocaust survivors and of the many other gay and lesbian class members who will never be located or have perished. On behalf of all these gay victims of the Third Reich, the Pink Triangle respectfully requests a *cypres* award in the amount of one percent of the settlement fund, with interest, as outlined in the accompanying submissions. The Coalition respectfully objects on behalf

of homosexual members of the class to the extent the Special Master's Recommendation would insufficiently recognize their interests.

I, Julie Dorf, declare under penalty of perjury that the foregoing is true and correct.

Dated: December 17, 2003



Julie R. Dorf



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x

IN RE: HOLOCAUST VICTIMS ASSETS

CASE NO. 96CV4849

-----x

**AFFIDAVIT OF PROFESSOR JAMES D. STEAKLEY IN SUPPORT  
OF THE SUBMISSION BY THE PINK TRIANGLE COALITION**

1. I, James D. Steakley, make this affidavit in support of the submission by the Pink Triangle Coalition for a distribution of settlement funds to benefit gay and lesbian victims of Nazi persecution, the vast majority of whom have perished or can never be located.

2. I am Professor of German at the University of Wisconsin-Madison. I teach graduate and undergraduate courses on modern German culture and history, including the Third Reich and post-war eras. My research has focused in particular on 20<sup>th</sup>-century German gay history, and I have published extensively on the subject, including, for example, The Homosexual Emancipation Movement in Germany (New York: Arno Press, 1975), The Writings of Dr. Magnus Hirschfeld: A Bibliography (Berlin: Magnus-Hirschfeld Gesellschaft, 1985), Gay Men and the Sexual History of the Political Left, co-editor (New York: Haworth, 1995), and "Selbstkritische Bemerkungen zur Mythologisierung der Homosexuellenverfolgung im Dritten Reich," in Nationalsozialistischer Terror gegen Homosexuelle. Verdrängt und ungesühnt, ed. Burkhard Jellonnek and Rüdiger Lautmann (Paderborn: Ferdinand Schöningh, 2002), pp. 55-68, an article addressing post-war treatment of gay men in Germany. I hold a B.A. from the University of Chicago and an M.A. and a Ph.D. from Cornell University, and did graduate

studies at the Universität Frankfurt, the Freie Universität Berlin, and the Humboldt-Universität Berlin. I have served on the editorial boards of New German Critique, German Quarterly, Journal of the History of Sexuality, and Journal of Homosexuality, in addition to chairing the Division of Lesbian and Gay Studies of the Modern Language Association and serving on the Executive Committee of the Committee on Lesbian and Gay History of the American Historical Association. I have taught as a visiting professor at the University of Freiburg, the University of Hannover, and the Free University of Berlin, and have served as an Historical Adviser for the U.S. Holocaust Memorial Museum. My curriculum vitae, attached hereto as an exhibit, more fully lists my credentials, including my publications and professional activities.

3. I have reviewed the historical account of the Nazi and post-war experience of gay and lesbian victims in the Pink Triangle Coalition's Proposal for a Cy Pres Allocation for Homosexual Victims of the Nazis, and I am well familiar with the research and scholarship cited in the Proposal. I base my opinions in this affidavit on my review of the relevant historical literature and my own primary and secondary research for my scholarship, teaching, and other professional activities.

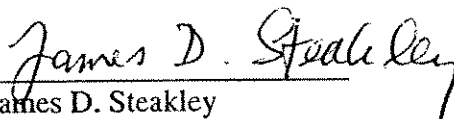
4. The Proposal accurately summarizes the current scholarship on the Nazi persecution of gay men and lesbians and the post-war repression of these victims. As the Proposal relates, because homosexuality remained criminalized and stigmatized in the post-war era, gay and lesbian victims of the Third Reich were under intense pressure to remain silent and hidden. They were barred from reparation programs and memorials acknowledging their suffering. To step forward to bear witness to the Nazis' persecution carried the risk of prosecution for homosexual crimes and social disgrace. Moreover, social and cultural networks that evolved to support other

victim groups were thwarted by ongoing anti-gay public policy and social attitudes from forming to aid and advocate for gay and lesbian survivors. Few of these victims were likely to have had direct heirs who could act on their behalf and seek to honor their memories. To a great extent, the ordeal of these victims at the hands of the Nazis was blotted out of the historical record.

5. These and other factors described in the Proposal that are unique to the class of gay and lesbian victims have conspired to make it now virtually impossible to locate more than a handful of living gay survivors of the persecution of the Third Reich.

I, James D. Steakley, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 16 December, 2003

  
James D. Steakley

JAMES DAVID STEAKLEY

CURRICULUM VITAE

ADDRESS 818 Van Hise Hall Born: Miami, Florida  
University of Wisconsin October 21, 1946  
1220 Linden Drive Home: 111 N. Franklin St.  
Madison, WI 53706 Madison, WI 53703  
(608) 262-2192 (608) 255-6782  
Fax: (608) 262-7949 E-Mail: steakley@wisc.edu

EMPLOYMENT HISTORY Professor, Department of German, University of Wisconsin-Madison: 1995-  
Associate Professor, Department of German, UW-Madison: 1986-95  
Assistant Professor, Department of German, UW-Madison: 1979-86  
Lecturer, Department of German, UW-Madison: 1977-79  
Adjunct Instructor, Dept. of German and Russian, Montclair State College: II 1976-77  
Teaching Assistant, Department of German Literature, Cornell University: 1970-71

TEACHING ABROAD Guest Professor, Deutsches Seminar, Universität Freiburg, 2003-04  
Exchange Professor, Fachbereich Germanistik, Freie Universität, Berlin: I 2000-01  
Guest Professor, Deutsches Seminar, Universität Freiburg, 1996-97  
Exchange Professor, Seminar für deutsche Sprache und Literatur, Universität  
Hannover: II 1990-91  
Exchange Professor, Fachbereich Germanistik, Freie Universität, Berlin: I 1987-88

EDUCATION University of Chicago: 1964-68  
B.A. with General Honors in the College and Special Honors in German  
  
Cornell University: 1969-71, 1972-73 (in residence)  
M.A. in German Studies, minor in Comparative Literature  
Ph.D. in German Studies

DISSERTATION "Anarchism and Culture: The Political and Cultural Theories of Erich Mühsam"  
Director: Associate Professor Sander L. Gilman, Cornell University (now Professor,  
University of Illinois-Chicago)

STUDY ABROAD Johann-Wolfgang-Goethe-Universität, Frankfurt am Main: 1968-69  
Freie Universität, West Berlin: 1971-72 (as Cornell graduate student)  
Humboldt-Universität, East Berlin: 1975-76 (as Cornell dissertator)

ACADEMIC AWARDS Vilas Research Associate in the Humanities, UW-Madison: 1996-98  
DAAD Faculty Grant for Research in Germany: 1993  
Panhellenic Association & Interfraternity Council Faculty Appreciation Award: 1992  
Visiting Research Appointment, FB Soziologie, Universität Bremen: Summer 1981  
International Research and Exchanges Board (IREX) Fellowship: 1975-76  
Humanities and Social Sciences Fellowship, Cornell University: 1969-73  
Exchange Scholarship, University of Chicago/Universität Frankfurt: 1968-69  
Phi Beta Kappa: 1968

## PUBLICATIONS

1. BOOKS

- Heroes and Heroism in German Culture. Essays in Honor of Jost Hermand, April 2000.* Coedited with Stephen Brockmann. Amsterdam: Rodopi, 2001. 259 pp. (Festschrift of 10 essays.)
- Heimat, Nation, Fatherland: The German Sense of Belonging.* Coedited with Jost Hermand. New York: Peter Lang, 1997. 240 pp. (Anthology of 8 essays.)
- Gay Men and the Sexual History of the Political Left.* Coedited with Gert Hekma and Harry Oosterhuis. New York and London: Haworth, 1995. iv, 408 pp. (Anthology of 14 essays.)
- Von einst bis jetzt. Die Geschichte einer homosexuellen Bewegung.* By Magnus Hirschfeld. Coedited with Manfred Herzer. West Berlin: Rosa Winkel, 1986. 213 pp.
- The Writings of Dr. Magnus Hirschfeld – Sexologist, Psychiatrist, Homosexual Emancipationist: A Bibliography.* Berlin: Magnus-Hirschfeld-Gesellschaft; Toronto: Canadian Gay Archives, 1985. vi, 53 pp.
- Lesbianism and Feminism in Germany, 1895-1910.* New York: Arno, 1975. 413 pp. (Reprint anthology of 11 texts.)
- Documents of the Homosexual Rights Movement in Germany, 1836-1927.* New York: Arno, 1975. 695 pp. (Reprint anthology of 10 texts.)
- The Homosexual Emancipation Movement in Germany.* New York: Arno (New York Times), 1975, <sup>2</sup>1979. Paperback, Salem, NH: Ayer, <sup>3</sup>1982; <sup>4</sup>1988; <sup>5</sup>1992. 121 pp.

2. ARTICLES

- “Selbstkritische Bemerkungen zur Mythologisierung der Homosexuellenverfolgung im Dritten Reich.” In *Nationalsozialistischer Terror gegen Homosexuelle. Verdrängt und ungesühnt*, ed. Burkhard Jellonnek and Rüdiger Lautmann (Paderborn: Ferdinand Schöningh, 2002), pp. 55-68.
- “Europe in the 1930s. A Gay History Panel.” *GLQ* 8.3 (2002): 297-299. [Introduction to “The GLQ Forum,” a set of three historical essays dedicated to George L. Mosse.]
- “Preface.” Coauthored with Stephen Brockmann. In *Heroes and Heroism in German Culture: Essays in Honor of Jost Hermand, April 2000*, ed. James Steakley and Stephen Brockmann (Amsterdam: Rodopi, 2001), pp. vi-xii.



- "Bibliography of George L. Mosse." Coauthored with John Tortorice. *German Politics and Society* 18.4 (Winter 2000): 58-92.
- "Cinema and Censorship in the Weimar Republic: The Case of *Anders als die Andern*." *Film History* (New York) 11.2 (1999): 181-203.
- "Hirschfeld, Magnus" and "Homosexuality and Lesbianism." In *Modern Germany: Encyclopedia of History, People, and Culture, 1871-1990*, ed. Dieter K. Buse and Juergen C. Doerr (New York: Garland, 1998), vol. 1, pp. 472 and 489-90.
- "*Per scientiam ad justitiam*: Magnus Hirschfeld and the Sexual Politics of Innate Homosexuality." In *Science and Homosexualities*, ed. Vernon A. Rosario (New York: Routledge, 1997), pp. 133-54.
- "Emergence of a Gay and Lesbian Political Culture in Germany," "Cultural Critique: The Community of the Special," "Legal Reforms: Kurt Hiller and the Action Committee," and "Combining Political and Cultural Work: The League for Human Rights." In *We Are Everywhere: A Historical Sourcebook of Lesbian and Gay Politics*, ed. Mark Blasius and Shane Phelan (New York: Routledge, 1997), pp. 133-35, 151, 170, 174.
- "Film und Zensur in der Weimarer Republik: Der Fall *Anders als die Andern*." *Capri: Zeitschrift für schwule Geschichte* (Berlin), no. 21 (March 1996): 2-33.
- "Franz Schubert – absolut schwul?" In *Responsibility and Commitment: The Ethics of Cultural Mediation. Festschrift für Jost Hermand*, ed. Klaus L. Berghahn, Robert C. Holub, and Klaus L. Scherpe (Frankfurt a.M.: Peter Lang, 1996), pp. 109-24.
- "Leftist Sexual Politics and Homosexuality: An Historical Overview." Coauthored with Gert Hekma and Harry Oosterhuis. In *Gay Men and the Sexual History of the Political Left*, ed. Gert Hekma, Harry Oosterhuis, and James Steakley (New York: Haworth, 1995), pp. 1-40.
- Introduction to texts by "Nicholas" and "J.A.W." In *Gay Voices from East Germany: Interviews by Jürgen Lemke*, ed. John Borneman (Bloomington: Indiana UP, 1991), pp. 163-66.
- "Sodomy in Enlightenment Prussia: From Execution to Suicide." In *The Pursuit of Sodomy: Male Homosexuality in Renaissance and Enlightenment Europe*, ed. Kent Gerard and Gert Hekma (Binghamton, NY: Haworth, 1988), pp. 163-75.
- "Nachwort." Coauthored with Manfred Herzer. In *Von einst bis jetzt* (see 'Edited Volumes' above), pp. 201-13.
- "Iconography of a Scandal: Political Cartoons and the Eulenburg Affair." *Studies in Visual Communication* 9.2 (Spring 1983): 20-51.

– Revised reprint in *Hidden from History: Reclaiming the Gay and Lesbian Past*, ed. Martin Duberman, Martha Vicinus, and George Chauncey (New York: New American Library, 1989; London: Penguin, 1990), pp. 233-63.

– Revised as “Iconographie d'un scandale. Les Caricatures politiques et l’Affaire Eulenburg.” Trans. Patrick Cardon. In *L’Allemagne et la Caricature Européenne en 1907* (expanded reprint of *Derrière “Lui”: L’Homosexualité en Allemagne [1907]* by John Grand-Carteret) (Lille: Cahiers GKC, 1992), pp. 179-231.

– Revised reprint in *History of Homosexuality in Europe and America*, ed. Wayne Dynes, Studies in Homosexuality, vol. 5 (New York: Garland, 1992), pp. 323-85.

“Anniversary of a Book Burning,” *The Advocate* (Los Angeles) (9 June 1983): 18-19, 57.

– Reprint in *Mitteilungen der Magnus-Hirschfeld-Gesellschaft* (Berlin), no. 1 (July 1983): 38-40.

“Vom Urschleim zum Übermenschen. Wandlungen des monistischen Weltbildes.” In *Natur und Natürlichkeit. Stationen des Grünen in der deutschen Literatur*, ed. Reinhold Grimm and Jost Hermand (Königstein: Athenäum, 1981), pp. 37-54.

“Love Between Women and Love Between Men: Interview with Charlotte Wolff.” *New German Critique* 8.2 (Spring/Summer 1981): 73-81.

“German Culture Studies and the B.A.” *Monatshefte* 71.3 (1979): 236-43.

“‘Arbeit taugt nichts, zu der man gepfiffen wird’: Zur Literatur des wilhelminischen Anarchismus.” In *Arbeit als Thema in der deutschen Literatur*, ed. Reinhold Grimm and Jost Hermand (Königstein: Athenäum, 1979), pp. 126-45.

“Gays under Socialism: Male Homosexuality in the German Democratic Republic.” *The Body Politic* (Toronto), no. 29 (December 1976): 15-18.

– Revised reprint in *Angles* (Vancouver) (February 1984): 8-9.

“The Gay Movement in West Germany.” *The Body Politic*, no. 13 (May 1974): 14-23.

– Reprint in *1975 H.G. International Guide* (Amsterdam: S.U.A.A., 1975), pp. 40-48.

“Homosexuals and the Third Reich.” *The Body Politic*, no. 11 (Jan.-Feb. 1974): 1, 20-21.

– Revised reprint in *Flaunting It! A Decade of Gay Studies from The Body Politic*, ed. Ed Jackson and Stan Persky (Vancouver: New Star Books, 1982), pp. 84-91.

– Online as <http://www.fordham.edu/halsall/pwh/steakley-nazis.html> (published by People with a History)

– Online as [http://www.usisrael.org/jsource/Holocaust/Homosexuals\\_and\\_the\\_Third\\_Reich.html](http://www.usisrael.org/jsource/Holocaust/Homosexuals_and_the_Third_Reich.html) (published by the Jewish Virtual Library, a Division of the American-Israeli Cooperative Enterprise)

### 3. TRANSLATIONS

- “Die Politik gegen Lesben und Schwule im Kontext nationalsozialistischer Machtausübung” by George L. Mosse. In *Der homosexuellen NS-Opfer gedenken*, ed. Albert Eckert (Berlin: Heinrich-Böll-Stiftung, 1999), pp. 21-29. Cotranslated with Marcel Rotter.
- “The Dubious Magic of Male Beauty: Politics and Homoeroticism in the Lives and Works of Thomas and Klaus Mann” by Harry Oosterhuis. In *Queering the Canon: Defying Sights in German Literature and Culture*, ed. Christoph Lorey and John L. Plews (Columbia, SC: Camden House, 1998), pp. 181-206. Cotranslated with Tom Brouwers.
- “‘As Long as They Don’t Make an Issue of It’: Gay Men and Lesbians in Organized Sports in the Netherlands” by Gert Hekma. *Journal of Homosexuality* 36.1 (1998): 1-23. Cotranslated with Michael Dallas.
- “1840: Heinrich Heine’s Ghetto Tale ‘The Rabbi of Bacherach’ Is Published” by Jost Hermand. In *Yale Companion to Jewish Writing and Thought in German Culture, 1096-1996*, ed. Sander L. Gilman and Jack Zipes (New Haven: Yale UP, 1997), pp. 152-57.
- “§175 of the German Imperial Penal Code”(1871). In *We Are Everywhere: A Historical Sourcebook of Lesbian and Gay Politics*, ed. Mark Blasius and Shane Phelan (New York: Routledge, 1997), p. 63. Excerpt from *Araxes* (1870) by Karl Heinrich Ulrichs. *Ibid.*, pp. 63-65. “Declaration of the Action Committee for the Repeal of §175” (1921) by Kurt Hiller. *Ibid.*, pp. 170-71. “On the State of the Struggle: Brash Thoughts” (1921) by Kurt Hiller. *Ibid.*, pp. 172-74. “Penal Law Reform” (1931) by Friedrich Radszuweit. *Ibid.*, pp. 175-76. “§175 as the Focus of Political Struggle” (1931) by Friedrich Radszuweit. *Ibid.*, pp. 176-77.
- “Anarchism and Homosexuality in Wilhelmine Germany: Senna Hoy, Erich Mühsam, John Henry Mackay” by Walter Fähnders. In *Gay Men and the Sexual History of the Political Left* (see above), pp. 117-53.
- “Communists, Social Democrats, and Homosexuals in the Weimar Republic” by Manfred Herzer. In *Gay Men and the Sexual History of the Political Left* (see above), pp. 197-226.
- “German Professors and the Two World Wars” by Hans Peter Herrmann. In *1914/1939: German Reflections of the Two World Wars*, ed. Reinhold Grimm and Jost Hermand (Madison: U of Wisconsin P, 1992), pp. 154-73.

- “Everyone of Us Is Forced to Reinvent Himself” and “The Harlequin and the Faun.” In *Gay Voices from East Germany: Interviews by Jürgen Lemke*, ed. John Borneman (Bloomington: Indiana UP, 1991), pp. 167-92.
- “Homosexuals in Nazi Germany” by Rüdiger Lautmann. *Simon Wiesenthal Center Annual 5* (1988): 269-75.
- “Summary.” In Gert Hekma, *Homoseksualiteit, een medische reputatie: De uitdoktering van de homoseksueel in negentiende-eeuws Nederland* (Amsterdam: SUA, 1987), 3 pp.
- “African Nature and German Culture: Colonial Women Writers on Africa” by Amadou Booker Sadju. In *Blacks in German Culture, Art, and Literature*, ed. Reinhold Grimm and Jost Hermand (Madison: U of Wisconsin P, 1986), pp. 22-34.
- “All Power to the Women: Nazi Concepts of Matriarchy” by Jost Hermand. *Journal of Contemporary History* 19 (1984): 649-67.
- Untitled text on New York police (1929). In Jonathan Katz, *Gay/Lesbian Almanac* (New York: Harper & Row, 1983), pp. 452-53.
- “Dashed Hopes: On the Painting of the Wars of Liberation” by Jost Hermand. In *Political Symbolism in Modern Europe: Essays in Honor of George L. Mosse*, ed. Seymour Drescher, David Sabeau, and Allan Sharlin (New Brunswick: Transaction, 1983), pp. 216-38.
- “Visual Pleasure Inhibited: Aspects of the German Revue Film” by Karsten Witte. Cotranslated with Gabriele Hoover. *New German Critique* 9.1 (Winter 1982): 238-63.
- “small-town novella” by Ronald M. Schernikau. *New German Critique* 32 (Spring/Summer 1981): 100-113. Co-translator: Henry J. Schmidt.
- “Summary.” In Wilfried U. Eissler, *Arbeiterparteien und Homosexuellenfrage: Zur Sexualpolitik von SPD und KPD in der Weimarer Republik* (Berlin: Rosa Winkel, 1980), pp. 127-33.
- “Theories of German Fascism” by Walter Benjamin. Cotranslated with Jerold Wikoff. *New German Critique* 6.2 (Spring 1979): 120-28.
- “Interview with Michel Foucault on the Exhibition ‘Paris–Berlin.’” *New German Critique* 6.2 (Winter 1979): 155-56.
- Reprint in *Foucault Live (Interviews, 1961-1984)*, ed. Sylvère Lotringer (New York: Semiotext(e), 1989), pp. 292-94.
- Four previously unknown texts by Sigmund Freud concerning homosexuality (dated 1903, 1921, 1928, 1930). *The Body Politic* (Toronto), no. 33 (May 1977): 8-9.

Text by Magnus Hirschfeld (1914). In Jonathan Katz, *Gay American History* (New York: Collier, 1976), pp. 50-51. Text by Georg Heinrich Loskiel (1750). *Ibid.*, p. 291. Text by Emma Goldman (1923). *Ibid.*, pp. 377-80. Text by Otto Spengler (1906). *Ibid.*, p. 381. Text by Georg Merzbach (1907). *Ibid.*, pp. 382-83.

*It's Not the Homosexual Who's Perverse, but the Situation He Lives in.* Feature film. Screenplay by Rosa von Praunheim and Martin Dannecker, dir. Rosa von Praunheim. 1972.

#### 4. INTERVIEWS AND ARTICLES ON MYSELF

“Wenn es in Bonn regnet, spannt man in Harvard die Schirme auf...,” *Phalanx. Revue am Institut für Deutsche und Niederländische Philologie an der FU Berlin*, 4 (2001): 18-21.

“Anders als die Andern. Der US-Forscher James D. Steakley und die deutsche Homosexuellen-Bewegung,” *Badische Zeitung* (Freiburg) (10 December 1996): 9.

“Vår dyrking av mannen,” *Blikk* (Oslo) 3.5 (May 1994): 20-21. (Interviewed by Tom Ovlien.)

“Gays Look Forward,” *Capital Times* (5-May 1989): 35, 40. (Interviewed by Rob Zaleski.)

“Gay Reading – Gay Writing. Ein Gespräch mit Robert K. Martin über Homosexualität und Literatur in Kanada und den USA.” *Forum: Homosexualität und Literatur* (Siegen) 4 (1988): 97-110.

“Rosa Kitsch-Bonbons,” *Siegessäule* (Berlin), no. 3 (March 1988): 14-15. (Interviewed by Hans Hengelein and Robert Kohler.)

“Gay German History,” *Angles* (Vancouver) (January 1984): 16-17. (Interviewed by David Myers.)

“History Lessons: Learning the Parallels,” *Gay Community News* (Boston) 9.48 (26 June 1982): 8-13. (Interviewed by Joe Interrante.)

### PRESENTATIONS

#### 1. SELECTED CONFERENCE PAPERS

“Homo Hitler Redux.” At the “Sexual States in German Studies” conference, UCLA, February 2002.

“Sichtung und Auswertung der einschlägigen Quellen im U.S. National Archive.” At the conference “Die Verfolgung der Homosexuellen im Dritten Reich,” Heinrich-Böll-Stiftung, Berlin, February 2001.

- "Magnus Hirschfelds Rolle in *Anders als die Andern*." At "CinErotikon: Sexualität zwischen Aufklärung und Ausbeutung im Weimarer Kino," 12. Internationaler Filmhistorischer Kongreß, Universität Hamburg, November 1999. Also introductory remarks at an associated screening of *Anders als die Andern* at the Metropolis Kino, Hamburg.
- "Gay Memory – Zu einigen Unterschieden in der schwulen Erinnerungsarbeit in den USA und der Bundesrepublik." At the conference "Wider das Vergessen – Die Verfolgung von Homosexuellen im Dritten Reich – Die unterbliebene Wiedergutmachung für homosexuelle Opfer in der Bundesrepublik Deutschland," Saarbrücken, October 1996.
- "A 1911 Protest against Colonialism and Homophobia: Ferdinand Karsch-Haack on African Homosexuality." At the "First Southern African Colloquium on Lesbian and Gay Studies," Cape Town, October 1995.
- "Franz Schubert – Absolutely Queer?" At "Responsibility and Commitment: The Ethics of Cultural Mediation," the 26th Wisconsin Workshop, Madison, March 1995.
- "Eros and Authority: The Sexual Politics of Jacob Israël de Haan." At the 6th Interdisciplinary Conference on Netherlandic Studies, Bloomington, June 1994.
- "National Differences in Gay Politics and Culture." At the "Nationalisms and Sexualities" conference, University of Oslo, March 1994.
- "Strange Bedfellows: The Cultural Clash of Eastern and Western Gay Identities in the New Germany." At the Minnesota Forum on German Culture: "Re-Forming the Public Sphere in Germany," Minneapolis, May 1992.
- "Gays and Lesbians in the New Germany." At the University of Maryland conference on "The New Germany: A Search for Identity," College Park, MD, April 1992.
- "Images of the Lesbian and Gay Communities in Weimar Berlin." At the Harvard University conference on "Gender Politics in the Weimar Republic," Cambridge, MA, February 1992.
- "Gays under Socialism: Lesbian and Gay Life in East Germany, 1945-1985." At the Fifth National Lesbian and Gay Studies Conference, Cambridge, MA, October 1990.
- "A Case Study in Film Censorship: *Anders als die Andern* (1919)." At the "Homosexuality, Which Homosexuality?" conference, Vrije Universiteit, Amsterdam, December 1987.
- "Gays and the Holocaust." At "The Other Victims" conference, U.S. Holocaust Memorial Commission, Washington, D.C., February 1987.
- "Anniversary of a Bookburning: Magnus Hirschfeld and the Nazis." At the "Among Women, Among Men" conference, Universiteit Amsterdam, June 1983.

"World Without Women: Sexuality and the Hitler Youth." At the "Women, Fascism, and Everyday Life" conference, Ohio State University, Columbus, April 1983.

"The Eulenburg Scandal." At the "Wilde '82" conference, Toronto, June 1982.

"The Monistic Concept of Nature." At the 11th Wisconsin Workshop, Madison, October 1980.

"The Sexual Politics of the KPD." At the "Sexuality and Power" conference, New York University, April 1979.

"Labor in German Anarchist Theory and Literature." At the 9th Wisconsin Workshop, Madison, October 1978.

## 2. CONVENTION PAPERS

"Only a 'Passing Phase'? The Queer Dimension of Brecht's Early Berlin Years." At the Modern Language Association convention, Toronto, December 1997.

"The Homosexual Emancipation Movement and the Rise of Nazism in the Weimar Republic." At the American Historical Association convention, Chicago, January 1995.

"The First Dutch Gay Novels: Jacob Israël de Haan's *Pijpelijntjes* (1904) and *Pathologieën* (1908)." At the Modern Language Association convention, San Diego, December 1994.

"Toward a History of Lesbian and Gay Studies in Germanistik." At the American Association of Teachers of German convention, San Antonio, November 1993.

"Sexual Reform and Sexual Reaction in the Weimar Republic." At the German Studies Association convention, Los Angeles, September 1991.

"The Sexual Politics of the German Social Democracy, 1864-1934." At the American Historical Association convention, Washington, D.C., December 1987.

"Attitudes toward Sodomy in Eighteenth-Century Prussia." At the American Historical Association convention, Chicago, December 1984.

"Thomas Mann's Portrayal of Homosexuality in 'Death in Venice.'" At the Modern Language Association convention, New York, December 1983.

"Homosexuality in the Films of the Weimar Republic." At the Modern Language Association convention, Los Angeles, December 1982.

"Foucault's *History of Sexuality: A Critique from Germany*." At the Social Science History Association convention, Bloomington, November 1982.

"Literary History and the New Histories of Sexuality." At the Modern Language Association convention, Houston, December 1980.

"Anarchist Literature and the Antifascist Struggle." At the Modern Language Association convention, Houston, December 1980.

"Culture Studies and the B.A. in German." At the Modern Language Association convention, New York, December 1979.

### 3. INVITED TALKS

"The Nazi Persecution of Lesbians, Gays, and Bisexuals":

Stockholm International Forum on the Holocaust, January 2000

Riksförbundet för sexuellt likaberättigande, Stockholm, October 1998

University of Namibia, October 1995

University of Cape Town, October 1995

Vancouver Holocaust Center, December 1994

Université de Montréal, September 1994

Universitetet i Oslo, March 1994

Universität Hannover, June 1991

Freie Universität Berlin, November 1987

University of Toronto, June 1982

Universiteit van Amsterdam, August 1981

Universität Bremen, July 1981

"Coming into Focus: Filmmakers Depict the Experiences of Homosexual Victims of the Nazi Era." Public lecture to accompany the exhibition "Nazi Persecution of Homosexuals, 1933-1945," at the U.S. Holocaust Memorial Museum, January 2003.

Opening remarks at the conference "Hinter der Weltstadt: Adolf Brand und die Gemeinschaft der Eigenen," Berlin-Friedrichshagen, October 2000.

"*Different from the Others: The World's First Gay Film*." Public lecture to accompany a screening of *Anders als die Andern* at the Institute for Research on Women & Gender, University of Michigan, September 1999.

"Die Freundes des Kaisers: Die Eulenburg-Affäre im Spiegel zeitgenössischer Karikaturen." At the "Hundert Jahre Schwulenbewegung" series, Akademie der Künste, Berlin, May 1997.

"Nature vs. Nurture: Changing Implications of the Biological Approach to Homosexuality." At the "Not Straight from Germany" series, Goethe-Institut New York, May 1997.



- “Going Public: Images of the LGBT community in Early Twentieth-Century Germany.” At the “Not Straight from Germany” series, Goethe-Institut New York, May 1997.
- “Mauritz Stillers *Vingarne* (1917): Der erste Schwulenfilm der Welt?” At the 14. Schwulenfilmfestwoche, Kommunales Kino, Freiburg, April 1997.
- “Die Einführung der Filmzensur in der Weimarer Republik: Der Fall *Anders als die Andern*.” Albert-Ludwigs-Universität Freiburg, December 1996.
- “Liberté – Egalité – Fraternité? The Cultural Clash between East and West German Gays since Unification.” At the Université de Montréal, September 1994.
- “Nazi Medicine and the Problem of Homosexuality.” University of New Hampshire and Rhode Island University, October 1991.
- “Sexual Politics in Nineteenth-Century Germany.” Bates College, May 1990.
- “Dancing on the Wall: The Contemporary Lesbian and Gay Scene in Berlin.” Cornell University, April 1990.
- “Magnus Hirschfelds Sexualwissenschaft und der Antisemitismus.” Jüdisches Gemeindehaus, West Berlin, June 1983.

#### SERVICE

##### American Historical Association:

- Executive Committee, Committee on Lesbian and Gay History, 1987-89
- Prize Committee, Committee on Lesbian and Gay History, 1994-95

##### *German Quarterly*: Editorial Board, 1995-96

- Manuscript evaluations, 2000-01, 2001-02

##### German Studies Association/DAAD Book Prize Committee, 1996

##### International Gay and Lesbian Human Rights Commission: Advisory Board, 1999-

##### *Journal of the History of Sexuality*: Editorial Board, 1993-96

##### *Journal of Homosexuality*: Editorial Board, 1992-

##### Modern Language Association:

- Executive Committee, Division of Lesbian and Gay Studies, 1983-88; chair, 1987-88
- Noll-Crompton Prize Committee, Division of Lesbian and Gay Studies: 1983-88

##### *Monatshefte*:

- Editorial Board, 1981-
- Book Review Editor, 1991-96

##### *New German Critique*: Contributing Editor, 1981-

##### US Holocaust Memorial Museum:

- Consultant for permanent exhibition, 1993, 1994
- Academic advisor for traveling exhibition on persecution of homosexuals, 2001

##### *Women in German Newsletter*: Editorial Board, 1977-81



# **Proposal for a *Cy Pres* Allocation for Homosexual Victims of the Nazis**

In Re: Holocaust Victim Assets Litigation  
Case No. CV 96-4849 (ERK) (MDG)  
(Consolidated with CV 96-5161 and CV 97-461)

December 2003

Respectfully submitted by the  
PINK TRIANGLE COALITION

## MEMBER ORGANIZATIONS OF THE PINK TRIANGLE COALITION:

Aguda (Association of Gay Men, Lesbians, and Bisexuals in Israel)  
European Region of the International Lesbian and Gay Association  
Homosexuelle Initiative Vienna  
International Association of Lesbian and Gay Children of Holocaust Survivors  
International Gay and Lesbian Human Rights Commission  
Lesben- und Schwulenverband Deutschland  
Magnus Hirschfeld Gesellschaft  
Mémorial de la Déportation Homosexuelle  
Pink Cross, Switzerland  
World Congress of Gay, Lesbian, Bisexual, Transgender Jews

**Acknowledgments.** For assistance with the research, writing and editing of this proposal, the Pink Triangle Coalition is grateful to Katherine Acey, Michael Adams, Peter Ashman, Jaime Ronaldo Balboa, Julie Dorf, Ralf Dose, Günter Dworek, Michael Ehrenzweig, Michael Feldstein, Jack Gilbert, Rainer Herrn, Richard Hill, Surina Khan, Gerard Koskovich, Kurt Krickler, Scott Long, Jennifer Middleton, Klaus Müller, Jenni Olson, Todd Samuel Presner, Susan Sommer, James Steakley, Beat Wagner and Nigel Warner.

## Holocaust Victim Assets Litigation (Swiss Banks Litigation)

PROPOSAL FOR A *CY PRES* ALLOCATION FOR THE SUPPORT AND COMMEMORATION OF HOMOSEXUAL VICTIMS OF NAZI PERSECUTION, EDUCATION AND RESEARCH ON THE FATE OF HOMOSEXUALS IN NAZI GERMANY, AND THE PREVENTION OF HUMAN RIGHTS VIOLATIONS ON THE BASIS OF SEXUAL ORIENTATION

### Table of Contents

Summary of Proposal .....	4
I. The Pink Triangle Coalition and the Astraea Lesbian Foundation for Justice .....	6
II. The Nazi Persecution of Homosexuals .....	9
Legal Background and Consequences .....	12
Nazi Population Politics and Racist Rationales .....	15
Destruction of the Homosexual Community .....	16
Deportation of Homosexuals to Concentration Camps .....	20
Slave Labor and Mass Murder of Homosexuals .....	21
III. Post-War Silence and the Continued Persecution of Homosexuals .....	26
Official Acknowledgement of Homosexual Victims .....	29
IV. Rationale for a <i>Cy Pres</i> Allocation in Memory of Homosexual Victims .....	32
V. Proposal for a <i>Cy Pres</i> Allocation .....	36
History Repeats Itself: The Need for Technical Assistance For Basic Human Rights Education .....	38
VI. Bibliography .....	
Works Cited .....	40
Additional Sources on the Nazi Persecution of Homosexuals .....	42

### Appendices:

- (1) Member Organizations and At-Large Members of the Pink Triangle Coalition: Background Information
- (2) Needy Living Survivors of Anti-Homosexual Persecution by the Nazis Currently Known to the Pink Triangle Coalition
- (3) *Paragraph 175* Documentary Film
- (4) Astraea Lesbian Foundation for Justice: Financial and Programmatic Information

## Summary of Proposal

Historians face formidable obstacles in their efforts to trace funds held in Swiss banking institutions back to their origins in the proceeds of slave labor that homosexuals performed for the Nazi state or in assets that the Nazis seized from homosexual individuals and groups. Among these obstacles are the significant gaps in historical records maintained by the banking institutions, the Nazi regime's own destruction of the evidence of its activities, and the Nazis' use of front operations to launder looted assets. In addition, the affected class of victims itself was forced to remain silent even after the defeat of the regime: Unlike virtually all other groups targeted by the Nazis, homosexual men remained the objects of systematic, state-sponsored persecution after the end of World War II. This circumstance has further stifled both historical research and efforts to locate survivors.

The plundering of the assets of homosexual individuals and groups by the Nazis—and the plight of homosexuals in Nazi Germany in general—has yet to be sufficiently researched. However, studies sponsored by the governments of the United States, Great Britain, and Switzerland, as well as research by historians and testimony by survivors of Nazi persecution, have confirmed that the Nazi state funneled to Switzerland an enormous volume of assets, including gold and revenues garnered through slave labor. Although research into the Nazi persecution of homosexuals has made significant progress over the past decade, it is not yet possible to reconstruct the entire history of assets that the Nazi regime looted from homosexuals and of the Nazis' enslavement of homosexuals for profiteering.

Nevertheless, these facts remain undisputed: At minimum, thousands of homosexuals performed slave labor for corporations and entities owned or controlled by the Nazi regime. Approximately 50,000 homosexual men were convicted and imprisoned by the Nazis under §175 of the Reich Penal Code. And homosexual individuals, like members of other groups targeted for persecution by the Nazis, had their assets looted after they were arrested, enslaved, tortured, or murdered. Similarly, the Nazis suppressed homosexual associations and business enterprises and seized their corporate assets. The Nazis both stole assets and generated funds through slave labor, then laundered substantial amounts of the resulting monies through Swiss banks. In addition, we can reasonably surmise that an unknown number of homosexuals, like members of other groups targeted for persecution by the Nazis, placed funds in Swiss banks as a means of protecting their assets, but did not survive to claim them after the war.

Unlike virtually all the other groups targeted by the Nazis, homosexuals continued to face state-sponsored persecution after 1945. Following the war, governments in Europe and the United States did not acknowledge homosexuals as victims of Nazi terror; in fact, homosexual men continued to be hunted down, imprisoned, and persecuted in West Germany up until 1969 under the very statute used by the Nazis—although concentration camps, torture, and murder were no longer employed as means of punishment. For nearly a quarter of a century after the end of World War II, homosexual victims were still largely erased from history, many living in a climate of legally enforced silence and stifling private shame. It was not until 1984 that the first public monument for homosexual victims was erected when a plaque was placed in the Mauthausen concentration camp. Until the year 2000, the government of Germany had not yet formally recognized homosexuals as a persecuted class.

The historical evidence makes clear that the majority of men sent as homosexuals to the concentration camps died during their internment. Because of the immense post-war pressure to remain silent, most of the homosexual victims of the Nazi regime who did manage to survive died before any compensation could be awarded. Few, if any, of the deceased victims have heirs who can act on their behalf. The Pink Triangle Coalition believes that only a very small proportion of the overall settlement amount is likely to be taken up by individual claims by homosexual survivors. Therefore, we are proposing a *cy pres* allocation of one percent (1%) of the total settlement plus interest as an appropriate means of publicly acknowledging the suffering of the class of homosexual victims under the Nazis and as an instrument to advance the prevention of further human rights abuses based on sexual orientation.

The Pink Triangle Coalition, a consortium of ten international and national gay and lesbian organizations—in association with the Astraea Lesbian Foundation for Justice (hereafter “Astraea Foundation”), a U.S.-based charitable foundation that works to support homosexual organizations around the world—proposes the creation of a fund to support for initiatives:

- (1) Providing material assistance to needy homosexual survivors of Nazi persecution, including those who have not come forward in time for compensation under the current litigation.
- (2) Supporting scholarly research aimed at more fully documenting the anti-homosexual policies and practices of the Nazi regime and at locating additional survivors of anti-homosexual persecution by the Nazis.
- (3) Promoting the education of students and the general public about the Nazi persecution of homosexuals. Such efforts might include, but are not limited to, curriculum development projects; websites; historical exhibits; public monuments; and the identification, preservation, and interpretation of historic sites.
- (4) Advancing efforts to prevent anti-homosexual persecution throughout the world today by supporting a diversity of educational, outreach, and awareness programs.

## **I. The Pink Triangle Coalition and the Astraea Lesbian Foundation for Justice**

The Pink Triangle Coalition, formalized in February 1998 in Berlin, is an international coalition for coordinating affairs relating to the Nazi persecution of homosexuals. The Pink Triangle Coalition remains the sole international advocacy group for homosexual victims of the Nazis. The mandate of the coalition is two-fold:

- To ensure representation of the homosexual victims of the Nazis in the various international funds that are being or have been created (such as the Swiss Humanitarian Fund and the Nazi Persecutee Relief Fund) with a view to maximizing resources for humanitarian aid to the few surviving homosexual victims and for educational projects and to ensuring fair distribution of any such resources.
- To collect and disseminate information about the Nazi persecution of homosexuals with a view to involving other nongovernmental organizations (NGOs) in efforts to document the history of this persecution, to commemorate the victims, and to support survivors.

Membership in the coalition is limited to international and national gay and lesbian NGOs with particular experience in working on compensation issues or with relationships to the currently existing funds. The following organizations are members of the Pink Triangle Coalition (for more information, see Appendix 1):

- Aguda (Association of Gay Men, Lesbians, and Bisexuals in Israel), Tel Aviv
- European Region of the International Lesbian and Gay Association (ILGA-Europe)
- Homosexuelle Initiative (HOSI), Vienna
- International Association of Gay and Lesbian Children of Holocaust Survivors, USA
- International Gay and Lesbian Human Rights Commission (IGLHRC), San Francisco
- Lesben- und Schwulenverband Deutschland (LSVD), Berlin
- Magnus Hirschfeld Gesellschaft, Berlin
- Mémorial de la Déportation Homosexuelle, Paris
- Pink Cross, Switzerland
- World Congress of Gay, Lesbian, Bisexual, and Transgender Jews (WCGLBTJ)

The coalition also includes two individual at-large members with expertise on the administration of grant funding or on issues regarding homosexual victims of Nazi persecution: Julie Dorf, coordinator for the coalition and former executive director of the International Gay and Lesbian



Human Rights Commission; and Dr. Klaus Müller, program coordinator at the United States Holocaust Memorial Museum in Washington, D.C. Biographical information about the at-large members is included in Appendix 1.

Representatives of the Pink Triangle Coalition were officially in attendance at the London Conference on Nazi Gold (1997), and a paper authored by the coalition was published in the official proceedings of the conference. The coalition also sent an official observer to the International Conference on Holocaust Era Assets, held in Washington, D.C. (2000). The coalition has secured allotments from various funds, including U.S. \$72,000 in 1999 and U.S. \$528,000 in 2000 from the International Nazi Persecutee Relief Fund administered by the United States Department of State.

Pink Cross, a Pink Triangle Coalition member, also was instrumental in securing the equivalent of U.S. \$1,300 from the Swiss Humanitarian Fund for each of seven survivors. The member organizations of the Pink Triangle Coalition also secured *cy pres* allocations for educational efforts and historical research in excess of U.S. \$620,000. These amounts represent only a small fraction of the revenues or proceeds transacted through Swiss banks from homosexual slave labor and only a small fraction of the funds likely looted by the Nazis from homosexual individuals and organizations and laundered through Swiss banks.

In February 1998, the Pink Triangle Coalition, together with the Heinrich Böll Foundation, Berlin, convened the Pink Triangle Colloquium, a historic two-day conference in Berlin. The colloquium brought together scholars, homosexual survivors of Nazi persecution, human rights activists, and policy makers to raise awareness and present new documentation about the persecution of homosexual men and women in Nazi Germany. The event drew more than 100 participants from Europe and North America.

Established in 1977, the Astraea Lesbian Foundation for Justice is a U.S.-based public charity with a mandate to advance the economic, political, educational, and cultural well-being of lesbians, their families, and their allies working for social justice. The Astraea Foundation works to educate individuals about money, power, and giving; to expand the community of donors supporting lesbian and gay issues; and to raise funds and distribute them to appropriate organizations, individuals, and projects. The Astraea Foundation's programs benefit gay men and lesbians worldwide.

The Astraea Foundation's International Fund for Sexual Minorities was established through a donor-directed grant from the Heinrich Böll Foundation in Germany and through the initial efforts of the International Gay and Lesbian Human Rights Commission. The creation of this fund acknowledged the growing global movement for the human rights of homosexuals and the well-documented need to fight oppression based on sexual orientation and sexual identity. Over the past two-and-a-half decades, the Astraea Foundation has emerged as one of the most recognized foundations in the United States with a substantial international presence working on behalf of sexual minorities.

In 2000, the Astraea Foundation partnered with the Pink Triangle Coalition by serving as the coalition's fiscal sponsor and as distributor of the U.S. \$528,000 awarded to the coalition by the United States Department of State from the International Nazi Persecutee Relief Fund. The Astraea Foundation has distributed the following funds consistent with the Pink Triangle Coalition's proposal to the Department of State:

- U.S. \$212,000 to the Magnus Hirschfeld Gesellschaft (Berlin) to create a memorial on CD-ROM, on the Web, and in printed book form to document the Nazi destruction of the Berlin-based Institute for Sexual Sciences—a world-renowned center for the study of sexuality and a key resource in efforts for homosexual legal and social reform in Germany from 1919 to 1933—as well as the effects of that destruction on the homosexual community. The Web exhibit, titled “Institute for Sexual Science (1919– 1933),” was posted on the Internet at [www.magnus-hirschfeld.de/institute](http://www.magnus-hirschfeld.de/institute) in October 2002 and will remain available through July 2005. The CD-ROM version of the exhibit, with additional photographs, was published in October 2002. The in-depth book documenting the Institute and its destruction is forthcoming.
- U.S. \$238,000 to Reflective Image (San Francisco) to distribute *Paragraph 175*, an award-winning documentary which premiered on the U.S. national cable channel HBO in July 2000. The documentary features interviews with several gay men and one lesbian who survived Nazi persecution. (See Appendix 3)
- U.S. \$30,000 to the Schwules Museum (Berlin) to underwrite an exhibition on underground gay life in Berlin during the twelve years of the Nazi regime. Titled “Der literarische Salon bei Richard Schulz” (The Literary Salon of Richard Schulz), the exhibition was shown at the Schwules Museum in April–July 2002. A 120-page catalog of the exhibition, also titled *Der literarische Salon bei Richard Schulz*, was published by Querverlag, Berlin, in 2002.<sup>1</sup>
- U.S. \$14,000 total to seven needy homosexual survivors of Nazi persecution (U.S. \$2,000 each) through the efforts of the Pink Cross, Switzerland.

---

<sup>1</sup> More information about the exhibition is available in English on the Schwules Museum website at [www.schwulesmuseum.de/schul-e.htm](http://www.schwulesmuseum.de/schul-e.htm) (as of December 17, 2003).

## II. The Nazi Persecution of Homosexuals

The nature of the Nazi persecution of homosexuals, the high mortality rate of men interned as homosexuals in the Nazi concentration camps, the Nazi regime's destruction of its records, and the continued state-sponsored persecution of homosexuals after World War II necessarily make incomplete any account of assets looted from homosexual individuals and groups by the Nazis and of funds generated by homosexual slave laborers under the Nazi regime.

Because of these and other powerful extenuating circumstances, the majority of homosexuals who were persecuted by the Nazis have not been located and will probably never be found or accounted for. For this reason, based on the available documents and historical research, the Pink Triangle Coalition believes that a *cy pres* allocation in the amount of one percent of the common funds constitutes an appropriate remedy for the class of homosexual victims in the current litigation.

Although historians have not yet determined the exact scope of each of the anti-homosexual measures implemented by the Nazi state, it is nonetheless clear that homosexuals as a class suffered severe and extensive harm during the period 1933–1945 as a result of the policies and practices of the regime. As an overarching goal, the Nazis specifically sought to suppress all private homosexual conduct and all public expression of homosexual culture and community in Germany and the annexed territories, including all of Austria and portions of France and other nations.

Because the Nazi persecution of homosexuals was distinct in its methods, range and severity, the harm suffered by homosexuals under the Nazi regime differed markedly from that caused by the oppression of homosexuals in Germany in the pre- and post-Nazi periods—and from that in other Western countries during the Nazi period.<sup>2</sup> This harm resulted not only in the loss of intangible assets such as liberty and peace of mind, but also in losses of financial assets and of real and personal property held by persecuted homosexual individuals and groups. The harm suffered by homosexuals as a class as a result of the anti-homosexual policies and practices of the Nazis can be identified at several specific levels:

- **Cultural Harm:** Destruction of community institutions, loss of cultural assets, suppression of formal and informal means of communication.
- **Social Harm:** Denial of rights of assembly and association, exclusion from public territories and public life.

---

<sup>2</sup> For a comparative discussion of anti-homosexual measures in Germany, England, and France in the interwar years, as well as a discussion of the changes in the scope and methods of persecution in Germany between the Weimar Republic (1919–1933) and the Nazi era, see Florence Tamagne, *Histoire de l'homosexualité en Europe: Berlin, Londres, Paris (1919–1939)*, chs. 7-8.

- **Individual Harm:** Interference with rights to self-expression, loss of personal assets, loss of present and lifetime income, loss of personal security and peace of mind, bodily harm, loss of life.

Each of these levels of harm also involved significant economic loss to homosexual individuals and corporate entities.

The harm suffered by homosexuals as individuals and as a class affected not only the immediate victims, but also their families, friends, and other loved ones, as well as their legal heirs. In addition, this harm severely affected subsequent generations of homosexuals by depriving them of economic and cultural assets, by destroying formal and informal structures of social support, by erasing public memory, and by interrupting the heritage of social change that had developed in the pre-Nazi era.

From their early public statements about homosexuality in the late 1920s, through their assumption of power in 1933, and until their defeat in 1945, the Nazis attempted to systematically “eradicate homosexuality from the German nation” by outlawing, stigmatizing, and persecuting public and private expressions of homosexuality.<sup>3</sup> The Nazi regime’s application of state power to eradicate homosexuality began with the destruction of research centers, cultural resources, business establishments, communications media, and community organizations throughout Germany. The campaign was extended to Austria when that country was annexed in 1938 and to the French region of Alsace-Lorraine when it was annexed in 1940.

The Nazi regime’s campaign of anti-homosexual persecution ultimately led to the tracking of approximately 100,000 homosexual men; the arrest and imprisonment of approximately 50,000 homosexual men; the deportation of 5,000 to 15,000 homosexual men to slave labor and concentration camps; the forcible subjection of an undetermined number of homosexual male internees to heinous medical experiments; and finally the outright murder of an estimated 3,000 to 9,000 homosexual men identified and interned as such.

During its twelve years in power, the Nazi regime implemented and pursued a staggering array of increasingly repressive anti-homosexual measures. The following are but a few examples:

- The suppression of all homosexual rights organizations and social associations throughout Germany. (1933–1945)
- The closing of the Institute for Sexual Science in Berlin and the near total destruction of its library and archives. (1933)

---

<sup>3</sup> The quote gives the exact words of Heinrich Himmler, second in command to Adolf Hitler and leader of the SS and the German police. Both Himmler and Hitler consistently articulated the need to “purge” Germany of homosexuals. Quoted in Günter Grau, *Hidden Holocaust? Gay and Lesbian Persecution in Germany, 1933–45*, p. 198.

- The raiding and closure of virtually all homosexual business establishments. (1933–1945)
- The deportation to concentration camps of homosexual men identified as such. (1933–1945)
- The tracking of “known” and “suspected” homosexuals by the police throughout Germany and the annexed territories. (1934–1945)
- The strengthening and widening of the scope of §175 of the Reich Penal Code, rendering any putative “sex offense” between men grounds for arrest. All consensual sex acts in private, hugging, and even “looking” at another man became illegal.<sup>4</sup> Homosexual men began to be sentenced to up to ten years of penal servitude and no less than three months in prison. (1935–1945)
- The establishment of the Federal Office for the Combating of Homosexuality and Abortion, an extensive administrative body under the direction of Heinrich Himmler, head of the Gestapo and the SS, and ultimately of all German police forces. (1936)
- The declaration by Adolf Hitler that homosexuality is a “crime against the German nation,” punishable by death. (1941)
- The deportation of approximately 5,000 to 15,000 homosexual men to Auschwitz, Bergen-Belsen, Buchenwald, Dachau, Demblin, Dora, Emsland, Flossenbürg, Gross Rosen, Lichtenberg, Mauthausen, Natzweiler, Nieborowitz, Neuengamme, Ravensbrück, Sachsenhausen, Schirmeck-Vorbrück, Stuhm, and other concentration camps. (1933–1945)
- The subjection of an unknown number of homosexual men to forcible castration and medical experiments, such as those involving artificial-hormone implants purported to cure homosexuality.
- The killing of approximately 3,000 to 9,000 homosexual men interned as such in the concentration camps.

---

<sup>4</sup> The Nazis never explicitly outlawed female homosexual acts; the extension of §175 was used by the SS and the German police to arrest homosexual men. However, lesbians were hardly free of Nazi terror: Lesbian organizations, businesses, and publications were outlawed, and at least some lesbian women were arrested and sent to concentration camps because of their sexual orientation. In Austria, lesbians were explicitly targeted under §129 of the Austrian Penal Code, which made female homosexuality grounds for arrest and imprisonment. The Austrian law continued to be applied after the annexation of Austria in 1938; after the war, it remained in force until 1971. See Claudia Schoppmann, *Days of Masquerade: Life Stories of Lesbians During the Third Reich*; also see Claudia Schoppmann, *Verbotene Verhältnisse: Frauenliebe, 1938–1945*.

## Legal Background and Consequences

The legal justification for the Nazi persecution of homosexuals came from a nationalist law called §175 of the Penal Code, which was first enacted in 1871, the year of German unification and the foundation of the Second Reich. The law, amended and expanded in scope by the Nazis in 1935, considered male homosexual acts and sex acts between humans and animals as equivalent crimes:

An unnatural sex act committed between persons of the male sex or by humans with animals is punishable by imprisonment; the loss of civil rights may also be imposed.<sup>5</sup>

Although numerous attempts were made to decriminalize private, consenting male homosexual acts in Germany before the Nazi rise to power, the law was not successfully repealed until 1969.<sup>6</sup> Starting in 1896, for example, Magnus Hirschfeld—the Jewish cofounder of the Scientific Humanitarian Committee (*Wissenschaftlich-humanitäres Komitee*), the first homosexual rights organization in the world—published books and pamphlets that sought to explain homosexuality as a harmless, inborn variation of human biology and undertook a campaign of lobbying on that basis for the repeal of §175.<sup>7</sup> In 1898, the Scientific Humanitarian Committee petitioned the Reichstag to strike §175 from the German Penal Code.

In October 1929, largely due to the lobbying efforts of Hirschfeld and his organization, the Criminal Code Committee of the Reichstag recommended to the full body that §175 be repealed and that consenting adults be granted exemption from legal restriction and punishment regarding homosexual relations. The Nazi Party, however, issued a vitriolic counter-argument in its official party publication, the *Völkischer Beobachter*. Combining anti-Semitism with homophobia, the party directed its response at Hirschfeld:

We congratulate you, Mr. Hirschfeld, on the victory in committee. But don't think that we Germans will allow these [new] laws to stand for a single day after we come to power.... Among the many evil instincts that characterize the Jewish race, one that is especially pernicious has to do with sexual relationships. The Jews are forever trying to propagandize sexual relations between siblings, men and animals, and men and men. We National Socialists will soon unmask and

---

<sup>5</sup> Quoted in Grau, p. 65.

<sup>6</sup> Prior to German unification, a number of German states had liberalized their laws concerning sex, including homosexual acts between consenting adult males. However, this was not the case under the Prussian Penal Code, from which the 1871 law was adopted. See James D. Steakley, *The Homosexual Emancipation Movement in Germany*, p. 5.

<sup>7</sup> See Richard Plant, *The Pink Triangle: The Nazi War Against Homosexuals*, p. 43.

condemn them by law. These efforts are nothing but vulgar, perverted crimes and we will punish them by banishment or hanging.<sup>8</sup>

Less than two years after taking power in 1933, the Nazis significantly expanded the scope of §175 to include virtually any putative sex act between men, including touching and looking, as well as emotional or expressive acts such as hugging. These acts now were punishable by penal servitude of up to ten years and/or imprisonment.

According to a Nazi government report titled "Survey by the Reich Statistical Bureau of Sentences for Unnatural Sex Acts in Violation of §175, 175a, 175b," nearly 50,000 convictions were handed down under the provisions of §175 during the twelve years of the Nazi regime.<sup>9</sup> The following table represents a year-by-year breakdown:<sup>10</sup>

Year	Convictions
1933	853
1934	948
1935	2,106
1936	5,320
1937	8,271
1938	8,562
1939	7,614
1940	3,773
1941	3,739
1942	2,678
1943	2,218 (estimated)
1944	2,000 (estimated)
<b>Total:</b>	<b>48,082</b>

---

<sup>8</sup> *Völkischer Beobachter* (August 2, 1930); quoted in Plant, p. 49.

<sup>9</sup> As a comparison, during the Weimar Republic (1919–1933) about 9,000 homosexuals were convicted under §175. The Nazi persecution of homosexuals thus represents a more than five-fold increase in convictions for a slightly shorter period. Furthermore, during the Weimar Republic, homosexuals never were sent to concentration camps, never had their assets looted by the state, and never were subjected to slave labor or murdered by the state because of their sexual orientation. In terms of both scope and depth, the Nazi persecution of homosexuals thus represents an original and uniquely severe phenomenon. For the Weimar statistics, see Hans-Georg Stümke and Rudi Finkler, *Rosa Winkel, Rosa Listen: Homosexuelle und "Gesundes Volkempfinden" von Auschwitz bis Heute*, pp. 502-503.

<sup>10</sup> Adapted from Grau, p. 154.

Because documentation is only partial for 1943 and is unavailable for 1944 and 1945, these figures represent the minimum number of convictions under §175.<sup>11</sup> Given the incomplete documentation and the probability of persecution outside of formal legal proceedings, historians have estimated that, in fact, as many as 100,000 homosexuals may have been arrested or tracked through 1945 on the basis of §175 of the German Penal Code and §129 of the Austrian Penal Code, which criminalized both male and female homosexual acts and which continued to be enforced throughout the Nazi period.<sup>12</sup> (In Austria, although the exact numbers are not known, it can be reasonably surmised that several thousand men and women were convicted under §129 between 1933 and 1945.<sup>13</sup>)

There is no way of knowing precisely the total number of homosexuals actually targeted by the Nazis, and, hence, the per-case dollar amounts of assets taken from persecutees that passed through Swiss banks or other entities cannot be determined with precision. This adds further merit to the Pink Triangle Coalition's proposal for a *cy pres* remedy of one percent of the funds under consideration in the current litigation.

There can be no doubt that all of those convicted under §175 and §129—and indeed all homosexuals who lived under the threat of Nazi persecution—were potentially subject to blackmail by Nazi officials, looting of personal and corporate property, and enslavement for the purposes of profiteering by the Nazi state or Nazi-controlled entities. We can surmise that assets looted from homosexual victims as well as funds generated through the slave labor of homosexuals were laundered by the Nazis through the Swiss banks in a way consistent with the regime's laundering of assets seized from other persecuted individuals and groups.

---

<sup>11</sup> The estimate of 2,218 and 2,000 convictions under §175 for 1943 and 1944, respectively, is given by Stümke and Finkler, p. 262.

<sup>12</sup> Between 1937 and 1939, for example, 94,738 homosexuals were investigated by the Gestapo; of these, about 25,000 were formally convicted under §175. However, the number of convictions is in all likelihood much less than the total number of homosexuals actually interned. Statistics cited from Stümke and Finkler, pp. 262-263.

<sup>13</sup> Between 1933 and 1936 (the years for which statistics for all of Austria are available), 1,937 men and 46 women were convicted under §129. See Hans-Peter Weingand, "Streiflichter: Homosexualität und Strafrecht in Österreich," *LAMBDA-Nachrichten* (April 1995), p. 38.



## Nazi Population Politics and Racist Rationales

When questioned regarding its position on §175 by the Scientific Humanitarian Committee in May 1928, the Nazi Party articulated a very clear platform on homosexuality:

[The] German nation... can only fight if it maintains its masculinity.... Anyone who even thinks of homosexual love is our enemy. We reject anything which emasculates our people and makes them a plaything for our enemies.... We therefore reject any form of unnatural sexuality, above all homosexuality, because it robs us of our last chance to liberate our people from the chains of slavery under which they now suffer.<sup>14</sup>

As with the vitriol hurled against Hirschfeld, the Nazi rhetoric against homosexuals in general often overlapped with its rhetoric against Jews: According to Nazi propaganda, both homosexuals and Jews purportedly destroyed the masculinity and purity of the German nation; both homosexuals and Jews supposedly were characterized by perverse and degenerate sexualities.<sup>15</sup> The German term *entartet* (degenerate) was consistently and interchangeably used to describe both Jews and homosexuals, especially in the pseudo-scientific eugenic literature produced by the Nazis and in public displays of putative threats to the Nazi family, such as the 1937 “Degenerate Art” exhibit in Munich. In 1934, the Reich Ministry of Justice emphasized that “it is precisely Jewish and Marxist circles which have always worked with special vehemence for the abolition of §175.”<sup>16</sup> In effect, Nazi ideology portrayed Jews and homosexuals as collaborators in the corruption of the German nation.

After the expansion of penalties under §175 in 1935, Gestapo and SS head Heinrich Himmler spoke triumphantly about the purity of the German nation:

Just as we today have gone back to the ancient Germanic view on the question of marriage mixing different races, so too in our judgment of homosexuality—a symptom of degeneracy which could destroy our race—we must return to the guiding Nordic principle: extermination of degenerates. Germany stands and falls with the purity of the race.<sup>17</sup>

---

<sup>14</sup> Quoted in Plant, p. 50 (translation revised).

<sup>15</sup> See George Mosse, *Nationalism and Sexuality*. Also see Warren J. Blumenfeld, “History/Hysteria: Parallel Representations of Jews and Gays, Lesbians and Bisexuals,” in Brett Beemyn and Mickey Eliason (eds.), *Queer Studies: A Lesbian, Gay, Bisexual and Transgender Anthology*, pp. 146-162.

<sup>16</sup> Quoted in Grau, p. 19.

<sup>17</sup> Harry Schulze-Wilde, *Das Schicksal der Verfeimten: Die Verfolgung der Homosexuellen im “Dritten Reich” und ihre Stellung in der heutigen Gesellschaft*, p. 62. Also quoted in an English translation in Steakley, *The Homosexual Emancipation Movement*, p. 112.

## Destruction of the Homosexual Community

In considering the Pink Triangle Coalition's request for a *cy pres* allocation of one percent of the common funds, it is essential to take into account the context of Nazi persecution of homosexual men and women in Germany and the annexed territories. An understanding of the scope of individual and communal assets that homosexuals had created prior to 1933 provides a basis for estimating the magnitude of the holdings seized by the Nazi state and laundered in whole or part through Swiss banks.

Starting in the second half of the nineteenth century, homosexuals in Germany had created an increasingly distinct subculture. For example, by the 1880s, in Berlin and a few other large German cities, scattered cafés were catering to a clientele of homosexual men. After the turn of the twentieth century, territories for homosexual men and women in Berlin expanded to include business establishments such as restaurants and bookstores owned and managed by homosexuals; social organizations such as sports and hobby clubs with an exclusively homosexual membership; and residential enclaves such as small hotels, apartment buildings and sections of neighborhoods inhabited largely by homosexuals. By the early 1920s, similar developments on a smaller scale had appeared in other German cities.<sup>18</sup>

These businesses, organizations and territories made it possible for homosexuals to associate in an environment free of prejudice, to form bonds of love and friendship, to create supportive social structures, and to build a common culture. From the foundation of these assets, an incredibly rich homosexual cultural and political life flowered in Germany in the first decades of the twentieth century. By the 1920s, dozens of books and periodicals targeting the homosexual market were appearing each year, with some publishing houses specializing in such material; a homosexual theater troupe was staging shows in Berlin; and openly homosexual men and women were leading successful careers as cabaret performers, writers and visual artists, their work often dealing with homosexual themes.<sup>19</sup>

A political movement promoting legal and social reform on behalf of homosexuals also emerged in Germany during this period. The first homosexual advocacy organization in the world, the Scientific-Humanitarian Committee, was established in Berlin in 1897. By 1914, the group had more than 1,000 members; it remained active until it was disbanded by the Nazi regime.<sup>20</sup> The

---

<sup>18</sup> On all these developments, see Magnus Hirschfeld, *Berlins drittes Geschlecht*; Steakley, *The Homosexual Emancipation Movement*; "Sixty Places to Talk, Dance, and Play," *Connexions* (Winter 1982), pp. 16-18; Wolfgang Theis and Andreas Sternweiler, "Alltag in Kaiserreich und in der Weimarer Republik," in Berlin Museum, *Eldorado: Homosexuellen Frauen und Männer in Berlin 1850-1950—Geschichte, Alltag, und Kultur*, pp. 56-73; and Schoppmann, *Days of Masquerade*, pp. 2-4.

<sup>19</sup> See Steakley, *The Homosexual Emancipation Movement*, pp. 78-81; Schoppmann, *Days of Masquerade*, p. 4, 57ff; and Andreas Sternweiler, "Kunst und schwuler Alltag," in Berlin Museum, pp. 74-92.

<sup>20</sup> On the Scientific-Humanitarian Committee, see Steakley, *The Homosexual Emancipation Movement*, pp. 23, 33ff; Manfred Baumgart, "Die Homosexuellen-Bewegung bis zum Ende der Ersten Weltkriegs," in Berlin Museum, pp. 17-23; and Manfred Herzer, "Das Wissenschaftlich-humanitäre Komitee," in Schwules Museum and Akademie der Künste, *Goodbye to Berlin: 100 Jahre Homosexuellebewegung*, pp. 37-47.

model of homosexuals organizing themselves to work for change and to provide for their own communal needs gradually spread after the turn of the twentieth century: By the early 1920s, some 25 political, cultural, and social organizations were operating in cities throughout the country. Undoubtedly the most successful of these was the League for Human Rights (*Bund für Menschenrechte*), a co-gender group active from 1923 to 1933; at its peak, the league boasted approximately 48,000 paid members.<sup>21</sup>

However, the atmosphere for homosexuals in Germany was never entirely welcoming. With the tumultuous political, social and economic climate in the Weimar Republic, precursors of the anti-homosexual policies of the Nazi regime began to appear in the late 1920s. In 1926, for example, the so-called Protection of Youth from Obscene Publications Act was passed, significantly dismantling freedom of the press for homosexuals. The law was used to actively restrict the public sale of lesbian and gay periodicals, regardless of cultural, political, or scientific value. *Die Freundin*, a lesbian magazine, was banned entirely in 1928, and other cultural publications such as *Garçonne* were barely available to the public.

On January 30, 1933, Hitler was named Chancellor of Germany, and within less than a month, the regime launched a severe and systematic attack on homosexual expression.<sup>22</sup> All homosexual organizations and remaining pro-homosexual periodicals were outlawed. This campaign against the public culture of homosexual men and women had devastating effects. It marked the destruction of efforts for political reform in favor of homosexuals in Germany, as well as the complete suppression of venues for homosexual political dissent and cultural diversity.

By outlawing the Scientific Humanitarian Committee and the League for Human Rights, the Nazi government effectively crushed all emancipatory discourses in matters of sexuality. Raids and public denunciations forced many outspoken homosexual activists into silence. Others prudently fled into exile, among them Magnus Hirschfeld, who settled in France.<sup>23</sup> Homosexual community organizers who remained in Germany faced the threat of arrest. In one such case, the director of the Scientific-Humanitarian Committee, Kurt Hiller, was detained on March 23, 1933, then transported to the Oranienburg concentration camp (a temporary facility that preceded construction of the nearby Sachsenhausen camp). After nine months of brutal mistreatment, he was inexplicably released; he, too, fled the country.<sup>24</sup>

The regime also prioritized suppression of homosexual cultural resources. In May 1933, the Nazis publicly purged institutional collections of so-called “un-German” books in massive public conflagrations. One of the first targets was Hirschfeld’s Institute for Sexual Science: On May 10,

---

<sup>21</sup> See Steakley, *The Homosexual Emancipation Movement*, p. 82; also see Plant, p. 41, and Schoppmann, *Days of Masquerade*, p. 4.

<sup>22</sup> For an overview of the Nazis’ anti-homosexual activities in 1933, see Plant, pp. 50-51, 209-211.

<sup>23</sup> See Charlotte Wolff, *Magnus Hirschfeld: Portrait of a Pioneer in Sexology*, chs. 16-17.

<sup>24</sup> See Steakley, *The Homosexual Emancipation Movement*, p. 103.

1933, some 12,000 of the 20,000 books from the Institute's priceless library were destroyed, and a unique collection of over 35,000 pictures was burned. The Institute's buildings and equipment were confiscated, and the staff arrested or forced to flee.<sup>25</sup> (A similar action took place seven years later in the occupied Netherlands: Nazi authorities seized the 4,000-volume library of the Netherlands Scientific Humanitarian Committee, a Dutch homosexual rights organization founded in 1908; the collection was never recovered.<sup>26</sup>)

Further extending the regime's anti-homosexual campaign, Adolf Hitler himself ordered the arrest of homosexual men within the ranks of the Nazi Party, referring to them as "swine."<sup>27</sup> Hitler clearly demonstrated his will to systematize the state-sanctioned persecution of homosexuals in a memorandum directed to the Nazi paramilitary organization known as the Stormtroopers (SA):

I expect all SA leaders to help to preserve and strengthen the SA in its capacity as a pure and cleanly institution. In particular, I should like every mother to be able to allow her son to join the SA, [the Nazi] Party, and Hitler Youth without fear that he may become morally corrupted in their ranks. I therefore require all SA commanders to take the utmost pains to ensure that offenses under §175 are met by immediate expulsion of the culprit from the SA and the Party. I want to see men as SA commanders, not ludicrous monkeys.<sup>28</sup>

Although not subject to prosecution under §175, lesbians were nevertheless targeted for other forms of persecution by the Nazi authorities and suffered tremendously as individuals and as a class after the Nazi rise to power. Many were forced into heterosexual relationships; lesbian businesses, publications, and organizations were entirely destroyed by agents of the state; women's same-sex relationships were openly stigmatized in Nazi propaganda advocating the "pure-bred Aryan" family; and an unknown number of lesbians had personal property confiscated by Nazi officials.<sup>29</sup> In annexed Austria, lesbians additionally were targeted for arrest and imprisonment under §129 of the Austrian Penal Code. Between 1938 and 1943, in the city of Vienna alone, 1,162 men and 66 women were convicted and imprisoned under §129.<sup>30</sup>

---

<sup>25</sup> See James Steakley, "Anniversary of a Book Burning," *The Advocate* (June 9, 1983), pp. 18-19, 57.

<sup>26</sup> See Gerard Koskovich, "Histoire des archives et bibliothèques gay et lesbiennes," *CADHP: Revue du Centre d'Archives et de Documentation Homosexuelles de Paris*, no. 1 (December 2002), p. 15.

<sup>27</sup> Quoted in Plant, p. 56.

<sup>28</sup> Quoted in Hans Peter Bleuel, *Sex and Society in Nazi Germany*, p. 219.

<sup>29</sup> For example, Anita Augsburg and her partner, Lida Gustava Heymann, both of them leading figures in the first German women's movement, did not return to Germany after a vacation abroad in 1933; the Nazi authorities confiscated all of their property, including their household effects and their personal library. See Christiane Henke, *Anita Augsburg*, pp. 123ff.

<sup>30</sup> See Weingand, p. 38.

In addition to the Nazis' widespread campaign to suppress the public culture of lesbians, historians have recently discovered archival sources that attest to the fact that in at least a few cases, lesbians were deported to concentration camps specifically because of their sexuality. In documenting the internment of lesbians, Claudia Schoppmann, the leading scholar in this field, also has shown the difficulty of research into this aspect of the history of the period, since lesbian prisoners did not fit under the Nazi category of "homosexual," which was reserved exclusively for men. Schoppmann writes:

On November 10, 1940, Elli Smula and Margarete Rosenberg were brought to Ravensbrück Women's Concentration Camp north of Berlin. Smula had just turned twenty-six, Rosenberg thirty. Camp records list the reason for their arrests as "lesbian." As in all concentration camps, as well as in Ravensbrück, the SS assigned different colored triangles to prisoners; it was a way of playing one against the other and made it easier to prevent resistance. Elli Smula and Margarete Rosenberg received red triangles, that is, they were categorized as "political" prisoners. The pink triangle designating those arrested because of their alleged or actual homosexuality was reserved for men, so lesbians did not make up a separate category of prisoners. No one knows what Elli Smula's and Margarete Rosenberg's lives were like before they were arrested, nor how and if they survived the camp.<sup>31</sup>

A number of reports also exist that show that the SS forced lesbians into prostitution in certain concentration camp brothels.<sup>32</sup> Schoppmann writes:

In one such case, a lesbian named Else (b. 1917), who worked in Potsdam as a waitress and lived there with her woman-friend, was apparently detained because of her homosexuality and then sent to Ravensbrück. From there, under circumstances that remain unclear, she went to Flossenbürg camp, which from 1938 was mainly used for the internment of men classified as "anti-social" or "criminal." The camp brothel in Flossenbürg became Else's place of suffering. Presumably she had been forced into prostitution at Ravensbrück, where women were lured with the false promise that they would be released after a "period of service" in the brothel.<sup>33</sup>

---

<sup>31</sup> Schoppmann, *Days of Masquerade*, p. 1.

<sup>32</sup> See Claudia Schoppmann, "The Position of Lesbian Women in the Nazi Period," in Grau, pp. 8-15, especially pp. 14-15.

<sup>33</sup> Schoppman, *Days of Masquerade*, p. 14 (translation slightly revised).

## Deportation of Homosexuals to Concentration Camps

Historians generally agree that between 1933 and 1945, at least 50,000 homosexual men were convicted and imprisoned under §175. Of these, 5,000 to 15,000 were deported to concentration camps, where approximately 60 percent died during their internment.<sup>34</sup> Most, if not all, were forced to perform slave labor in the camps where they were interned or in affiliated enterprises. As with the other groups who were persecuted by the Nazis, homosexuals who were imprisoned and interned were blackmailed by Nazi officials, had their assets looted by the Nazis, and were subjected to slave labor for profiteering. In keeping with the well-documented experience of other persecuted groups, the assets taken from homosexuals and the profits garnered from homosexual slave labor undoubtedly were funneled in part to Switzerland and diverted into Swiss banks.

Only in the last decade have substantial details about homosexuals in the Nazi concentration camps begun to surface. The research is particularly difficult because many files were destroyed by Nazi officials during the last weeks of the World War II; most of the extant archives were sealed until recently,<sup>35</sup> and the continued persecution of homosexuals in post-war Germany and Austria forced most survivors into silence. Although ample documentation exists to confirm that homosexuals were enslaved and murdered in the concentration camps, much research remains to be done to establish precise histories and statistical accounts for each of the camps. Thus, the data presented below are accurate but incomplete. The true number of homosexual victims is, in all likelihood, significantly higher.

Another fact that should be taken into account when considering the Pink Triangle Coalition's proposal for a one percent *cy pres* allocation of the common funds is the Nazis' establishment of the Federal Office for the Combating of Homosexuality and Abortion in October 1936, which tracked and registered male homosexuals throughout Germany and the annexed territories. Homosexuals were considered "enemies of the state and should be treated as such," according to Heinrich Himmler.<sup>36</sup> For this reason, as corroborated by the historical evidence, the Pink Triangle Coalition believes that a significant percentage of the 50,000 homosexuals hunted down by the Nazis may have had assets taken from them that passed through Swiss banks or other entities in Switzerland.

---

<sup>34</sup> See Rüdiger Lautmann, "The Pink Triangle: The Persecution of Homosexual Males in Concentration Camps in Nazi Germany," in Salvatore J. Licata and Robert P. Peterson (eds.), *Historical Perspectives on Homosexuality*, pp. 141-160; and Rüdiger Lautmann, "Gay Prisoners in Concentration Camps as Compared with Jehovah's Witnesses and Political Prisoners," in Michael Berenbaum (ed.), *A Mosaic of Victims: Non-Jews Persecuted and Murdered by the Nazis*, pp. 200-206.

<sup>35</sup> The archives in the former East Bloc, for example, remained sealed until the past decade and have not been thoroughly examined. Moreover, in the spring of 2001, 12,000 Gestapo files were discovered in the huge archives of the City of Vienna. Historians expect that many more cases of homosexual persecution will be uncovered.

<sup>36</sup> See Grau, p. 96.

Already by the end of 1935, thousands of homosexual men had been rounded up and sent to detention centers and prison camps throughout Germany. Reports of sadistic torture of homosexuals were widespread at the Lichtenberg concentration camp and the Kolumbia-Haus prison beginning in June 1935. The Dachau concentration camp received its first homosexual male internees no later than 1934, and Sachsenhausen and Buchenwald began receiving homosexual men as early as 1936. In 1939, large numbers of homosexual men were deported to the concentration and forced-labor camp of Mauthausen in Austria.<sup>37</sup>

### **Slave Labor and Mass Murder of Homosexuals**

The Pink Triangle Coalition estimates that as many as 15,000 homosexuals qualify under Slave Labor Class I because they were forced to perform work, for little or no payment, for entities under the auspices of the Nazi regime. As was the case with the other victim classes, portions of the revenue generated by the Nazis from slave labor by homosexuals undoubtedly were transacted through Switzerland and secured in Swiss banks.

Homosexual men interned as such are known to have been deported, forced into slave labor, and murdered at all of the following concentration camps: Auschwitz, Bergen-Belsen, Buchenwald, Dachau, Demblin, Dora, Emsland, Flossenbürg, Gross Rosen, Lichtenberg, Mauthausen, Natzweiler, Nieborowitz, Neuengamme, Ravensbrück, Sachsenhausen, Schirmeck-Vorbrück, and Stuhm, as well as scores of ancillary camps. The following testimonies and statistics give representative accounts of the treatment of male homosexual internees in some of the major concentration camps:

**Buchenwald.** After October 1938, homosexual prisoners were sent to do quarry work in the punishment battalion. In the summer of 1942, homosexual prisoners worked with other prisoners in the war industry. In 1944, homosexuals worked in centers producing V-2 weapons in the Dora out-camp near Nordhausen. For the period in which statistics are available, 1938 through February 1945, about a thousand homosexuals were interned at Buchenwald. Many also were deported from Buchenwald to other concentration camps, including Bergen-Belsen, Dachau, Dora, Gross Rosen, Lublin, Mauthausen, Natzweiler, Neuengamme, Ravensbrück, and Sachsenhausen. Finally, an unknown number died after being castrated and/or subjected to other medical experiments putatively designed to test measures to suppress homosexual desire.<sup>38</sup>

The following report from spring 1945 tells of the situation of homosexuals at Buchenwald. It indicates that homosexuals both labored for the war industry and were targeted for mass murder:

---

<sup>37</sup> See Grau, part 4.

<sup>38</sup> Statistics culled from Grau, pp. 264-292, and Wolfgang Röhl, *Homosexuelle Häftlinge im Konzentrationslager Buchenwald*.

Precisely during the hardest years, they [homosexuals] were the lowest caste in the camp. In proportion to their number, they made up the highest percentage on transports to special extermination camps such as Mauthausen, Natzweiler, Gross Rosen, because the camp always had the understandable tendency to ship off less important and valuable members, or those regarded as less valuable. In fact, the wider deployment of labor in the war industry brought some relief to this type of prisoner too—for the labor shortage made it necessary to draw skills from the ranks of such people, although in January of 1944 the homosexuals, with very few exceptions, were still going to the Dora murder camp, where many of them met their death.<sup>39</sup>

Jaroslav Bartl, a survivor from Buchenwald, testified in 1962 about the conditions of slave labor for homosexuals in Buchenwald:

We worked under impossible conditions in the quarry, constantly under the rifles on the SS watchmen and the yelling and beatings of the foremen. Every day there were many accidents, mutilations, and deadly injuries, and scarcely a day went by without one or more prisoners being shot.... I began work in the quarry operating the transport car. It was an iron tipping wagon, which had to be fully loaded with rocks; it took sixteen prisoners to pull the wagon up the steep mountain.<sup>40</sup>

**Sachsenhausen, Flossenbürg, Neuengamme, and Gross Rosen.** Several thousand homosexuals are known to have been interned at these camps. According to reports by prisoners and the SS, hundreds were killed every year. Although documentation is incomplete, about 600 homosexuals were killed in Sachsenhausen alone between 1940 and the middle of 1943. Hundreds more died in the camp before 1940 and after 1943; many more were killed on a death march ordered by the SS when the camp was evacuated in 1945. Of all the homosexual male internees killed at Sachsenhausen, the names of just 300 are now known.<sup>41</sup>

Josef Kohout, a survivor who recounted his story in the first book-length testimony of a homosexual in the Nazi concentration camps, published in 1972, describes slave-labor conditions in early 1940 at the Klinkerwerk, a clay quarry and brick-works affiliated with the Sachsenhausen concentration camp:

---

<sup>39</sup> "The Situation of Homosexuals at Buchenwald Concentration Camp," (camp report, spring 1945); quoted in Grau, p. 266.

<sup>40</sup> Document 17 (Buchenwald archive 31/27); reprinted in Röhl, p. 24.

<sup>41</sup> See Joachim Müller and Andreas Sternweiler, *Homosexuelle Männer im KZ Sachsenhausen*, and Rainer Hoffschmidt, *Die Verfolgung der Homosexuellen in der NS-Zeit*.



This clay-pit, known among us prisoners as the death-pit, was both famed and feared by all prisoners in all other concentration camps, as a factory of human destruction, and up until 1942 was the Auschwitz for homosexuals. Only we were commandeered for work in the clay-pit, to be hounded to death by the most terrible working conditions, as well as by actual torture. Thousands upon thousands of homosexuals must have lost their tormented lives there, victims of a deliberate operation of destruction by the Hitler regime. And yet till this very day no one has come forward to describe this and honor its victims.<sup>42</sup>

Kohout was transferred to Flossenbürg on May 15, 1940. He tells of the work that homosexuals were assigned at that concentration camp:

We gays were assembled into work detachments of 12 to 15 men, led by an SS work leader, a capo and a foreman, to work in the granite quarry. This is where the stones were dug and prepared for Hitler's great building projects, for motorway bridges and the like. Great halls were dug into the quarry, where the cutting and finishing of the stones was carried out, and the granite blocks received their final form and possible polishing. The work of quarrying, dynamiting, hewing and dressing was extremely arduous, and only Jews and homosexuals were assigned to it. The quarry claimed very many victims, with the SS and capos often deliberately contributing to the large number of accidents.<sup>43</sup>

**Emsland.** At least 2,000 homosexual men are believed to have been interned at this forced labor camp; about two-thirds left the camp by discharge, transfer, or death. More than half of the homosexual internees came from major cities like Berlin and Hamburg. In the camp, prisoners worked as slave laborers for major Nazi building projects, including the construction of systems of drainage and sewage. Historical testimonies place the percentage of homosexuals at forced labor camps like Emsland between 20 percent and 50 percent.<sup>44</sup>

---

<sup>42</sup> Heinz Heger (pseudonym of Hans Neumann), *The Men with the Pink Triangle*, p. 38.

<sup>43</sup> Heger, p. 50.

<sup>44</sup> See Hoffschildt, pp. 28-41; also see Stümke and Finkler.



Photograph of prisoners working in the Emsland concentration camp.<sup>45</sup>

**Schirmeck-Vorbrück.** According to recent research in France, at least 206 men from the annexed French region of Alsace-Lorraine were deported as homosexuals to the Nazi concentration camps; in addition, an undetermined number were expelled into French territory controlled by the collaborationist Vichy regime.<sup>46</sup> The sole French homosexual survivor who has spoken publicly about this persecution is Pierre Seel, who at the age of seventeen was interned in the Schirmeck-Vorbrück concentration camp in Alsace. In his autobiography, Seel describes the work schedule at the camp:

Torn from sleep at six A.M., we wolfed down an indefinable tea and a quarter loaf of stale or moldy *Kommissbrot*, a kind of military sourdough bread. After roll call, most of us headed toward the valley to smash rocks in the surrounding quarries and load the fragments into tiptrucks. The SS brought in German shepherd dogs to dissuade us from fleeing through the dense forest. Other inmates spent eleven hours a day laboring at the Marchal de Wacenbah factory. Around noon, we were served a clear soup with a slice of sausage. Then work continued until six p.m. Back in the camp, we were systematically searched before reentering our barracks. Two ladlesful of rutabaga soup ended our day.

---

<sup>45</sup> Reproduced from Hoffschildt, p. 28

<sup>46</sup> See Claude Mercier, "Rapport concernant la déportation d'homosexuels à partir de France dans les lieux de déportation Nazi durant la seconde guerre mondiale au titre de motif d'arrestation no. 175" (November 2001), an official report of the Fondation pour la Mémoire de la Déportation, the association mandated by the French state to establish a "Livre-Mémorial" listing all French nationals deported by the Nazis during the regime's occupation and partial annexation of France. In addition to the men seized in Alsace-Lorraine, the report documents the cases of at least four French nationals sent to Germany as forced laborers who were subsequently arrested in Germany on charges of homosexual acts and sent to concentration camps. Also see Jean-François Laforgerie, "210 déportés homosexuels français," *Illico* (2 April 2002).

After a final roll call, our barracks were doubly padlocked, and the night rounds began while the sun had yet to go down behind the mountains.<sup>47</sup>

---

<sup>47</sup> Pierre Seel, *I, Pierre Seel, Deported Homosexual: A Memoir of Nazi Terror*, p. 32.

### III. Post-War Silence and the Continued Persecution of Homosexuals

The Pink Triangle Coalition's request for a *cy pres* allocation finds further justification in light of the continuing persecution of homosexuals after World War II in Germany and Austria. The ongoing legal and social persecution of homosexuals after the defeat of the Nazis made it particularly difficult for survivors of Nazi persecution to come forward. In an article published in a privately distributed newsletter in 1958 under the pseudonym "Bert Micha," a homosexual man who survived seven years in the Nazi concentration camps summarized the post-war situation in the following words:

There is one group among all the victims that has never appeared in the light of publicity, hasn't complained about the damage it sustained, and hasn't encountered any understanding from the newspapers, from government agencies, or from organizations that defend the interests of former internees: That group is the homophiles.<sup>48</sup> Because Paragraph 175 of the German Penal Code—the very Paragraph 175 that has been a subject of debate for decades—makes homophiles into criminals, they encounter no pity from the public, and of course can make no claim for damages. To this day, no one has sought to learn how many homophiles were hunted down by the Nazis, nor to learn what the survivors retrieved of their lives and their belongings.<sup>49</sup>

In an interview with historian Klaus Müller, one recently deceased survivor made clear the intense personal pain that invisibility and social stigma imposed on homosexual men who managed to survive deportation to the Nazi concentration camps. The interview appears in the documentary film *Paragraph 175*, where the survivor, Heinz Fleischer, appears under the name "Heinz F.":

- K.M.: How long were you in concentration camps?  
H.F.: All together? I added it up once. I think eight-and-a-quarter years.  
K.M.: What did you do when you got back?  
H.F.: When I came home? I worked in the family store that my brother was running. My father had already died.  
K.M.: Did you tell your brother or mother what happened in the camps?  
H.F.: I never spoke with my mother about it. I could have talked to my father, but....  
K.M.: Why not?

---

<sup>48</sup> *Homophile* was a neologism used in place of the term *homosexual* by a number of homosexual organizations in Europe and North America in the 1950s.

<sup>49</sup> B. M. [Bert Micha], "Les homophiles dans les camps de concentration de Hitler," *Arcadie*, no. 82 (October 1960); translated from the French by Gerard Koskovich. The original German version of this text first appeared in the fall 1958 issue of the mimeographed private newsletter of Die Runde, an informal homosexual group in Reutlingen, a town near Stuttgart.

H.F.: Shame. My mother never said anything. It's all about patiently carrying one's burden.

K.M.: Shame about what?

H.F.: You mean my mother? Maybe it was from compassion, so she wouldn't offend me, or make it even harder on me. Not even one word from her.

K.M.: Today, it is hard to imagine that you survived these horrible years and came back and....

H.F.: Couldn't talk to anybody about it? Yes, I never spoke to anyone about it.

K.M.: Would you have liked to talk to someone?

H.F.: Maybe. Maybe with my father.

K.M.: And later, could you speak with others?

H.F.: Never. Nobody wanted to hear about it. If you would just mention one of those words... "Leave me alone with this stuff. It's over now and done with." Now for me, too... it's all over. In September, I'll be 93. Thick skin, no?<sup>50</sup>

Nearly two decades after the end of World War II, Hans-Joachim Schoeps critically wrote, "For homosexuals, the Third Reich has not yet ended."<sup>51</sup> A Jew who fled Nazi Germany in 1939, Schoeps penned these words in 1962 in an article advocating for West Germany (the Federal Republic of Germany) to finally repeal §175. The Nazi version of §175 remained on the books and was enforced throughout West Germany until 1969. In East Germany (the German Democratic Republic), the Nazi version of §175 was suspended in 1950 and replaced by the original 1871 law.<sup>52</sup> In both West and East Germany, homosexuals were hunted down, imprisoned, fined, and sentenced to penal sanctions solely because of their homosexual conduct. Between 1950 and 1969, nearly 50,000 homosexuals were convicted under §175 in West Germany alone, as the statistics on the following page indicate.<sup>53</sup>

---

<sup>50</sup> Quoted from the documentary film *Paragraph 175*, directed by Rob Epstein and Jeffrey Friedman, released in 2000.

<sup>51</sup> Hans-Joachim Schoeps, "Soll Homosexualität strafbar bleiben?" *Der Monat*, vol. 15 (1962).

<sup>52</sup> In Austria, §129 remained in effect until 1971.

<sup>53</sup> "Statistisches Jahrbuch der Bundesrepublik Deutschland," cited in Christian Schulz and Michael Sartorius, *Paragraph 175 (abgewickelt): Homosexualität und Strafrecht im Nachkriegsdeutschland—Rechtsprechung, juristische Diskussionen und Reformen seit 1945*, p. 18. From the capitulation of Nazi Germany on May 8, 1945, until the foundation of the Federal Republic of Germany on May 23, 1949, federal laws were not enforced since there was, strictly speaking, no "Germany."

Year	Convictions
1950	1,920
1951	2,167
1952	2,476
1953	2,388
1954	2,564
1955	2,612
1956	2,774
1957	3,124
1958	3,182
1959	3,530
1960	3,134
1961	3,005
1962	3,098
1963	2,803
1964	2,907
1965	2,538
1966	2,261
1967	1,783
1968	1,727
1969	894
<b>Total:</b>	<b>47,357</b>

Nearly the same number of homosexuals in West Germany were convicted under §175 after the end of the Third Reich as in all of Germany during the Third Reich.<sup>54</sup> Although concentration camps, medical experiments, slave labor, and the state-sanctioned murder of homosexual men ceased after 1945, homosexual men still were discriminated against, imprisoned, and fined in numbers comparable to those under the Nazis. Moreover, discrimination in the workplace and housing was widespread, and in East Germany virtually all homosexual periodicals remained banned throughout the 1950s and 1960s. Although exaggerated, Schoeps' words were not far from the truth.

Because of the enforced social, religious, political, and legal stigmatization of homosexuals in Germany and Austria after 1945, homosexual survivors of the Nazi concentration camps were excluded from all funds for social support and compensation. When the first national law, the Federal Law for the Compensation of Victims of National Socialist Persecution, was passed in 1953, homosexual victims were not eligible and thus could not seek compensation, pensions, or

---

<sup>54</sup> The statistics for East Germany are unavailable, although the number of convictions under §175 is known to be significantly lower than in West Germany.

the payment of medical treatment, as stipulated for other victim groups.<sup>55</sup> Only 22 homosexual survivors are known to have received any compensation at all from the German government.<sup>56</sup>

In Austria, only two homosexual men have received compensation from the National Fund of the Republic of Austria for Victims of National Socialism established in 1995. Similarly, in France, those deported from Alsace-Lorraine as homosexual have never been acknowledged as such under any of the support programs for French survivors of the concentration camps. Pierre Seel, the one homosexual victim who has come forward to demand recognition from the French state, saw his application tangled in bureaucracy for years.<sup>57</sup>

Two reasons can account for these facts:

- In both West and East Germany as well as in Austria, homosexuals, including those who survived victimization under the Nazis, continued to be convicted and imprisoned under anti-homosexual laws after 1945. This practice continued unabated for nearly a quarter of a century. As a consequence, homosexual victims could not simply come forward without potentially exposing themselves to criminal sanctions.
- Under the laws enacted by the post-war German and Austrian governments to compensate other victim groups, homosexuals were not considered victims of Nazi persecution and were systematically excluded from reparations. In France, homosexuals were not recognized as a victim category under the *ancien déporté* statutes—and until the release of the report of an inquiry by the Fondation pour la Mémoire de la Déportation at the end of 2001, the general consensus among government officials and associations of deportees incorrectly held that no French nationals had been interned by the Nazis for reasons of homosexuality.

### Official Acknowledgement of Homosexual Victims

It was not until 1985 that the first German politician—Federal Republic President Richard von Weizsäcker—publicly acknowledged that homosexuals were victims of the Nazis and should be remembered as such. In a speech given on the fortieth anniversary of Nazi Germany's capitulation, he said, "We remember the murdered Sinti and Roma, the killed homosexuals."<sup>58</sup>

---

<sup>55</sup> See Michael Sartorius, "'Wider Gutmachung': Die versäumte Entschädigung der schwulen Opfer des Nationalsozialismus," in Schulz and Sartorius, pp. 88-128; also see Gerald Pitz, "History of Gay Reparations in Germany."

<sup>56</sup> See Pitz, "History of Gay Reparations in Germany."

<sup>57</sup> See Seel, pp. 136-140.

<sup>58</sup> Richard von Weizsäcker, "May 8, 1945—40 Years Later"; speech delivered on May 8, 1985.

Amazingly, this sentence was edited out of the version of the speech broadcast on the evening television news program *Tagesschau*.<sup>59</sup> In Austria, the first official mention of homosexual victims by a politician did not come until July 1991, in a speech to Parliament given by Federal Chancellor Franz Vranitzky. In France, the first official acknowledgment at the national level that the Nazis had persecuted homosexual men on French territory did not come until April 2001, in a speech given by Prime Minister Lionel Jospin.<sup>60</sup>

The first public memorial to homosexual victims was not erected until 1984, when a pink stone plaque was placed at the site of the Mauthausen concentration camp in Austria. Installed in response to the lobbying efforts of HOSI (Vienna), a member organization of the Pink Triangle Coalition, this modest memorial bears the following inscription in German: "Beaten to Death, Silenced to Death. To the Homosexual Victims of National Socialism." To date, memorial plaques and monuments to homosexual victims also have been installed—mostly in the last decade—in the concentration camps of Neuengamme, Dachau, Sachsenhausen, and Buchenwald, as well as in a few cities: Amsterdam, Bologna, Cologne, Frankfurt, The Hague, and San Francisco.<sup>61</sup> In mid-December 2003, the lower house of the German parliament finally approved funding for a long-debated full-scale monument in the German capital (a small plaque had already been in place for several years at the Nollendorfplatz subway station in Berlin).<sup>62</sup>

In Germany, homosexual victims were required to wait more than half a century after the end of the Nazi regime before receiving a formal apology from the parliament in December 2000. After an additional year and a half of debate, German lawmakers at last voted in May 2002 to pardon those convicted under §175 during the Nazi era—but still left unaddressed the issue of providing individual and cultural reparations to give substance to this recognition of the profound injustices

---

<sup>59</sup> See Sartorius in Schulz and Sartorius, pp. 88-89.

<sup>60</sup> See Jean Le Bitoux, *Les Oubliés de la mémoire*, p. 237.

<sup>61</sup> For an overview of the development of monuments and memorials, especially in Europe, see the essays in Heinrich Böll Stiftung, *Der homosexuellen NS-Opfer gedenken*. Also see Dave Ford, "S.F. Park Honors Gay, Lesbian Holocaust Victims," *San Francisco Chronicle* (June 27, 2003). For a case study of the efforts by homosexual organizers to install such a monument, see Harold Marcuse, *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933-2000*, pp. 345-346. For two decades, authorities controlling the Dachau site summarily rejected requests for a monument to homosexual victims of the camp. A memorial was finally put in place in 1994.

<sup>62</sup> See "Belated Acknowledgment: German Lawmakers Approve Memorial for Gay and Lesbian Victims of Nazis" (Associated Press report), *Frontiers* (Dec. 19, 2003).



committed by the Nazi regime.<sup>63</sup> The issue of compensation similarly has not been addressed in Austria, where in 1995, the parliament rejected a proposal to extend homosexual victims the compensation rights granted to other victim classes.<sup>64</sup> And as recently as June 2001, the Austrian Parliament rejected an amendment to designate homosexuals as a group entitled to legal compensation.

---

<sup>63</sup> On the apology, see Rex Wockner, "Bundestag Apologizes to Gays," *San Francisco Bay Times* (Dec. 21, 2000), p. 15. On the pardon, "Nazi-Era Gays Pardoned," *The Advocate* (May 21, 2002).

<sup>64</sup> See Stenographisches Protokoll—40; Sitzung des Nationalrates der Republik Österreich (June 1-2, 1995).

#### IV. Rationale for a *Cy Pres* Allocation in Memory of Homosexual Victims

Although the exact numbers of homosexuals persecuted by the Nazis will never be determined, historians know that approximately 50,000 convictions were handed down under §175 during the Nazi period. As with members of other victim groups, it is reasonable to assume that many homosexuals had assets that the Nazis looted, then laundered through Swiss banks or other entities in Switzerland. As many as 15,000 homosexual men worked in slave labor, detention, or concentration camps and, hence, performed work for entities owned or controlled by the state or Nazi authorities. Historians estimate that 60 percent of the homosexual men deported as such to concentration camps were killed by the Nazis. Again, this figure represents the minimum number given the available historical records.

After 1945, the circumstances encountered by homosexual survivors of Nazi persecution are unique because homosexual men continued to be singularly and intensively pursued, imprisoned, and persecuted in West Germany until 1969 and Austria until 1971 under the same laws used by the Nazis. Survivors were publicly stigmatized, harassed, silenced, and re-imprisoned; they were excluded from compensation and ignored by elected officials for more than forty years. Similarly, in France, the government failed to recognize homosexual victims from annexed French territory as deportees under the formal support programs put in place after the Liberation.

As a consequence, very few homosexual victims have come forward to seek compensation or claim assets. Moreover, due to the fear of being re-imprisoned, many of the German and Austrian victims did not disclose their homosexuality to their families or the state. Given the post-1945 climate for homosexual victims, it is more than reasonable to presume that many did not inform their families about their sexual orientation and many more did not or were not able to have families of their own. Similar to many of the victims with disabilities, the majority of homosexual victims in all likelihood did not have heirs, successors, administrators, executors, or other affiliates who could act on their behalf to press claims for compensation.

The first political acknowledgement of the injustice of Nazi atrocities perpetrated against homosexuals did not come until nearly half a century after the crimes occurred. Homosexual victims were not even mentioned in memorials and museum exhibits at the concentration camps until the mid-1980s.<sup>65</sup> Finally, homosexual victims had no extended familial, social and organizational networks outside of Germany—such as those relied on by victims from religious or ethnic groups—which could advocate on their behalf and contribute to the formation of a collective memory of the state-sponsored crimes of which they had been victims.

The Pink Triangle Coalition was founded in 1998 to give voice to the silenced and forgotten homosexual victims of the Nazi regime. Precisely because of the uniquely extenuating conditions for homosexual victims in the post-war period, it is not surprising that the Pink Triangle Coalition

---

<sup>65</sup> Historians have identified only one earlier case of homosexual victims being mentioned in educational activities at a concentration camp site: In 1962, a Polish guide giving a visiting French psychologist a tour of Auschwitz pointed out barracks that had been reserved for homosexual men and mentioned the insignia that the Nazis had used to distinguish homosexual men from other internees. See Dr. Georges Valensin, preface to Edouard Roditi, *De l'homosexualité*, p. 11.

knows of very few individual claims by survivors and heirs with respect to the Holocaust Victim Assets Litigation. On behalf of the thousands of homosexual survivors who have been frightened into silence and on behalf of the thousands of murdered homosexual victims, the Pink Triangle Coalition asks that a *cy pres* allocation in the amount of one percent of the total settlement be allocated to acknowledge the losses and honor the memory of these individuals who cannot themselves come forward.

Nearly two decades of systematic research by historians and by gay and lesbian organizations, including the efforts of member organizations of the Pink Triangle Coalition, have identified no more than a handful of surviving men who were prosecuted under §175 and/or interned as homosexuals in the Nazi concentration camps. Representatives of the coalition are currently in confirmed contact with fewer than a dozen survivors. For several reasons, the Pink Triangle Coalition believes it is highly unlikely that the total will increase significantly:

- The total number of homosexual victims likely to have survived the camps was relatively small (extrapolating from estimates of the total population of homosexual internees and of the survival rate of these internees, the number of those who survived ranges from 2,000 to 6,000).
- Almost 60 years after the end of the war, the relatively small cohort of homosexual men who survived the camps has undoubtedly been greatly reduced due to death from advanced age, illness and other causes.
- Most of the remaining survivors, who would now be in their 70s to their 90s, are understandably hesitant to come forward and publicly declare their homosexuality. Experts on aging point out that homosexual men ages 70 and older have lived the majority of their adult lives during a period when considerable discretion about one's sexual orientation was a key to survival and that few are inclined to abandon this strategy late in life. This situation is particularly marked in Germany, given the experience of the current cohort of homosexual elders not only during the Nazi period but also during the post-war period of anti-homosexual repression.<sup>66</sup>

Two recent efforts to identify and locate additional survivors support these arguments. In the current litigation, the court itself mandated the International Organization for Migration (IOM) to conduct a wide-ranging international outreach campaign to find homosexual survivors to receive humanitarian assistance from the settlement funds. The IOM drew on advice from numerous experts and associations, including members of the Pink Triangle Coalition, to formulate strategies for reaching the cohort of homosexual men likely to include survivors of the Nazi

---

<sup>66</sup> See Harald Wernkicke, "Gay and Lesbian Elders in Germany: Organizing for Support and Services," *OutWord* (newsletter of the Lesbian and Gay Aging Issues Network of the American Society on Aging) (Summer 2002), p. 1.

concentration camps. As the IOM has reported to the court, this campaign has not succeeded in identifying any additional survivors.<sup>67</sup>

Similarly, a recent research initiative on the fate of homosexual men persecuted by the Nazis in Berlin has failed to identify any surviving homosexual victims. The research was conducted by the Magnus Hirschfeld Gesellschaft through a grant from the Pink Triangle Coalition. The back cover of the book published on the basis of this research provides the following summary:

Based on available sources and additional information, 553 men born in 1910 or later could be identified who were persecuted under the Nazi special law against homosexuals (§ 175 and §175a of the Reich Penal Code). They were 16 to 35 years old at the time of their persecution; today their ages would range from 72 to 90 years. Out of these 553 men, 38 were interned in concentration camps; the time they were kept there ranged from a few months up to several years. The search [for survivors who might still be alive] concentrated on these camp inmates, who today would be between 80 and 90 years old. In only three cases were there hints from the post-war period that the men had survived. A major effort was undertaken to find their traces.... The story of one of the camp victims born after 1910 is included in the report; he died in 1976. Within this research, [none of the identified victims] could be found who is still alive.<sup>68</sup>

In determining the figure of one percent of the total settlement as a *cy pres* allocation for the class of homosexual victims, the Pink Triangle Coalition has taken into account both the similarities and the differences between persecution of homosexuals and that of other groups targeted by the Nazis:

- Homosexual victims, the vast majority of whom are now deceased and heirless, were systematically excluded from all forms of post-war compensation and restitution to date. This is why it is especially important that the class of homosexual victims be given a *cy pres* remedy that symbolically recognizes their suffering under the Nazi regime.
- Among the approximately 50,000 homosexual men convicted by the Nazis under §175 and among the hundreds of homosexual associations and business enterprises seized and closed by the Nazis, it is likely that a significant number had assets that were taken by the Nazis and passed through Swiss banks or other entities. Although the exact numbers and dollar amounts will never be determined, it is highly likely that, similar to members of other groups persecuted by the Nazis, many thousands of homosexual victims deposited funds into Swiss accounts to protect their assets from the terror and persecution in Nazi Germany.

---

<sup>67</sup> "Special Master's Interim Report on Distribution and Recommendation for Allocation of Excess and Possible Unclaimed Residual Funds" (October 2, 2003), p. 105, n. 147; available on [www.swissbankclaims.com](http://www.swissbankclaims.com) (as of December 16, 2003).

<sup>68</sup> Andreas Pretzel (ed.), *NS-Opfer unter Vorbehalt. Homosexuelle Männer in Berlin nach 1945*, outside back cover; translated from the German by Ralf Dose.

- As many as 15,000 homosexual men performed slave labor in the concentration camps in which they were interned, thus making them eligible for compensation under Slave Labor Class I. Given the situation of continued post-war persecution of homosexual survivors in Germany and Austria, however, these victims or their heirs could not—and possibly still cannot—come forward to submit claims.
- Several cases are known of homosexual men who sought—but were denied—asylum in Switzerland to escape the Nazi regime. Since persecution based on sexual orientation was not recognized by the Swiss government as a reason for granting refugee status, it is reasonable to assume that homosexuals who sought this status were turned away from the Swiss border or expelled from Switzerland.

The Pink Triangle Coalition holds that the figure of one percent of the common funds (with interest) in the current litigation as a *cy pres* allocation represents a fair and reasonable settlement given the historical events that contributed to the destruction of homosexual communal life in Nazi Germany, the enslavement and murder of thousands of homosexuals, and the compulsory silencing and continued persecution of homosexuals in Germany and Austria after 1945. Because the overwhelming majority of the individual victims will never be able to come forward and claim their due compensation under the Swiss banks settlement, a *cy pres* allocation in their memory represents the best available remedy.

## V. Proposal for a *Cy Pres* Allocation

Should our request for a *cy pres* allocation of one percent of the funds be granted, the Pink Triangle Coalition will use the money to establish a fund within the Astraea Foundation with the following aims:

- (1) Continuing to provide direct material support to needy homosexual survivors of Nazi persecution—including those who may still come forward—in the last years of their lives. Under this initiative, monthly pensions will be paid directly into the bank accounts of the needy homosexual victims currently known to the coalition (see Appendix 2), as well as to any other qualified victims who may be located. The coalition will endow a fund, to be administered by the Astraea Foundation, that will obtain through a financial intermediary a continuing monthly pension to provide for daily living expenses of these needy survivors.
- (2) Funding scholarly research aimed at more fully documenting the Nazi persecution of homosexual men and women and at locating additional survivors. This initiative will employ a competitive grant program for academic research; the program will be overseen by a committee of qualified scholars.
- (3) Promoting public education (including curriculum development, memorials, and educational materials) and projects that memorialize the homosexual victims of the Nazis. This initiative also will employ a competitive grant program overseen by an allocations committee composed of individuals familiar with such educational efforts, particularly in Europe.
- (4) Advancing the efforts of organizations that work to end discrimination and persecution targeting homosexual men and women throughout the world. The goal of this effort is to prevent the crimes of the Nazis from happening again. No part of this allocation will be used for lobbying. Grants under this initiative will be disbursed via the International Fund for Sexual Minorities of the Astraea Foundation.

The Astraea Foundation estimates its administrative expenses in connection with the initiatives outlined above at a range of 8 percent to 15 percent of the proceeds of the endowment.

The Pink Triangle Coalition is not alone in its assessment of the need for continuing efforts at education. The International Forum on the Holocaust held in Stockholm (2000), the International Pink Triangle Colloquium in Berlin (2000), and the Washington Conference on Holocaust Era Assets (1999) each highlighted the need for widespread international recognition of Nazi persecution of homosexuals in order to ensure that people around the world are aware of the history of the Nazi era and of the critical lessons that era affords us today. The gravity of this history and the crucial role education plays in combating current discrimination and oppression were two of the most important reasons given.

We believe that some of the most salient educational opportunities would connect classrooms across the world to the numerous existing sites and museums of former concentration camps. An

increasing amount of historical information, for example, is becoming available online for educational uses. Moreover, the extant camps themselves offer a range of educational opportunities. Dachau and Bergen-Belsen average a million visitors annually, with a high proportion coming from outside of Germany. But to date, memorials for homosexual victims exist at only five of the concentration camps, and the camp museums have only recently started to research and present to the public the complex history of anti-homosexual persecution. The first special museum exhibit dedicated to this persecution took place in 2000 at Sachsenhausen: "Homosexual Men in the Sachsenhausen Concentration Camp." The Pink Triangle Coalition hopes to support many more such educational efforts.

There are numerous consequences to the continued persecution and stigmatization of homosexuals in post-war Germany and around the world. In addition to those previously cited in this document pertaining directly to the victims of Nazi persecution, the post-war stigmatization stifled research and educational efforts. The United States Holocaust Memorial Museum in Washington, D.C., for example, conducted a national survey of school boards in the U.S. and determined that no appropriate curriculum exists pertaining to the persecution of homosexual men and women in the Third Reich.<sup>69</sup> We believe that establishing a fund to address this under-representation not only will serve the educational needs of students today, but also will help foster a broader climate of tolerance and respect for difference.

The fund proposed by the Pink Triangle Coalition also would support historical research. Scholars at the International Pink Triangle Colloquium in Berlin in 2000 described numerous gaps concerning research into homosexuals and homosexuality in the Third Reich. Areas identified for further research include the following:

- The general situation for homosexuals in particular camps and the fate of individual prisoners.
- The role of the churches in perpetuating the persecution of homosexuals.
- The treatment of homosexual prisoners in conventional prisons.
- The differences in treatments between SS-controlled conventional prisons and those controlled by regular civil authorities.
- The depth, range, and details of medical experimentation carried out on homosexuals.
- The policies and roles of the Allied, German, and Austrian authorities pertaining to the continued persecution of homosexuals in post-war Europe.
- The ideological nuances of the Nazi persecution of homosexuals.
- The role of local authorities in enforcing Paragraph 175.

---

<sup>69</sup> The survey was conducted by Jack Gilbert of the World Congress of Gay and Lesbian Jewish Organizations.

- The degree and types of persecution faced by lesbians throughout Germany and the annexed and occupied territories.
- Statistical research into the numbers of people interned without trial under §175.

The need for scholarly research into these and other areas is directly reflected in the paucity of appropriate educational materials. Scholarly research always precedes sound public education. The Pink Triangle Coalition believes that a wide scope of educational materials are needed, including memorial sites, museums, and historical exhibitions, as well as age-appropriate educational curricula for elementary, intermediate, secondary, and college-level classes pertaining to the history of homosexuality before, during, and after the Nazi era. The fund proposed by the coalition would support development of all these materials.

### **History Repeats Itself: The Need for Technical Assistance for Basic Human Rights Education**

If tolerance for difference is one of the lessons humanity is supposed to have learned from the Nazi era, the contemporary treatment of homosexuals around the world demonstrates that the lesson has not yet been learned. The need to defend and advance the human rights of homosexuals did not end with the defeat of the Nazi regime. Indeed, according to the International Gay and Lesbian Human Rights Commission, some 87 countries maintain laws that prohibit or regulate sexual activity between consenting adults of the same sex.<sup>70</sup>

These laws are extremely broad in their scope and lend themselves to ideological interpretations which often serve as a pretext for the persecution of homosexuals. Such laws might, for example, outlaw “unnatural” or “indecent” sexual acts so that under their aegis the police or others sanctioned by the state can actively persecute homosexuals or gender minorities. Still other states maintain morality laws against so-called anti-social or immoral behavior, under which arrest is justified by extremely vague terms such as “causing a public scandal” or “hooliganism.” These laws are widely used by the police to arrest and harass homosexual men and women. Examples of such jurisdictions include Argentina, Brazil, Bulgaria, the Dominican Republic, the Philippines, and several states within the United States.<sup>71</sup>

A survey of international public policies alone, however, does not convey the urgency of the need for human rights education on behalf of sexual and gender minorities. According to a report by Amnesty International, homosexuals in many parts of the world still are subjected to some of the same forms of torture, forced medical interventions, and arbitrary arrest that were perpetrated

---

<sup>70</sup> International Gay and Lesbian Human Rights Commission, “Where Having Sex Is a Crime: Criminalization and Decriminalization of Homosexual Acts.”

<sup>71</sup> *Ibid.*



against homosexuals during the twelve years of the Nazi regime. In various countries around the world, homosexuals are denied—solely on the basis of their sexual orientation—basic rights to freedom of assembly, freedom of association, and freedom of speech. The horrifying reality is that Afghanistan, the Arab Republic of Yemen, and Iran each maintain that homosexual acts are a capital offense, and executions of people convicted of homosexuality have taken place in 1980, 1995, and 1992.<sup>72</sup>

Clearly, in different places throughout the contemporary world, much of the same discrimination and even some of the same crimes that occurred under the Nazi regime are being perpetrated against homosexual people. The past is not past: History is repeating itself virtually every day. This situation demonstrates that the lessons of the Nazi persecution of homosexuals have not yet been taught or learned. The Pink Triangle Coalition believes that one of the best ways to commemorate and historically legitimize those who were persecuted and murdered by the Nazis is to prevent such atrocities from occurring again throughout the world. This is why our proposal for a *cy pres* allocation works both to educate future generations about the crimes perpetrated against homosexuals under the Nazi regime and to prevent crimes of the same sort from happening again.

---

<sup>72</sup> Amnesty International, *Breaking the Silence: Human Rights Violations Based on Sexual Orientation*.

## VI. Bibliography

### Works Cited

- Amnesty International. *Breaking the Silence: Human Rights Violations Based on Sexual Orientation*. London: Amnesty International, 1997.
- "Belated Acknowledgment: German Lawmakers Approve Memorial for Gay and Lesbian Victims of Nazis" (Associated Press report), *Frontiers* (Dec. 19, 2003).
- Berlin Museum. *Eldorado: Homosexuellen Frauen und Männer in Berlin 1850–1950—Geschichte, Alltag, und Kultur*. Berlin: Frölich & Kaufmann, 1984.
- Bleuel, Hans Peter. *Sex and Society in Nazi Germany*; edited and with a preface by Heinrich Fraenkel; translated from the German by J. Maxwell Brownjohn. Philadelphia: J. B. Lippincott Co., 1973.
- Blumenfeld, Warren J. "History/Hysteria: Parallel Representations of Jews and Gays, Lesbians and Bisexuals," in Brett Beemyn and Mickey Eliason (eds.), *Queer Studies: A Lesbian, Gay, Bisexual and Transgender Anthology*. New York City: New York University Press, 1996; pp. 146-162.
- Epstein, Rob, and Jeffrey Friedman (directors). *Paragraph 175*; feature-length documentary film. San Francisco: Telling Pictures, 2000.
- Ford, Dave. "S.F. Park Honors Gay, Lesbian Holocaust Victims," *San Francisco Chronicle* (June 27, 2003), pp. E3, E9.
- Grau, Günter. *Hidden Holocaust? Gay and Lesbian Persecution in Germany, 1933–45*. Chicago: Fitzroy Dearborn, 1995.
- Heger, Heinz (pseudonym of Hans Neumann). *The Men with the Pink Triangle: The True Life-and-Death Story of Homosexuals in the Nazi Death Camps*; translated from the German by David Fernbach. Boston: Alyson Publications, 1994.
- Heinrich Böll Stiftung. *Der homosexuellen NS-Opfer gedenken*. Berlin: Heinrich Böll Stiftung, 1999.
- Henke, Christiane. *Anita Augsborg*. Hamburg: Rororo. 2000.
- Hirschfeld, Magnus. *Berlins drittes Geschlecht*. Berlin: H. Seemann, 1904.
- Hoffschildt, Rainer. *Die Verfolgung der Homosexuellen in der NS-Zeit*. Berlin: Verlag rosa Winkel, 1999.
- International Gay and Lesbian Human Rights Commission. "Where Having Sex Is a Crime: Criminalization and Decriminalization of Homosexual Acts." San Francisco: IGLHRC, 2003; at [/www.iglhrc.org/site/iglhrc/content.php?type=1&id=77](http://www.iglhrc.org/site/iglhrc/content.php?type=1&id=77) (as of December 17, 2003).
- Koskovich, Gerard. "Histoire des archives et bibliothèques gay et lesbiennes," *CADHP: Revue du Centre d'Archives et de Documentation Homosexuelles de Paris*, no. 1 (December 2002), pp. 15–18.
- Laforgerie, Jean-François. "210 déportés homosexuels français," *Illico* (2 April 2002).

- Lautmann, Rüdiger. "Gay Prisoners in Concentration Camps as Compared with Jehovah's Witnesses and Political Prisoners," in Michael Berenbaum (ed.), *A Mosaic of Victims: Non-Jews Persecuted and Murdered by the Nazis*. New York City: New York University Press, 1990; pp. 200-221.
- "The Pink Triangle: The Persecution of Homosexual Males in Concentration Camps in Nazi Germany," in Salvatore J. Licata and Robert P. Peterson (eds.), *Historical Perspectives on Homosexuality*. New York City: The Haworth Press/Stein and Day, 1981; pp. 141-160.
- Le Bitoux, Jean. *Les Oubliés de la mémoire*. Paris: Hachette Littératures, 2002.
- Marcuse, Harold. *Legacies of Dachau: The Uses and Abuses of a Concentration Camp, 1933–2000*. New York City: Cambridge University Press, 2001.
- Mercier, Claude. "Rapport concernant la déportation d'homosexuels à partir de France dans les lieux de déportation Nazi durant la seconde guerre mondiale au titre de motif d'arrestation no. 175." Paris: Fondation pour la Mémoire de la Déportation, November 15, 2001; at [www.fmd.asso.fr/updir/36/rapportdeporthom.pdf](http://www.fmd.asso.fr/updir/36/rapportdeporthom.pdf) (as of December 16, 2003).
- [Micha, Bert]. "Les homophiles dans les camps de concentration de Hitler," *Arcadie*, no. 82 (October 1960), pp. 616-618.
- Mosse, George. *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe*. New York City: Howard Fertig, 1985.
- Müller, Joachim, and Andreas Sternweiler. *Homosexuelle Männer im KZ Sachsenhausen*. Berlin: Verlag rosa Winkel, 2000.
- "Nazi-Era Gays Pardoned," *The Advocate* (May 21, 2002).
- Plant, Richard. *The Pink Triangle: The Nazi War Against Homosexuals*. New York City: Henry Holt, 1986.
- Pilz, Gerald. "History of Gay Reparations in Germany." Cologne, Germany: unpublished paper, 1998.
- Pretzel, Andreas (ed.). *NS-Opfer unter Vorbehalt. Homosexuelle Männer in Berlin nach 1945*. Münster: LIT Verlag, 2002.
- Roditi, Edouard. *De l'homosexualité*. Paris: Sedimo, 1962.
- Röll, Wolfgang. *Homosexuelle Häftlinge im Konzentrationslager Buchenwald*. [S.l.]: Nationale Mahn- und Gedenkstätte Buchenwald, 1991.
- Schoeps, Hans-Joachim. "Soll Homosexualität strafbar bleiben?" *Der Monat*, vol. 15 (1962).
- Schoppmann, Claudia. *Days of Masquerade: Life Stories of Lesbians During the Third Reich*. New York City: Columbia University Press, 1996.
- *Verbotene Verhältnisse: Frauenliebe, 1938–1945*. Berlin: Querverlag, 1999.
- Schulz, Christian, and Michael Sartorius. *Paragraph 175 (abgewickelt): Homosexualität und Strafrecht im Nachkriegsdeutschland—Rechtsprechung, juristische Diskussion und Reform seit 1945*. Hamburg: MännerschwarmSkript, 1994.

Schulze-Wilde, Harry. *Das Schicksal der Verfeimten: Die Verfolgung der Homosexuellen im "Dritten Reich" und ihre Stellung in der heutigen Gesellschaft*. Tübingen: Katzmann, 1969.

Schwules Museum and Akademie der Künste. *Goodbye to Berlin? 100 Jahre Schwulenbewegung*. Berlin: Verlag rosa Winkel, 1997.

Seel, Pierre. *I, Pierre Seel, Deported Homosexual: A Memoir of Nazi Terror*; notes by Jean Le Bitoux; translated from the French by Joachim Neugroschel. New York City: Basic Books, 1995.

"Sixty Places to Talk, Dance and Play," *Connexions*, No. 3 (Winter 1982), pp. 16-18.

"Special Master's Interim Report on Distribution and Recommendation for Allocation of Excess and Possible Unclaimed Residual Funds" (October 2, 2003).

Steakley, James. "Anniversary of a Book Burning," *The Advocate* (June 9, 1983), pp. 18-19, 57.

Steakley, James D. *The Homosexual Emancipation Movement in Germany*. New York City: Arno Press, 1975.

Steinle, Karl-Heinz. *Der literarische Salon bei Richard Schulz*. Berlin: Querverlag, 2002.

Stümke, Hans-Georg, and Rudi Finkler. *Rosa Winkel, Rosa Listen: Homosexuelle und "Gesundes Volkempfinden" von Auschwitz bis Heute*. Hamburg: Rowohlt, 1981.

Tamagne, Florence. *Histoire de l'homosexualité en Europe: Berlin, Londres, Paris (1919- 1939)*. Paris: Editions du Seuil, 2000.

Weingand, Hans-Peter. "Streiflichter: Homosexualität und Strafrecht in Österreich," *LAMBDA-Nachrichten* (April 1994), pp. 37f.

Wernicke, Harald. "Gay and Lesbian Elders in Germany: Organizing for Support and Services," *OutWord* (newsletter of the Lesbian and Gay Aging Issues Network of the American Society on Aging), vol. 9, no. 1 (Summer 2002); pp. 1, 6.

Wockner, Rex. "Bundestag Apologizes to Gays," *San Francisco Bay Times* (Dec. 21, 2000), p. 15.

Wolff, Charlotte. *Magnus Hirschfeld: Portrait of a Pioneer in Sexology*. London: Quartet Books, 1986.

#### **Additional Sources on the Nazi Persecution of Homosexuals**

Beck, Gad (with Frank Heibert). *An Underground Life: Memoirs of a Gay Jew in Nazi Berlin*; translated from the German by Allison Brown. Madison, Wisc.: University of Wisconsin Press, 1999.

Becker, Albrecht. *Fotos sind mein Leben*. Berlin: Verlag rosa Winkel, 1993.

Burleigh, Michael. *The Racial State: Germany, 1933-1945*. New York City: Cambridge University Press, 1991.

Circolo Pink. *Le ragioni di un silenzio. Le persecuzione degli omosessuali durante il nazismo e il fascismo*. Verona: Ombre Corte, 2002.

- Couch, Terrie A. "The Legacy of the Black Triangles," *Windy City Times* [Chicago, Ill.] (May 9, 1991), pp. 19-20.
- Dijk, Lutz van. "Ein erfülltes Leben, trotzdem...": *Erinnerungen Homosexueller, 1933-1945 — elf biographische Texte*. Reinbek bei Hamburg: Rowohlt, 1992.
- Dobler, Jens. *Von anderen Ufern. Geschichte der Berliner Lesben und Schwulen in Kreuzberg und Friedrichshain*. Berlin: Bruno Gmünder Verlag/Verein zur Erforschung und Darstellung der Geschichte, 2003.
- Feig, Konnilyn. *Hitler's Death Camps: The Sanity of Madness*. New York City: Holmes and Meier Publishers, 1981.
- "Non-Jewish Victims in the Concentration Camps," in Michael Burleigh (ed.), *Confronting the Nazi Past: New Debates on Modern German History*. London: Collins and Brown, 1996; pp. 161-177.
- Fenelon, Fania (with Marcelle Routier). *Playing for Time*; translated from the French by Judith Landry. New York City: Atheneum, 1977.
- Fischer, Erica. *Aimee and Jaguar: A Love Story, Berlin 1943*. New York City: HarperCollins, 1995.
- Friedländer, Saul. *Nazi Germany and the Jews: The Years of Persecution, 1933-1939*. New York City: HarperCollins, 1997.
- Giles, Geoffrey J. "The Institutionalization of Homosexual Panic in the Third Reich," in Robert Gellately and Nathan Stoltzfus (eds.), *Social Outsiders in Nazi Germany*. Princeton, N.J.: Princeton University Press, 2001; ch. 11.
- "The Most Unkindest Cut of All': Castration, Homosexuality, and Nazi Justice," *Journal of Contemporary History*, vol. 27 (1992), pp. 41-61.
- "Why Bother About Homosexuals? Homophobia and Sexual Politics in Nazi Germany." Washington, D.C.: United States Holocaust Memorial Museum, Center for Advanced Holocaust Studies, 2001.
- Grau, Günter. "Final Solution of the Homosexual Question? The Antihomosexual Policies of the Nazis and the Social Consequences for Homosexual Men," in Michael Berenbaum and Abraham J. Peck (eds.), *The Holocaust and History: The Known, the Unknown, the Disputed, and the Reexamined*. Bloomington, Ind.: Indiana University Press, 1998; pp. 338-344.
- "Homosexuals," in Walter Laqueur (ed.), *The Holocaust Encyclopedia*. New Haven, Conn.: Yale University Press, 2001; pp. 312-314.
- Hackett, David A. (ed.). *The Buchenwald Report*; edited, translated and introduced by David A. Hackett; foreword by Frederick A. Praeger. Boulder, Colo.: Westview Press, 1995.
- Haeberle, Erwin J. "'Stigmata of Degeneration': Prisoner Markings in Nazi Concentration Camps," in Salvatore Licata and Robert Petersen (eds.), *Historical Perspectives on Homosexuality*. New York City: Haworth Press, 1981; pp. 135-139.
- "Swastika, Pink Triangle and Yellow Star: The Destruction of Sexology and the Persecution of Homosexuals in Nazi Germany," in Martin Bauml Duberman, Martha Vicinus and George

- Chauncey Jr. (eds.), *Hidden From History: Reclaiming the Gay and Lesbian Past*. New York City: New American Library, 1989; pp. 365-379.
- Herzer, Manfred. "Gay Resistance Against the Nazis, 1933-1945," in Mattias Duyves, et al. (eds.), *Among Men, Among Women: Sociological and Historical Recognition of Homosocial Arrangements*. Amsterdam: Universiteit van Amsterdam, 1983; pp. 322-336.
- "Nazis, Psychiatrists and Gays: Homophobia in the Sexual Science of the National Socialist Period," *Cabirion and Gay Books Bulletin*, no. 12 (Spring-Summer 1985), pp. 1-5.
- [Hirschfeld, Magnus]. "Hirschfeld, Magnus (Autobiographical Sketch)," in Victor Robinson (ed.), *Encyclopedia Sexualis: A Comprehensive Dictionary-Encyclopedia of the Sexual Sciences*. New York City: Dingwall-Rock, 1936; pp. 317-321.
- Hoffschildt, Rainer. *Olivia: Die bisher geheime Geschichte des Tabus Homosexualität und der Verfolgung der Homosexuellen in Hannover*. Hannover: Verein zur Erforschung der Geschichte der Homosexuellen in Niedersachsen, 1992.
- Der homosexuelle Nächste: Ein Symposium*. Hamburg: Furche-Verlag, 1963.
- Höss, Rudolf. *Commandant of Auschwitz: The Autobiography of Rudolf Hoess*; introduction by Lord Russell of Liverpool; translated from the German by Constantine FitzGibbon. Cleveland, Ohio: The World Publishing Co., 1960.
- Isherwood, Christopher. *Christopher and His Kind*. New York City: North Point Press, 1996.
- Jellonnek, Burkhard. *Homosexuelle unter dem Hakenkreuz: Die Verfolgung von Homosexuellen im Dritten Reich*. Paderborn: F. Schöningh, 1990.
- Jellonnek, Burkhard, and Rüdiger Lautmann (eds.). *Nationalsozialistischer Terror gegen Homosexuelle. Verdrängt und Ungesühnt*. Paderborn, Germany: Ferdinand Schöningh, 2002.
- Johansson, Warren, and William Percy. "Holocaust, Gay," Wayne R. Dynes (ed.), *Encyclopedia of Homosexuality*, vol. 2. New York City: Garland Publishing, 1990; pp. 546-550.
- "Homosexuals in Nazi Germany," in Henry Friedlander and Sybil Milton (eds.), *Simon Wiesenthal Center Annual*, vol. 7. New York City: Philosophical Library, 1990; pp. 225-263.
- Johansson, Warren. "Pink Triangle," in Wayne R. Dynes (ed.), *Encyclopedia of Homosexuality*, vol. 2 (New York City: Garland Publishing, 1990), pp. 996-997.
- Johnson, Hans. "The 'Pink Nazis,'" *The Harvard Gay and Lesbian Review*, vol. 2, no. 3 (Summer 1995), pp. 1, 49-50.
- Kersten, Felix. *The Kersten Memoirs, 1940-1945*; translated from the German by Constantine FitzGibbon and James Oliver. Introduction by H. R. Trevor-Roper.
- Kogon, Eugen. *The Theory and Practice of Hell: The German Concentration Camps and the System Behind Them*; translated from the German by Heinz Norden. New York City: Farrar, Straus, 1950.
- Kokula, Ilse. *Jahre des Glücks, Jahre des Leids: Gespräche mit älteren lesbischen Frauen —Dokumente*. Kiel: Frühlings Erwachen, 1990.
- *Der homosexuellen NS-Opfer gedenken: Denkschrift*. Berlin: Senatsverwaltung für Jugend und Familie, Fachbereich für gleichgeschlechtliche Lebensweisen—Initiative Schwulendenkmal, 1995.

- Koskovich, Gerard. "De 'Eldorado' al Tercer Reich. Vida y muerte de una cultura homosexual," *Orientaciones: Revista de Homosexualidades*, no. 5 (2003).
- KZ-Gedenkstätte Neuengamme. *Verfolgung von Homosexuellen im Nationalsozialismus*. Bremen: Edition Temmen, 1999.
- Landeszentrale für Politische Bildung des Saarlandes: Bundeszentrale für Politische Bildung. *Wider das Vergessen: die Verfolgung von Homosexuellen im Dritten Reich, die unterbliebene Wiedergutmachung für homosexuelle Opfer in der Bundesrepublik Deutschland*. Saarbrücken: Landeszentrale für politische Bildung des Saarlandes, [1996].
- Lauritsen, John, and David Thorstad. *The Early Homosexual Rights Movement, 1864–1935*. New York City: Times Change Press, 1974; chs. 2 and 4.
- Lautmann, Rüdiger. "The Pink Triangle: Homosexuals as 'Enemies of the State,'" in Michael Berenbaum and Abraham J. Peck (eds.), *The Holocaust and History: The Known, the Unknown, the Disputed, and the Reexamined*. Bloomington, Ind.: Indiana University Press, 1998; pp. 345-357.
- *Seminar: Gesellschaft und Homosexualität*. Frankfurt: Suhrkamp, 1977.
- Lautmann, Rüdiger, Erhard Vismar and Jack Nusan Porter. *Sexual Politics in the Third Reich: The Persecution of the Homosexuals During the Holocaust*. Newton Highlands, Mass.: The Spencer Press, 1997.
- Lemke, Jürgen. *Gay Voices from East Germany*; English-language version edited and with an introduction by John Borneman. Bloomington, Ind.: Indiana University Press, 1991.
- Lenz, Ludwig L. *Memoirs of a Sexologist: Discretion and Indiscretion*. New York City: Cadillac Publishing Co., 1951.
- Limprecht, Cornelia, Jürgen Müller and Nina Oxenius. *Verführte Männer: Das Leben der Kölner Homosexuellen im Dritten Reich*. [Cologne]: Volksblatt, 1991.
- Mann, Klaus, and Kurt Tucholsky. *Homosexualität und Faschismus*. Kiel: Frühlings Erwachen, 1990.
- Micheler, Stefan, Jürgen K. Müller and Andreas Pretzel. "Die Verfolgung homosexueller Männer in der NS-Zeit und ihre Kontinuität. Gemeinsamkeiten und Unterschiede in den Großstädten Berlin, Hamburg und Köln," *Invertito: Jahrbuch für die Geschichte der Homosexualitäten*, vol. 4 (2002), pp. 8-51
- Meve, Jörn. *Homosexuelle Nazis: Ein Stereotyp in Politik und Literatur des Exils*. Hamburg: MännerschwarmSkript, 1990.
- Meyer, Adele. *Lila Nächte: Die Damenklubs im Berlin der Zwanziger Jahre*. Berlin: Edition Lit. Europe, 1994.
- Müller, Jürgen. *Ausgrenzung der Homosexuellen aus der Volksgemeinschaft. Die Verfolgung von Homosexuellen in Koeln 1933-1945*. Cologne: Emons, 2003.

- Nash, Paul J., and Michael A. Lombardi. *The Gay Holocaust: The Dutch and German Experience—The Writings of Reimar Lenz, Ron Tielman and Adriaan Venema*. Jacksonville, Fla.: Urania Manuscripts, 1979.
- Oosterhuis, Harry. "Medicine, Male Bonding and Homosexuality in Nazi Germany," *Journal of Contemporary History*, vol. 32, no. 2 (April 1997), pp. 187-205.
- Oosterhuis, Harry, and Hubert Kennedy (eds.). *Homosexuality and Male Bonding in Pre-Nazi Germany: The Youth Movement, the Gay Movement, and Male Bonding before Hitler's Rise: Original Transcripts from Der Eigene, the First Gay Journal in the World*. New York City: The Haworth Press, 1991.
- Pretzel, Andreas. "Anstiftung und Beihilfe zum Mord an Homosexuellen. NS-Verbrechen der Berliner Justiz," *Mitteilungen der Magnus-Hirschfeld-Gesellschaft*, no. 33-34 (December 2002), pp. 11-38
- "Vorposten im Kampf für die Gleichberechtigung der Homoeroten": *Die Geschichte der Gesellschaft für Reform des Sexualrechts e.V., 1948-1960*. Berlin: Verlag rosa Winkel, 2001; Hefte des Schwulen Museums 3.
- Pretzel, Andreas, and Gabriele Roßbach. "Wegen der zu erwartenden hohen Strafe...": *Homosexuellenverfolgung in Berlin, 1933-1945*. Berlin: Verlag rosa Winkel, 2000.
- Pauly, Jörg. *Für Zucht und Sitte: Die Verfolgung der Homosexuellen im III. Reich*. Osnabrück: Aktionsgruppe Homosexualität Osnabrück, 1983.
- Schoppmann, Claudia. *Nationalsozialistische Sexualpolitik und weibliche Homosexualität*. Pfaffenweiler: Centaurus, 1991.
- Serrano Blanquer, David. "A propósito de la homosexualidad en el lager... (El testimonio de los supervivientes españoles)," *Orientaciones: Revista de Homosexualidades*, no. 5 (2003).
- Shaul, Elisheva. "Homosexuality in the Third Reich," in *Encyclopedia of the Holocaust*. New York City: Macmillan, 1990; pp. 687-688.
- Sofsky, Wolfgang. *The Order of Terror: The Concentration Camp*; translated from the German by William Templer. Princeton, N.J.: Princeton University Press, 1999.
- Sparing, Frank. "...wegen Vergehen nach [Paragraph] 175 verhaftet": *Die Verfolgung der Düsseldorfer Homosexuellen während des Nationalsozialismus*. Düsseldorf: Grupello Verlag, 1997.
- Staunton, Dennis. "Forgotten Victims of the Nazis: Demands for a Monument to Gays Who Died in the Camps Divides Berlin," *The Guardian* [London] (January 2, 1997), pp. 1, 10.
- Sternweiler, Andreas. *Und alles wegen der Jungs: Pfadfinderführer und KZ-Häftling—Heinz Dörmer*. Berlin: Verlag rosa Winkel, 1994.
- Stümke, Hans-Georg. *Homosexuelle in Deutschland: Eine Politische Geschichte*. Munich: C. H. Beck, 1989.
- Unabhängige Homosexuelle Alternative, Arbeitskreis Parlamente und Parteien. *Der Gedenkstein in Neuengamme: Eine Dokumentation der Unabhängigen Homosexuellen Alternative*. Hamburg: UHA, 1985.



Von Mahlsdorf, Charlotte (née Lothar Berfelde). *I Am My Own Woman: The Outlaw Life of Charlotte von Mahlsdorf, Berlin's Most Distinguished Transvestite*; translated from the German by Jean Hollander. San Francisco: Cleis Press, 1995.

Wuttke-Groneberg, Walter. *Homosexuelle im Nationalsozialismus: Ausstellungskatalog*. Ulm: Published by the author, 1987.

Young, Ian. *Gay Resistance: Homosexuals in the Anti-Nazi Underground*. Toronto: Stubblejumper Press, 1985.





## **SUMMARY DESCRIPTIONS OF THE MEMBER ORGANIZATIONS OF THE PINK TRIANGLE COALITION**

### **Aguda (Association of Gay Men, Lesbians, and Bisexuals in Israel)**

The *Aguda* was founded in 1975 as a national, grassroots organization dedicated to furthering the rights of the gay, lesbian, bisexual, and transgender community in Israel. The group is registered as an official non-profit charity and is managed by an elected board of directors. Through its branch offices in Tel Aviv, Kiryat Shmona, Beer Sheva, and Eilat, the *Aguda* provides social, cultural, and educational services to the Israeli gay, lesbian, bisexual, and transgender community. The *Agudah* also works to advance the legal status of gays and lesbians through its advocacy work in both the legislative and judicial arenas. Its fundraising arm, the *American Friends of the Aguda* is recognized as a section 501(c)(3) non-profit association by the U.S. Internal Revenue Service.

**Aguda, 18 Nahlat Binyamin St. Tel-Aviv, Israel, Tel. + 03 - 5167236**

**[www.aguda-ta.org.il](http://www.aguda-ta.org.il)**

### **European Region of the International Lesbian and Gay Association, "ILGA-Europe"**

ILGA-Europe is the umbrella organisation for national and local lesbian, gay, bisexual and transgender (LGBT) groups. With more than 150 member organisations in 38 countries, including trades unions, political party-based groups, women's groups and others, its membership combines human rights campaigning with the provision to their communities of support services such as help lines, advice and counselling. Through these member organisations, ILGA-Europe speaks to, and for, tens of thousands of lesbians, gay men, bisexuals and transgender people across the continent of Europe.

In addition to representing the concerns and interests of LGBT citizens at both European Union and Council of Europe level, ILGA-Europe disseminates information on EU activities and policies to its members at national, regional and local level in the EU Member States and throughout the accession countries. ILGA-Europe's ultimate aim is the achievement of a Europe in which LGBT people can live in equality and free from discrimination on the grounds of sexual orientation and gender identity.

**The European Region of the International Lesbian and Gay Association  
avenue de Tervueren 94 - 1040 Brussels - Belgium - fax: +32-2 732 51 64 -  
[www.ilga-europe.org](http://www.ilga-europe.org)**

### **"Homosexuelle Initiative (HOSI) Wien (Vienna) – 1. Lesben- und Schwulenverband Österreichs"**

HOSI Wien was founded in 1979 as the first gay and lesbian association in Austria. It is still the leading lesbian and gay general interest and political lobbying organisation in the country. Its commitment and contribution have been crucial and vital for all the achievements and progress made with regard to lesbian and gay rights, for example the repeal of four anti-lesbian and anti-gay provisions in the penal code in 1988, 1996 and 2002. HOSI Wien operates a non-commercial and independent community centre since 1980, and publishes a quarterly news magazine, "LAMBDA-Nachrichten," since 1979.

HOSI Wien is active in educational and cultural fields, organising gay/lesbian film festivals, art exhibitions, and publishing four books. Since 1981, HOSI Wien has also been active within the International Lesbian and Gay Association and its European branch, ILGA-Europe. Since 1980, HOSI Wien has been active in fighting for the recognition and compensation of gay and lesbian Nazi victims, and in carrying out commemorative activities. Please see attachment with a chronology of 23 years of activity in this area.

**HOSI WIEN, Novaragasse 40, 1020 Wien, Austria Tel. + 0664/57 67 466  
www.hosiwien.at**

#### **International Association of Lesbian and Gay Children of Holocaust Survivors**

The Association, which now has over 150 members in eleven countries, encourages the research of what actually happened to the generation of homosexuals who were persecuted or perished during the Third Reich. It also serves a social function of allowing lesbian and gay children of survivors to share their experiences and provide support to one another, and a forum to disseminate the information.

**IALGCHS, C/o CBST, 57 Bethune Street, New York, NY 10014  
www.infotruer.com/gay.html**

#### **International Gay and Lesbian Human Rights Commission**

The mission of the International Gay and Lesbian Human Rights Commission (IGLHRC) is to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based non-profit, non-governmental organization (NGO), IGLHRC effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.

**IGLHRC c/o HRW 350 Fifth Avenue, 34th Floor, New York, NY 10118, USA  
ph: +1-212-216-1814 fx: +1-212-216-1876 www.iglhrc.org**

#### **Lesben- und Schwulenverband Deutschland (LSVD) or The Lesbian and Gay Federation in Germany**

The LSVD is Germany's largest Gay and Lesbian Federation, with over 2500 individual members and 60 member organizations. LSVD has a federal structure with an organization on the national level, and associations in the different federal states and in several cities. LSVD was originally founded as the Gay Men's Federation in Germany (SVD) in the East German city of Leipzig in 1990, drawing on the democratic movement in the former GDR to frame the issue of gay rights in terms of civil rights. In 1999 the organization expanded to become the LSVD, which aims to represent the issues facing lesbians as well as gay men. The LSVD supports and aids the gay and lesbian community with issues of legal and social discrimination, marginalization and violence, while also aiming to improve the situation of lesbian and gay rights in German society by promoting personal emancipation, greater political and social participation, and opportunities for full integration into society.

**LSVD, Pipinstr. 7, 50667 Cologne, Germany Tel. +49(0)221-925961-0, Fax  
++49(0)221 925961-11 www.lsvd.de**

### **Magnus Hirschfeld Gesellschaf**

The Magnus Hirschfeld Society, Inc. is a non-profit organization, founded in 1983 in Berlin. According to its charter, the Society's mission is to maintain a memorial for Magnus Hirschfeld in Berlin, and to promote research and knowledge about Magnus Hirschfeld, his Institute for Sexual Science, the Scientific-humanitarian Committee, and the sexual reform movement as a whole. During the past twenty years, the Society has sponsored and set up two memorial columns for Hirschfeld and his Institute in Berlin. Both in Germany and abroad, it has presented several exhibitions on Hirschfeld, his Institute for Sexual Science, and on the History of the Homosexual Movement. One of its most recent tasks has been a joint project with the United States Holocaust Memorial Museum and the Berlin State Archives to describe and microfilm the State Archives' holdings of the Berlin Criminal Courts for the period from 1935 to 1945 which refer to the anti-homosexual sections 175 and 175a of the German Penal Code.

**Magnus-Hirschfeld-Gesellschaft e.V., Forschungsstelle zur Geschichte der Sexualwissenschaft, Chodowieckistr. 41, D-10405 Berlin, tel./fax: x49-30-441 39 73  
www.magnus-hirschfeld.de**

### **Mémorial de la Déportation Homosexuelle**

The MDH is a French national organization established in 1989 under the 1901 law of associations. Based in Paris, the group includes representatives in numerous other cities in France, as well as a number of international representatives. The MDH advocates for recognition of all homosexual victims of Nazi persecution, with a particular emphasis on the fate of French nationals persecuted in Alsace and Moselle, the regions of France annexed by the Third Reich. The group coordinates the participation of homosexual delegations in the official national ceremony of remembrance held annually in Paris and in associated ceremonies elsewhere in France; organizes public history activities including films and panel presentations; engages in discussion with the French national associations of *anciens déportés*; lobbies the French government for formal acknowledgment of homosexuals as a class of deportees from the territory of France; and works in close association with the Triangles Roses educational website ([www.chez.com/triangles](http://www.chez.com/triangles)).

**Mémorial de la Déportation Homosexuelle, 33, rue Richer, F-75009 Paris, France; phone: 01 45 23 90 88; e-mail: [rene@lalement.name](mailto:rene@lalement.name); Web: [www.chez.com/triangles](http://www.chez.com/triangles) and [www.france.qrd.org/assocs/mdh/](http://www.france.qrd.org/assocs/mdh/)**

### **Pink Cross: National Gay League of Switzerland**

The Pink Cross is the national umbrella organisation for gay men in Switzerland, founded in 1993. With offices in Bern and in Lausanne, they have 53 member associations with a total of 6,000 individual members throughout Switzerland, 36 gay businesses, and an additional 2,300 individual members. Pink Cross aims at enforcing equal rights within society for this consciously chosen lifestyle by means of education and media work. They aim for legal equality for same sex partnerships, legal and constitutional protection against discrimination based on sexual orientation, effective protection against AIDS based on solidarity, involving all groups of gays; Pink Cross is a member and partner of the Swiss Aids Trust. Pink Cross was represented in the Council of the Swiss Fund for Needy Victims of the Holocaust/Shoah (1997-2002). Pink Cross was the only gay organisation included on Annex B as eligible to receive grants and to cooperate with the Nazi Persecutees' Relief Fund in representing interests of gay survivors.

Pink Cross Zingstrasse 16 3001 Bern Switzerland Tel. 031 372 33 00 Fax 031 372 33 17 [www.pinkcross.ch](http://www.pinkcross.ch)

**World Congress of Gay, Lesbian, Bisexual, Transgender Jews**

The World Congress of Gay, Lesbian, Bisexual, and Transgender Jews: Keshet Ga'avah consists of more than 65 member organizations in Argentina, Australia, Austria, Canada, France, Germany, Hungary, Israel, Mexico, The Netherlands, Spain, Sweden, the United Kingdom, and the United States. The World Congress holds conferences and workshops representing the interests of lesbian, gay, bisexual, & transgender Jews around the world. The focus of these sessions varies from regional, national, continental, to global. The Hebrew subtitle Keshet Ga'avah - *Rainbow of Pride* - emphasizes the importance of Hebrew and of Israel to the World Congress.

**WCGLBTJ PO Box 23379, Washington, DC 20026-3379, USA Tel. +1 (202) 452-7424**  
[www.glbtejews.org/](http://www.glbtejews.org/)

**AT LARGE MEMBERS**  
**Julie Dorf, Coordinator**  
**Klaus Muller**

## **BIOGRAPHICAL INFORMATION FOR KEY INDIVIDUALS INVOLVED IN THE PINK TRIANGLE COALITION**

### **Coordinator of the Pink Triangle Coalition: Julie Dorf**

Julie Dorf is the Director of Philanthropic Services and Development for the Horizons Foundation, a community foundation that serves the Bay Area's lesbian, gay, bisexual, and transgender community. Prior to this position, Julie consulted for other philanthropic and non-profit organizations including the Open Society Institute and Global Exchange. Prior to consulting, Julie was the Vice President of the Vanguard Public Foundation, which provides support for racial and economic justice work in Northern California and where she was responsible for their donor-advised funding. Before entering philanthropy, Julie served as the first Executive Director of the International Gay & Lesbian Human Rights Commission (IGLHRC) from 1990 to 2000. Her founding vision for the organization is articulated in its mission statement: to protect and advance the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation, gender identity or HIV status. Under her leadership, IGLHRC became a strong and effective human rights organization, which is known throughout the world.

Julie serves on a variety of boards of directors and advisory boards including the Women's Rights Division of Human Rights Watch, the Global Fund for Women, GenderPAC, the Intersex Society of North America, and The Pink Triangle Coalition, a coalition working on reparations for gay victims of the Nazis. Throughout her career, Julie has traveled extensively throughout the world, working closely with organizations that work on women's issues; sexuality and sexual orientation; reproductive and health rights, including HIV; and a variety of other social justice struggles. Her philanthropic consulting has included both international and domestic funding.

Julie's work has been recognized with awards and citations from sources such as the American Bar Association's Human Rights Magazine, the San Francisco Women's Building, and various local and state governments. Julie has written extensively on human rights issues for newspapers, magazines, books and other scholarly publications and been widely featured in such print and broadcast media as: *Time*, *Newsweek*, *Los Angeles Times*, *New York Times*, *San Francisco Chronicle*, *Ms. Magazine*, BBC, NPR, and *Larry King Live*. Julie holds a B.A. from Wesleyan University in Russian and Soviet Studies.

### **Member At-Large: Dr. Klaus Müller**

Based in Amsterdam, Dr. Klaus Müller is a museum and web consultant, independent filmmaker, and European program coordinator for the United States Holocaust Memorial Museum, Washington DC since 1994. He serves as a representative agent of the Holocaust Museum in Europe.



Dr. Müller worked as a curator with Museum Director Sara J. Bloomfield to conceptualise and develop the current exhibition on "Anne Frank The Writer: An unfinished Story" at the U.S. Holocaust Memorial Museum (June 12 - December 12, 2003) that displays for the first time Anne Frank's original writings together in one exhibition and portrays her as a writer in her own right. In 2000, he curated the first exhibition at the Holocaust Museum that is offered exclusively online: ' Do you remember when (<http://www.ushmm.org/doyourememberwhen/>). Combining music and historic photographs, the exhibition provided an in-depth examination of a personal artifact from the museums' collection, a small, handmade book recording the life of a Jewish Youth in Nazi Berlin.

During the conception of the Museum's permanent Exhibition, Dr. Müller, an expert in the persecution of homosexuals under Nazi rule, served as a consultant, researching and overseeing the inclusion of material documenting the experiences of homosexuals under Nazism.

In addition to his work as a Museum and Web Consultant, Dr. Müller is an independent filmmaker. He was the initiator, research director, and associate producer of the award-winning film *Paragraph 175*, which profiles gay survivors of Nazi persecution, and assistant director of the film *But I was a Girl*, documenting the life of Dutch lesbian resistance fighter and female orchestra conductor, Frieda Belinfante.

He is a frequent speaker at European and American museum conferences and has published articles in a variety of international museum journals on topics such, as outreach to new museum constituencies, features of online exhibitions, and the changing roles of museums' Web Sites. For the May/June 2003 issue of the American publication *Museum News*, he contributed the cover story "The Culture of Globalization." Dr. Müller is a founding Board Member and Web Coordinator of the ICOM International Committee of Memorial Museums for the Remembrance of Victims of Public Crimes (IC MEMO).

Dr. Müller holds a Ph.D. *summa cum laude* in Sociology and a Master's degree with honors in German Literature and Philosophy, both from the University of Münster, Germany.

#### **Representing the Mémorial de la Déportation Homosexuelle: Gerard Koskovich**

Gerard Koskovich is a San Francisco-based editor, writer, historian, and rare book dealer and collector. He has given talks on the history of homosexuality for a range of community groups; at conferences including the 2001 Global Summit of the International Lesbian and Gay Association; and at universities including Berkeley, Stanford, Yale and Harvard. He presented on the history of the Nazi persecution of homosexuals at the spring 2001 conference of Lesbian & Gay Pride Ile-de-France, held at the conference center of the French Senate in Paris.

Koskovich is the compiler of an extensive annotated bibliography of nonfiction sources documenting the experience of homosexuals during the Nazi era; the bibliography is available on the Web at [http://members.aol.com/dalembert/lgbt\\_history/nazi\\_biblio.html](http://members.aol.com/dalembert/lgbt_history/nazi_biblio.html). He

also is a regular contributor to Triangles Roses ([www.chez.com/triangles](http://www.chez.com/triangles)), the leading French-language website on the persecution of homosexuals under the Nazis. His essay providing an overview of the history of this persecution was recently published in Spanish translation in the Madrid-based queer studies journal *OrientacioneS* (December 2003).

Koskovich's articles on history, culture and politics have appeared in numerous magazines and newspapers in the United States since the early 1980s. His essay on the 1989 Castro Sweep police riot in San Francisco appears in a recent anthology, *Out in the Castro: Desire, Promise, Activism* (San Francisco: Leyland Press, 2002); his French-language article on the history and current development of gay, lesbian, bisexual and transgender libraries and archives appears in the December 2002 issue of *Triangul'ère* (Paris).

As an international organizer, Koskovich serves as United States general delegate for the Mémorial de la Déportation Homosexuelle (MDH), the French national association working to commemorate the homosexual victims of the Nazis. He represents the MDH in the Pink Triangle Coalition, a consortium of groups from Europe, Israel and the United States that advocates on behalf of homosexual victims in Holocaust reparations lawsuits and compensation programs. In addition, he serves on the scholarly committee of the Centre d'Archives et de Documentation Homosexuelles de Paris, an organization currently developing an LGBT archives and study center in Paris.

A founding member of the Gay, Lesbian, Bisexual, Transgender Historical Society, San Francisco ([www.glbthistory.org](http://www.glbthistory.org)), Koskovich has served on the organization's Board of Directors since 1998. Koskovich himself collects historic queer materials from the 16th through the mid-20th centuries; his personal collection includes over 2,000 volumes, plus periodicals, photographs, prints and ephemera.

Koskovich is employed by the American Society on Aging (ASA)—a U.S. national professional association based in San Francisco—where he edits nine different newsletters on various aspects of aging and serves as staff liaison for the association's Lesbian and Gay Aging Issues Network ([www.asaging.org/lgain](http://www.asaging.org/lgain)). He also runs his own business as a book scout and dealer specializing in queer antiquarian materials.

### **Representing HOSI-WIEN: Kurt Krickler**

Kurt was born in Austria in 1959, and studied translation (French, English, Spanish, Danish) in universities in Vienna and Paris. He holds a MA in English, French and Spanish from 1984; and since 1987 is a state authorised translator for Danish.

He is the co-founder in 1979 of *Homosexuelle Initiative (HOSI) Wien*, and has since worked for the association in various functions, including as a board member; secretary-general since 1994; and editor-in-chief of HOSI Wien's magazine *LAMBDA-Nachrichten*. In 1985 Krickler co-founded *Österreichische AIDS-Hilfe*, Austria's first AIDS service organisation.

Since 1981, Krickler has been active within the *International Lesbian and Gay Association (ILGA)*; from 1996 to 2003 member (and co-chair) of the executive board of ILGA-Europe, since October 2003 its honorary vice-president.

Krickler is the co-editor of three books: *Rosa Liebe unterm Roten Stern – Zur Lage der Lesben und Schwulen in Osteuropa*, Hamburg 1984; *Homosexualität in Österreich*, Vienna 1989; *AIDS. Ein lexikalisches Handbuch*, Vienna 1991. He has written numerous articles on homosexuality and on AIDS in both mainstream and gay/lesbian publications.

Kurt Krickler has been prominently involved in all activities of HOSI Wien with regard to gay and lesbian Nazi victims for the past 23 years, including working directly with pink triangle prisoners/survivors in Austria for compensation since 1982.

### **Representing the Magnus Hirschfeld Society: Ralf Dose**

Ralf Dose, born in 1950, studied philosophy, communications, pedagogy, and psychology in Goettingen and at Berlin's Free University. As a student in Berlin, he held a part-time position as a technical assistant with the Educational Department of the Free University. After he obtained his M.A. degree in 1979, he worked as a free-lancer for various University Departments and became a lecturer in Sex Education both at the Free University and the University of Hannover, Germany. 1980-1987, and again 1993-95 he held several part-time positions at the Social Science Research Centre in Berlin (Wissenschaftszentrum Berlin für Sozialforschung), where he served as a member of the President's staff and as a lecturer.

He became involved with the West Berlin Gay Movement in 1972, and was one of the founding members of the Magnus Hirschfeld Society, Inc., in 1982. Since that time, he acts as the Society's director and, according to available funds, as a volunteer, part-time, or full-time researcher in its small Research Unit on the History of Sexual Science. His main fields of research are the history of the Institute for Sexual Science, and the organizational history of the German (and European) GLBT and the sex reform movements. A publication list (mostly in German, some in English, French, and Spanish) can be found at [http://www.hirschfeld.in-berlin.de/kb\\_ralf\\_dose.html](http://www.hirschfeld.in-berlin.de/kb_ralf_dose.html)

### **Representing the Pink Cross: Beat Wagner**

Beat was born in Switzerland in 1953 and graduated in political science (University St. Gallen) and international public law (Graduate Institute for international studies, Geneva). He worked as a diplomat for the Swiss Ministry of Foreign Affairs from 1982-1988, as a consultant from 1988-1992 consultant, and from 1992-2000 as the Chief business editor of the St. Gallen daily newspaper. In 2001, Beat worked as Assistant Vice President in Credit Suisse Private Banking and since 2001 as Director of communication for the Swiss Red Cross.

Extra-professionally, Beat has been involved in many non-profit organizations including Chairman of the Berne Aids Trust, and co-founder and first Chairman, Pink Cross, National Gay League of Switzerland. From 1997-2002, Beat was a member of the Council of the Swiss Fund for the needy victims of the Holocaust/Shoah (representing interests of gay victims of Nazi persecution). Since 1997, he has been the Pink Cross representative for humanitarian affairs, and represents the Pink Cross within Pink Triangle Coalition.

### **Representing ILGA-Europe: Ailsa Spindler**

Ailsa joined ILGA-Europe as Executive Director on 1<sup>st</sup> June 2002, based in Brussels. She comes from Perth, Scotland, where she has been active in LGBT campaigning as a volunteer. She was a founder Board member and Vice-chair of 'Beyond Barriers', a major initiative to mainstream LGBT equality throughout Scotland. She also worked on the Scottish LGBT Parliamentary Forum, conferences of the Equality Network, and on a study of health needs of Transsexuals in Scotland.

Ailsa has worked for a number of NGOs, including the Red Cross and WWF. She has a broad experience of lobbying, planning, fundraising and public relations in the voluntary sector. She graduated in 1977 with a B.Sc in Rural Environment Studies from London University.

### **Representing the Aguda: Jonathan Herland**

Jonathan Herland, Esq. is admitted to the bar in New York and Israel, and practices law in the international department of Haim Samet, Steinmetz, Haring & Co., the Israeli affiliate of Holland & Knight, LLP. Jonathan has been actively involved with the *Aguda* in a *pro bono* capacity since 2001.

## Main activities of HOSI Wien regarding gay and lesbian Nazi victims

**In October 1980**, HOSI Wien joined, for the first time, an official commemorative ceremony at the former concentration camp of Mauthausen on Austria's national day.

**In 1982**, HOSI Wien had a first meeting with the Social Affairs Minister, responsible for the compensation of pink triangle prisoners. Lobbying activities of many years followed – and continue till this very day as a majority in Parliament still opposes the adoption of appropriate amendments to the Federal Nazi Victim Compensation Act (*Opferfürsorgegesetz*) that would grant compensation to persons persecuted by the Nazis on the grounds of sexual orientation. Draft bills failed both in 1988/89, in 1995 and in 2001. For the 1989 reform of the Compensation Act, HOSI Wien had even drafted a bill for a specific compensation act for gay and lesbian victims since the victim groups covered by the existing Compensation Act (persons persecuted on political, religious and racial grounds) had then opposed the inclusion of gays and lesbians in the existing law. HOSI Wien has supported victims to receive compensation under this scheme but all applications were rejected for the lack of a legal basis.

**In 1995**, the Austrian Parliament established a “National Fund for Victims of National Socialism” to cater for so-called “forgotten” victim groups. Due to the lobbying work of HOSI Wien and its previous complaints to the National Ombudsperson, “sexual orientation” was explicitly included in the scope of this fund. Two persons have since received compensation from this fund. Later, “sexual orientation” was also recognised, in the relevant Austrian legislation, as a ground of persecution entitling victims to receive payments both from the “General Settlement Fund for Victims of National Socialism” (to compensate for the loss of assets and property) and the “Austrian Reconciliation Fund” (to compensate survivors of slave/forced labour). HOSI Wien has supported one victim in his applications for compensation to all three funds.

**In December 1984**, HOSI Wien, together with three other Austrian gay and lesbian groups, mounted and unveiled a commemorative plaque in the former concentration camp of Mauthausen. This stone, financed by the organisations' own means, was the first one in the world to commemorate the homosexual victims of the Nazis.

**In 1985**, HOSI Wien participated, for the first time, in the annual ceremony held in the former camp of Mauthausen to commemorate its liberation in May 1945. The Austrian lesbian and gay movement has since participated in the ceremony every year, holding its own wreath-laying ceremony at the plaque for the homosexual victims, with key-note speakers such as the President of the Parliament, members of Parliament and other prominent public figures.

**In March and April of 1988**, to mark the 50<sup>th</sup> anniversary of the *Anschluß*, HOSI Wien rented, for a period of four weeks, 1,000 advertisement spaces in the tramways and public buses in Vienna and put up posters reading: “1938 – 1988, beaten to death, silenced to death – the homosexual victims of National Socialism”; the same words appear on the plaque in Mauthausen.

**In 1996 and 2001**, HOSI Wien invited French survivor Pierre Seel “to witness” at events organised both at its community centre and at a museum in Vienna.

**In 2001**, HOSI Wien organised the exhibition “Lost Lives – Nazi Persecution of Homosexuals in Vienna, 1938-45” which was shown on a public square in Vienna in June and July. Later, the whole exhibition was transformed into an internet exhibition: [www.ausdemleben.at](http://www.ausdemleben.at).

**In 2004**, HOSI Wien plans to publish the German translation of a biography on the Danish SS doctor Carl Værnet who carried out medical experiments on homosexual prisoners in the concentration camp of Buchenwald. The project includes the translation of the book published in Denmark in April 2002.

In order to disseminate information and knowledge and to educate people about the persecution of gays and lesbians during the Third Reich, HOSI Wien's quarterly magazine often published in-depth reports and articles on this subject.



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)

-----X

## **APPENDIX 3**

### **DVD VERSION OF PARAGRAPH 175**

Included in Special Master submission only.  
Available to others upon request.





UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)

-----x

## **APPENDIX 4**

# **ASTRAEA LESBIAN FOUNDATION FOR JUSTICE**

## **FINANCIAL AND PROGRAMMATIC REPORTS**

Submitted in separate envelope.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461

-----X  
**CERTIFICATE OF SERVICE**

I am over the age of 18 years and am not a party to this action. I hereby certify that on this 19th day of December, 2003, I caused copies of the foregoing Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation, including:

- Memorandum in Support of Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation;
- Affidavit of Julie R. Dorf in Support of Joint Objection and Proposal of the Pink Triangle Coalition;
- Affidavit of Professor James D. Steakley in Support of the Submission by the Pink Triangle Coalition; and
- Proposal for a *Cy Pres* Allocation for Homosexual Victims of the Nazis, with Appendices

to be served via United States Postal Service first class mail postage prepaid on:

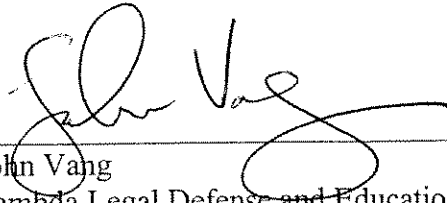
Special Master Judah Gribetz, Esq.  
Holocaust Victim Assets Litigation  
P.O. Box 8300  
San Francisco, CA 94128-8300

Roger Witten, Esq.  
Wilmer, Cutler & Pickering  
2445 "M" Street, N.W.  
Washington, DC 20037

Prof. Burt Neuborne  
New York University Law School  
Brennan Center for Justice  
161 6<sup>th</sup> Avenue, 12<sup>th</sup> Floor  
New York, NY 10013

Morris A. Ratner, Esq.  
Lief, Heimann, Cabraser & Bernstein,  
LLP  
780 Third Avenue, 48<sup>th</sup> Floor  
New York, NY 10017

Dated: December 19, 2003  
New York, New York

A handwritten signature in black ink, appearing to read "John Vang", written over a horizontal line.

John Vang  
Lambda Legal Defense and Education  
Fund  
120 Wall Street, Suite 1500  
New York, NY 10005  
(212) 809-8585

C-ENG 0076 097  
RECEIVED

FEB 04 2004

LEGAL SERVICES

Lambda  
LEGAL

January 30, 2004

Honorable Judah Gribetz, Esq.  
Special Master  
Holocaust Victim Assets Litigation  
P.O. Box 8300  
San Francisco, CA 94128-8300

Re: *In Re: Holocaust Victim's Assets Litigation*, CASE NO. 96CV4849  
(ERK)(MDG) (Consolidated with CV 96-5161 and CV 97-461)

Dear Special Master Gribetz:

We respectfully submit on behalf of the Pink Triangle Coalition the enclosed *Affidavits of Pierre Seel, Karl Lange and Klaus Müller in Support of the Joint Objection and Proposal of the Pink Triangle Coalition*, the originals of which are being filed with the Court today. The enclosed affidavits include:

1. The affidavit of Pierre Seel, a French survivor of Nazi persecution of homosexuals. Mr. Seel's affidavit in his native French is accompanied by a certified English translation.
2. The affidavit of Karl Lange, a German survivor of Nazi persecution of homosexuals. Mr. Lange's German-language affidavit is accompanied by a certified English translation.
3. The affidavit of expert and Pink Triangle Coalition member-at-large Dr. Klaus Müller.

*Special Master Judah Gribetz, Esq.*

*January 30, 2004*

*Page 2*

These affidavits are submitted in further support of the *Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation*, which was served and filed with the Court and your office on December 19, 2003.

Respectfully submitted,



Susan Sommer

Enclosures

cc: Honorable Edward R. Korman  
Professor Burt Neuborne  
Morris A. Ratner, Esq.  
Roger Witten, Esq.



January 30, 2004

Clerk of the Court  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
**BY HAND**

Re: *In Re: Holocaust Victim's Assets Litigation, CASE NO. 96CV4849*  
(ERK)(MDG) (Consolidated with CV 96-5161 and CV 97-461)

Dear Sir/Madame:

We respectfully enclose for filing on behalf of the Pink Triangle Coalition the *Affidavits of Pierre Seel, Karl Lange and Klaus Müller in Support of the Joint Objection and Proposal of the Pink Triangle Coalition*, including:

1. The affidavit of Pierre Seel, a French survivor of Nazi persecution of homosexuals. Mr. Seel's affidavit in his native French is accompanied by a certified English translation.
2. The affidavit of Karl Lange, a German survivor of Nazi persecution of homosexuals. Mr. Lange's German-language affidavit is accompanied by a certified English translation.
3. The affidavit of expert and Pink Triangle Coalition member-at-large Dr. Klaus Müller.

*Clerk of the United States District Court,  
Eastern District of New York  
January 30, 2004  
Page 2*

These affidavits supplement the *Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation*, which was served and filed with the Court and Special Master Judah Gribetz, Esq. on December 19, 2003.

Respectfully submitted,



Susan Sommer

Enclosures

cc: Honorable Edward R. Korman  
Special Master Judah Gribetz, Esq.  
Professor Burt Neuborne  
Morris A. Ratner, Esq.  
Roger Witten, Esq.





January 30, 2004

Honorable Edward R. Korman  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
**BY HAND**

Re: *In Re: Holocaust Victim's Assets Litigation, CASE NO. 96CV4849*  
*(ERK)(MDG) (Consolidated with CV 96-5161 and CV 97-461)*

Dear Judge Korman:

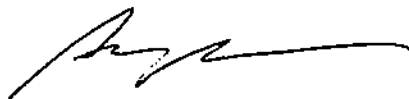
We respectfully enclose on behalf of the Pink Triangle Coalition a courtesy set of the *Affidavits of Pierre Seel, Karl Lange and Klaus Müller in Support of the Joint Objection and Proposal of the Pink Triangle Coalition*, served and filed with the Court and Special Master today. These affidavits include:

1. The affidavit of Pierre Seel, a French survivor of Nazi persecution of homosexuals. Mr. Seel's affidavit in his native French is accompanied by a certified English translation.
2. The affidavit of Karl Lange, a German survivor of Nazi persecution of homosexuals. Mr. Lange's German-language affidavit is accompanied by a certified English translation.
3. The affidavit of expert and Pink Triangle Coalition member-at-large Dr. Klaus Müller.

Honorable Edward R. Korman  
January 30, 2004  
Page 2

These affidavits supplement the *Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation*, which was served and filed with the Court and the Special Master on December 19, 2003.

Respectfully submitted,



Susan Sommer

Enclosures

cc: Special Master Judah Gribetz, Esq.  
Professor Burt Neuborne  
Morris A. Ratner, Esq.  
Roger Witten, Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)

-----X  
**AFFIDAVITS OF PIERRE SEEL, KARL LANGE AND  
KLAUS MÜLLER IN SUPPORT OF THE JOINT  
OBJECTION AND PROPOSAL OF THE  
PINK TRIANGLE COALITION**

Susan Sommer, Esq.  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND  
120 Wall Street, Suite 1500  
New York, New York 10005  
Telephone: (212) 809-8585  
Facsimile: (212) 809-0055

Counsel for Pink Triangle Coalition

Seel Aff. w/  
Certified  
Translation

1234567890

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)

-----X  
**Affidavit de Pierre Seel : Objection à la Recommandation du 2 octobre 2003  
du *Special Master*, et appui à la proposition  
cy-près de la Pink Triangle Coalition**

1. Je soussigné, Pierre Seel, réside à Toulouse en France. Je suis né en France en 1923. Le régime nazi m'a persécuté parce que j'étais homosexuel. Je suis membre-bénéficiaire survivant de la Pink Triangle Coalition, laquelle cherche à protéger dans cette affaire mes intérêts et ceux de toutes les personnes homosexuelles connues et inconnues qui ont été victimes de la persécution nazie.

2. J'ai été arrêté en 1941 en Alsace, une région de France annexée par l'Allemagne nazie. La Police criminelle allemande en Alsace avait donné l'ordre à toutes les gendarmeries et à tous les postes de police d'Alsace de signaler les personnes « déviantes ». Le 3 mai 1941, la Gestapo m'a convoqué (j'avais 17 ans à l'époque) et m'a interrogé à propos de mon homosexualité. Mon arrestation était liée aux « dossiers roses » constitués par la police française pour retracer les homosexuels, même si, en vertu du Code pénal français, l'homosexualité n'était plus illégale depuis le 18<sup>e</sup> siècle. Au moment de mon interrogation, on m'a montré ma signature au bas d'un rapport de vol d'une montre dans un lieu de rassemblement pour hommes gay, avant l'invasion nazie. La Gestapo a considéré que cela constituait

une preuve de mon homosexualité. L'interrogation a été violente, verbalement et physiquement. Les SS voulaient connaître le nom de tous les homosexuels de Mulhouse, où j'habitais. Je faisais partie d'un groupe d'environ 12 jeunes interrogés. Pour les contraindre à donner des noms, les SS ont arraché les ongles de certains d'entre eux et en ont violé certains autres avec des bâtons en bois. J'ai été contraint de signer une liste de noms d'homosexuels, comme d'autres jeunes hommes arrêtés au même moment.

3. J'ai passé 10 jours à la prison de Mulhouse. Le 13 mai 1941, j'ai été transféré au camp de concentration de Schirmeck-Vorbrück, avec une douzaine de prisonniers présumément homosexuels. Comme de nombreux hommes homosexuels en Allemagne et dans les territoires annexés, j'ai été arrêté et interné par les Nazis sans accusation formelle et sans procès. Malgré tout, j'étais identifié comme un prisonnier homosexuel. J'ai été interné au camp de concentration de Schirmeck-Vorbrück en Alsace pendant six mois, sans jugement d'un tribunal.

4. Pendant mon internement, j'ai dû faire un travail de forçat, notamment pour la construction du camp de Struthof-Natzweiler, à 50 km au sud-ouest de Strasbourg, avec d'autres prisonniers de Schirmeck-Vorbrück. Notre travail consistait notamment à bâtir les quartiers des prisonniers ainsi que d'autres bâtiments sur le site. À Schirmeck-Vorbrück, j'ai été torturé par les gardes SS au camp de concentration. Ils m'ont sodomisé avec un morceau de bois. Je souffre toujours aujourd'hui de problèmes médicaux chroniques dus à la torture.

5. Par la présente, je m'objecte à la Recommandation du 2 octobre 2003 du *Special Master* dans cette affaire puisqu'elle propose de distribuer les sommes non réclamées dans le cadre de ce règlement exclusivement pour fournir une aide directe aux seules victimes identifiées dans le besoin. Cette utilisation des fonds ne rendrait pas justice aux victimes homosexuelles des Nazis, dont la plupart

sont aujourd'hui soit décédées, soit impossibles à localiser. Étant donné que la criminalisation et la stigmatisation de l'homosexualité s'est poursuivie pendant plusieurs décennies après la fin de la Deuxième Guerre mondiale, notre souffrance aux mains du Troisième Reich a largement passé sous le silence. Le fait de limiter la distribution à ceux d'entre nous qui peuvent être localisés ne constitue pas une réparation adéquate aux membres homosexuels du recours collectif.

6. Pendant de nombreuses années, j'étais trop traumatisé et j'avais trop peur de la stigmatisation et de la discrimination pour parler ouvertement de la persécution par les Nazis. Puisque l'homosexualité était toujours une source de discrimination sociale en France après la guerre, je craignais d'être stigmatisé si je m'identifiais comme une victime de la persécution nazie des homosexuels. Je n'ai jamais pu parler à mes parents de ce qui s'était passé dans le camp. Pour me protéger, je me suis même marié. Ce n'est que plusieurs dizaines d'années après la guerre, lorsque j'ai entendu des extraits des mémoires d'un autre survivant homosexuel, lors d'une présentation dans une librairie française, que j'ai commencé à raconter mon épreuve. Au cours des années 1980 et 1990, j'ai tenté de faire reconnaître ma persécution en tant qu'homosexuel, dans des lettres envoyées aux présidents Mitterrand et Chirac, mais en vain. En 1994, j'ai publié mes mémoires, lesquelles sont apparues en 1995 en traduction anglaise sous le titre de « I, Pierre Seel, Deported Homosexual ». En 1995, j'ai signé une déclaration des survivants gay, 50 ans après la libération, organisée par Klaus Müller, membre de la Pink Triangle Coalition. Pour la première fois, les survivants gay parlaient en tant que groupe. À la lumière de mon expérience et de celle d'autres personnes, je crois que d'innombrables victimes homosexuelles sont mortes sans révéler la persécution dont elles ont souffert, et que beaucoup de survivants craignent toujours ou sont incapables de s'identifier. Au cours des vingt

dernières années, j'ai travaillé pour m'assurer que la persécution des homosexuels par les Nazis ne soit ni oubliée, ni réduite au silence.

7. C'est la Pink Triangle Coalition m'a informé du fait que l'Organisation internationale pour les migrations (IOM) a tenté de localiser les survivants homosexuels du Troisième Reich. Je n'ai cependant pas entendu parlé de cette affaire par le biais de l'IOM. L'IOM n'a pas communiqué avec moi avant que la Pink Triangle Coalition ne me mette en contact avec l'IOM, et je n'ai jamais vu de documents publicitaires de l'IOM ou de quiconque au sujet de ce règlement. Je n'ai entendu parlé de cette affaire que par le biais de contacts avec les membres de la Pink Triangle Coalition, et avec l'aide de la Coalition, j'ai déposé une réclamation auprès de l'IOM à la fin de 2001. Je n'ai toujours pas reçu d'indemnité, et encore une fois avec l'aide de la Coalition, j'ai déposé une autre réclamation auprès de l'IOM en décembre 2003.

8. J'habite seul dans un appartement subventionné pour personnes à revenu modique. Je vis d'une petite pension et de l'assistance sociale pour personnes handicapées. Je souffre toujours des effets permanents de la torture infligée par les SS. J'ai besoin d'aide financière pour couvrir mes dépenses, notamment mes dépenses médicales. Cependant, je ne crois pas que le fait de fournir une aide directe uniquement à moi et aux quelques autres survivants homosexuels de la persécution nazie constituerait une réparation juste aux membres homosexuels du recours collectif.

9. Un règlement qui ne fait pas davantage pour reconnaître et commémorer les homosexuels qui ont souffert aux mains des Nazis ne profiterait pas adéquatement aux membres homosexuels du recours collectif. J'appuie la proposition de la Pink Triangle Coalition en faveur d'une distribution des fonds, non seulement pour une aide directe aux quelques survivants homosexuels dans le besoin



identifiés, mais aussi pour financer des recherches universitaires et des programmes d'éducation au sujet de la persécution des homosexuels par les Nazis, et pour financer des programmes visant à prévenir la persécution homophobe à travers le monde. Il importe de poursuivre le travail en faveur d'une pleine reconnaissance des personnes persécutées par les Nazis en raison de leur homosexualité. Il importe également de perpétuer le souvenir des épreuves vécues par les victimes homosexuelles des Nazis, afin d'empêcher l'histoire de se répéter. Cette utilisation des fonds serait pertinente dans la mesure où elle profiterait aux membres homosexuels du recours collectif pour qui ce règlement n'offre pas une réparation adéquate.

10. En plus de cette objection en mon propre nom, en tant qu'individu et en tant que membre-survivant bénéficiaire de la Pink Triangle Coalition, je m'allie à la Coalition qui s'objecte à la ~~Recommandation du *Special Master* concernant la distribution des fonds du règlement.~~ Je demande respectueusement au Tribunal d'acquiescer à la demande de la Pink Triangle Coalition pour une distribution des fonds servant à commémorer les victimes homosexuelles des Nazis et profitant à toutes les victimes.

11. Je ne parle pas l'anglais; je fais donc cet affidavit dans ma langue maternelle, le français.

Je soussigné, Pierre Seel, conscient des peines imposées par les lois des États-Unis d'Amérique en cas de parjure, déclare solennellement que ces renseignements sont véridiques et exacts.

Fait le 16 janvier 2004

\_\_\_\_\_  
Pierre Seel

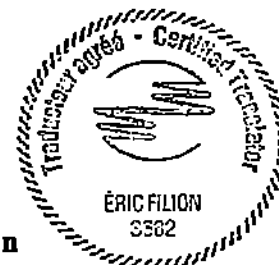


**CERTIFIED TRANSLATION OF A DOCUMENT  
WRITTEN IN FRENCH**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461)



**Affidavit of Pierre Seel in Objection to the  
Special Master's October 2, 2003 Recommendation  
and in Support of the *Cy Pres* Proposal of the Pink Triangle Coalition**

1. I, Pierre Seel, reside in Toulouse, France. I was born in France in 1923. I was persecuted by the Nazi Regime because I am a homosexual. I am a Survivor Member-Beneficiary of the Pink Triangle Coalition, which seeks to protect my interests as well as those of other known and unknown homosexual victims of Nazi persecution in this case.

2. I was arrested in 1941 in Alsace, a region of France annexed by Nazi Germany. An early order of the German Criminal Police in Alsace had instructed all gendarmerie and police stations in Alsace to report all "deviant" persons. On 3 May 1941 the Gestapo summoned me (I was 17 at the time) and questioned me about my homosexuality. My arrest was in connection with the "Pink Files" established by the French police to track homosexuals, despite the fact that the French Penal Code had legalized homosexuality in the eighteenth century. At the interrogation I was shown my signature under a report of the theft of a watch at a gathering place for gay men, prior to the Nazi invasion. The Gestapo took this as proof of my homosexuality. The interrogation was violent verbally and physically. The SS wanted to know the names of all

**CERTIFIED TRANSLATION OF A DOCUMENT  
WRITTEN IN FRENCH**

homosexuals in Mulhouse, where I lived. I was one of approximately 12 youths who were interrogated. To make them confess names, the SS pulled off the fingernails of some of the prisoners and raped some with wooden sticks. I was forced to sign a list of names of homosexuals, as were the other young men arrested with me.

3. I was sent to the prison of Mulhouse for 10 days. On May 13, 1941, I was deported to the Schirmeck-Vorbrück concentration camp, together with a dozen other prisoners believed to be homosexual. Like many homosexual men throughout Germany and the annexed territories, I was arrested and interned by the Nazis without a formal criminal charge and without a trial. I was nonetheless identified at the time as a homosexual prisoner. I was interned in Schirmeck-Vorbrück concentration camp in Alsace for six months, without sentence.

4. During my internment, I was required to perform forced slave labor, including work on the construction of the camp of Struthof-Natzweiler, 31 miles southwest of Strasburg, together with other inmates of Schirmeck-Vorbrück. This included building the barracks for the inmates as well as other buildings on the site. In Schirmeck-Vorbrück, I was tortured by SS guards in the concentration camp, who sodomized me with a piece of wood. I continue to suffer long-term medical problems from this torture.

5. I hereby object to the October 2, 2003 Recommendation of the Special Master in this case to the extent it proposes to distribute residual unclaimed funds in this settlement exclusively to provide direct assistance only to identified needy victims of the Nazis. This use of the funds would not do justice to homosexual victims of the Nazis, nearly all of whom are now either dead or impossible to identify. Because we continued to be criminalized and stigmatized for decades



**CERTIFIED TRANSLATION OF A DOCUMENT  
WRITTEN IN FRENCH**

following World War II, our suffering at the hands of the Third Reich went largely unreported and unrecognized. To limit a distribution only to those few of us who can now be located would inadequately compensate homosexual members of the class.

6. For many years I was too traumatized and too fearful of stigmatization and discrimination to speak openly about my persecution by the Nazis. Because homosexuality continued to be source of social and legal discrimination in France after the war, I feared that I would suffer stigma if I identified myself as a victim of the Nazi persecution of homosexuals. I was never able to talk with my parents about what happened to me in the camp. In order to protect myself, I even married. It was only decades after the war, when I heard excerpts from the memoir of another gay survivor, read during a presentation in a French bookshop, that I started to testify to my ordeal. Throughout the 1980's and 1990's, I tried to receive recognition for my persecution as a homosexual, via letters to Presidents Mitterrand and Chirac, but with no success. In 1994 I published my memoir, which appeared in English translation in 1995 under the title "I, Pierre Seel, Deported Homosexual." In 1995 I signed a declaration of gay survivors 50 years after the liberation that was organized by Pink Triangle Coalition member Klaus Müller; the first and only time that gay survivors spoke as a group. I believe based on my own experience and that of others I knew that countless homosexual victims died without revealing their persecution and that many of the few who survive remain afraid and unable to step forward now. I have worked in the past two decades to try to make sure that the Nazi persecution of homosexuals is not silenced or forgotten.



**CERTIFIED TRANSLATION OF A DOCUMENT  
WRITTEN IN FRENCH**

7. Though I understand now from the Pink Triangle Coalition that the International Organization for Migration (IOM) has attempted to locate homosexual survivors of the Third Reich, I did not learn of this case from the IOM. I was not contacted by the IOM until the Pink Triangle Coalition put me in touch with it, nor did I see outreach publicity about this settlement from the IOM or any other source. I learned of this case only through contacts with members of the Pink Triangle Coalition, and with assistance from the Coalition, I filed a claim with the IOM in this case in late 2001. I have yet to receive a disbursement, and again with the assistance of the Coalition, I filed another claim with the IOM in December 2003.

8. I live alone in a subsidized low-income apartment on a small pension and social assistance for disabled persons. I still suffer from the long-term effects caused by the torture afflicted upon me by the SS. I am in need of assistance for medical and other expenses. Nonetheless, I do not believe that providing direct material assistance only to myself and those few other homosexual survivors of Nazi persecution now able to come forward would fairly compensate homosexual members of the class.

9. A settlement remedy that does not do more to acknowledge and commemorate homosexuals who suffered at the hands of the Nazis would inadequately benefit homosexual members of the class. I support and join in the proposal of the Pink Triangle Coalition for a modest distribution of settlement funds to provide not only direct assistance to the few needy homosexual survivors who have been identified, but also to fund scholarly research and educational programs about Nazi persecution of homosexuals and to fund programs aimed at preventing anti-gay persecution that persists around the world. It is important to continue to



**CERTIFIED TRANSLATION OF A DOCUMENT  
WRITTEN IN FRENCH**

work for the full recognition of victims of the Nazis persecuted on the grounds of their homosexuality. It is also important to keep alive the memory of the ordeal of the homosexual victims of the Nazis, to prevent history from repeating itself. This would be a fitting use of settlement funds to benefit homosexual members of the class, whose interests are otherwise inadequately addressed in this settlement.

10. In addition to this objection on my own behalf, I also join in the Pink Triangle Coalition's objection to the Special Master's Recommendation and the proposal for a distribution of settlement funds, both as an individual and as a Survivor-Member Beneficiary of the Coalition. I respectfully request that the Court grant the Pink Triangle Coalition's request for a distribution of settlement funds to commemorate and benefit homosexual victims of the Nazis.

11. I am not conversant in English, and make this affidavit in my native language, French.

I, Pierre Seel, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: \_\_\_ January, 2004

\_\_\_\_\_  
Pierre Seel

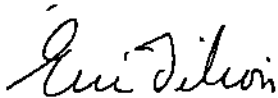


**CERTIFIED TRANSLATION OF A DOCUMENT  
WRITTEN IN FRENCH**

**Declaration**

I, the undersigned, certify and declare under penalty of perjury under the laws of the United States of America that the text above is an accurate translation of a document written in French. Each page of this document bears my seal. I am a professional translator on the staff of Trema Translations, Inc., a translation service located in Montreal. I am certified to translate between English and French by the *Ordre des traducteurs, terminologues et interprètes agréés du Québec* (OTTIAQ), of which I am a member. OTTIAQ is an order belonging to the *Conseil interprofessionnel du Québec* in the same right as the associations representing such other professionals as engineers, chartered accountants and chartered administrators.

Executed on : 13 January, 2004.



**Éric Filion**, certified translator  
Member of the Ordre des traducteurs, terminologues  
et interprètes agréés du Québec (OTTIAQ)

Trema Translations, Inc.  
1396 St. Catherine Street West  
Suite 325  
Montreal, Quebec  
Canada H3G 1P9

Phone: (514) 397-1411  
Fax: (514) 397-0440  
E-mail: [filion@trema.net](mailto:filion@trema.net)

Lange Aff. w/  
Certified  
Translation



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
IN RE: HOLOCAUST VICTIMS ASSETS

CASE NO.  
96CV4849(ERK)(MDG)  
(Consolidated with CV 96-  
5161 and CV 97-461)

-----x  
**Eidesstattliche Erklärung von Karl Lange als Einspruch**

**gegen die Empfehlung des Special Master vom 2. Oktober 2003**

**und als Unterstützung des *Cy Pres* – Antrages der Pink Triangle Coalition**

1. Ich, Karl Lange, wohne in Hamburg, Bundesrepublik Deutschland. Ich wurde im Jahr 1915 in Hamburg geboren. Ich wurde als Homosexueller durch das Nazi-Regime verfolgt. Als Überlebender gehöre ich zur Pink Triangle Coalition und werde durch diese unterstützt. Die Pink Triangle Coalition hat zum Ziel, im vorliegenden Fall meine Interessen und jene anderer bekannter und unbekannter homosexueller Opfer der Verfolgung durch die Nazis wahrzunehmen.

2. Nach einer Denunziation wurde ich unter dem Nazi Regime 1935 in Hamburg festgenommen und aufgrund von Paragraph 175 zu 15 Monaten Haft verurteilt. Kurz nach meiner Freilassung wurde ich im Jahr 1937 erneut denunziert und festgenommen. Nach 18 Monaten Untersuchungshaft wurde ich aufgrund von Paragraph 175 zu 3 Jahren sogenannter „Sicherheitsverwahrung“ ver-

urteilt. Die Sicherheitsverwahrung erwies sich indessen als unbegrenzt und dauerte bei siebenjähriger Zwangsarbeit bis 1945. Zuerst wurde ich im Zuchthaus Fuhlsbüttel in Hamburg festgehalten und musste dort in der Bäckerei arbeiten. Nach der schweren Bombardierung Hamburgs im Sommer 1943 wurden viele Zuchthausinsassen ins nahe gelegene Konzentrationslager Neuengamme verfrachtet. Ich wurde im Sommer 1943 ins Zuchthaus Waldheim in Sachsen verlegt. Ich musste dort Zwangsarbeit für die Rüstungswirtschaft leisten. Zuerst war ich gezwungen, Maschinengewehre für die Deutsche Wehrmacht zu montieren, später wurde ich aufgrund meiner vorgespilten Ungeschicktheit einer Abteilung zugeteilt, in der ich Munitionstaschen zu nähen hatte.

3. Ein durch die Misshandlung und die schlechten Lebensbedingungen verursachter physischer und psychischer Zusammenbruch beendete diese Zwangsarbeit im Herbst 1944. Im Mai 1945 wurde ich durch Russische Militärs aus dem Lazarett Waldheim befreit.

4. Auch nach Kriegsende wurde ich als Homosexueller Opfer von Diskriminierung. Es war für mich schwierig und schmerzlich, über meine Erlebnisse zu sprechen. Ich hatte zu befürchten, dass meine Identifizierung als Schwuler negative Auswirkungen hätte, da Homosexualität im Nachkriegs-Deutschland weiterhin stigmatisiert wurde und unter Strafe stand. Wegen meiner Polizeiakte war es für mich ausserordentlich schwierig, eine angemessene Arbeit zu finden.

Die Polizeibehörden weigerten sich, aus meinem Führungszeugnis den Verweis auf die Verurteilung aufgrund von Paragraph 175 zu entfernen. Ich verlor deshalb wiederholt meine Arbeitsstelle. In den fünfziger Jahren wurden Schwule durch die Hamburger Polizei systematisch bespitzelt. In einem konkreten Fall beispielsweise wurde ich mit Verweis auf die Akten aus der Nazi-Zeit gedrängt, in einer gerichtlichen Untersuchung als Zeuge auszusagen. Solche Diskriminierung dauerte bis zur formellen Aufhebung von Paragraph 175 im Jahr 1969. Ernste gesellschaftliche Diskriminierung hielt jedoch bis weit in die achtziger Jahre an und ist in verschiedner Hinsicht auch heute noch ein Problem.

5. Der deutsche Forscher und Autor Lutz van Dijk schliesslich ermutigte mich Anfangs der neunziger Jahre, mich öffentlich als schwules Opfer der Verfolgung durch die Nazis zu erkennen zu geben. Ich willigte ein, meine Geschichte in sein 1992 veröffentlichtes Buch „Ein erfülltes Leben – trotzdem..... Erinnerungen Homosexueller 1933-1945“ aufzunehmen, weil ich der Meinung bin, die gegenwärtige und künftige Generationen müssten über die Verfolgung Homosexueller durch die Nazis informiert werden. Nie hat irgendeine Organisation etwas unternommen, um meine Interessen als schwuler Überlebender der Nazi-Verfolgung zu vertreten, bis Mitglieder der Pink Triangle Coalition im Jahr 1998 mit mir Kontakt aufnahmen. Ich hielt es auch nicht für richtig, selber als Bittsteller um eine Entschädigung anzuhalten. Ich habe daher mit der Hilfe der Mitglieder der Pink Triangle Coalition zwar einmalige humanitäre Unterstüt-

zung erhalten, aber nie irgendeine Entschädigung für die unter dem Nazi-Regime erlittene Verfolgung.

6. Ich erhebe hiermit Einspruch gegen die Empfehlung des Special Master vom 2. Oktober 2003 im vorliegenden Fall, im besonderen zu seiner Empfehlung, aus dem Vergleich stammende verbleibende Mittel ausschliesslich zur direkten Unterstützung bedürftiger Opfer der Verfolgung durch die Nazis zu verwenden. Eine solche Verwendung der verbleibenden Mittel würde der Situation homosexueller Nazi-Opfer nicht gerecht, da fast alle entweder verstorben und nicht als solche bekannt sind. Wir wurden auch nach dem Zweiten Weltkrieg weiterhin und während langer Zeit kriminalisiert und stigmatisiert. Was wir während des Dritten Reichs erlitten haben, wurde zum grossen Teil weder zur Kenntnis genommen noch anerkannt. Eine Verteilung der verbleibenden Mittel nur an die bekannten homosexuellen Überlebenden wäre keine angemessene Entschädigung der homosexuellen Angehörigen der Klägergruppe.

7. Ich vernehme zwar durch die Pink Triangle Coalition, dass die Internationale Organisation für Migration (IOM) versucht hat, homosexuelle Überlebende ausfindig zu machen, aber ich habe davon nie durch die IOM erfahren. Die IOM hat mich nie kontaktiert, bis die Pink Triangle Coalition den Kontakt herstellte, und ich habe nie eine öffentliche Bekanntmachung der IOM oder einer anderen Quelle zu diesem Vergleich gesehen. Ich habe davon erst durch

meine Kontakte mit Mitgliedern der Pink Triangle Coalition und mit der Hilfe der Coalition vernommen. Ich habe deshalb bei der IOM kein Gesuch eingereicht, bis ich dies im Dezember 2003 mit der Hilfe der Pink Triangle Coalition tun konnte.

8. Ich lebe von einer sehr geringen Rente, die zur Hälfte zur Bezahlung meiner Wohnungsmiete dient. Ich bin zuckerkrank und habe einen erheblichen Teil meiner Sehkraft verloren. Deswegen bin ich auf ständige medizinische Betreuung angewiesen. Ich brauche Hilfe für meine Gesundheitsversorgung und meinen Lebensunterhalt. Ich glaube aber nicht, dass eine materielle Unterstützung an mich und die wenigen anderen bekannten homosexuellen Überlebenden der Nazi-Verfolgung eine angemessene Entschädigung für alle homosexuellen Angehörigen der Klägergruppe wäre.

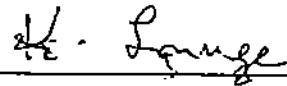
9. Wenn der Vergleich nicht mehr bringt für die Anerkennung und die Würdigung der homosexuellen Opfer der Verfolgung durch die Nazis, dann wird er den homosexuellen Angehörigen der Klägergruppe nicht gerecht. Ich unterstütze den Vorschlag der Pink Triangle Coalition und schliesse mich ihm an, einen Teil der Mittel aus dem Vergleich nicht nur für direkte Hilfe an die wenigen bekannten, bedürftigen homosexuellen Überlebenden zu verwenden, sondern auch zur Finanzierung von wissenschaftlicher Forschung und von Bildungsprogrammen über die Verfolgung Homosexueller durch die Nazis, und zur

Finanzierung von Programmen zum Kampf gegen die Verfolgung Schwuler in der ganzen Welt. Ich bin der Meinung, das Leiden der Menschen, die wegen ihrer Homosexualität durch die Nazis verfolgt wurden, müsse endlich anerkannt werden. Auch künftige Generationen sollen sich an mein Schicksal und das anderer Opfer der Nazis erinnern und verstehen, was geschehen ist, und dies soll bewirken, dass ähnliche Grausamkeiten künftig verhindert werden. Der Vorschlag der Pink Triangle Coalition ist geeignet, Mittel aus dem Vergleich zum Nutzen der homosexuellen Angehörigen der Klägergruppe zu verwenden, deren Interessen sonst nicht angemessen berücksichtigt würden.

10. Ich erhebe in meinem eigenem Namen Einspruch, und ich schliesse mich dem Einspruch der Pink Triangle Coalition gegen die Empfehlung des Special Master und dem Vorschlag für eine Verteilung der verbleibenden Mittel an, und zwar als Einzelner wie als unterstützter Angehöriger der Pink Triangle Coalition. Ich bitte das Gericht, dem Gesuch der Pink Triangle Coalition für eine Verteilung von Mitteln aus dem Vergleich zur Erinnerung und zum Nutzen homosexueller Opfer des Nazi-Regimes Folge zu geben.

Ich, Karl Lange, erkläre im Wissen um die Strafbarkeit einer Falschaussage  
gemäss der Gesetzgebung der Vereinigten Staaten von Amerika, dass die oben  
stehenden Aussagen wahr und richtig sind.

Ausgefertigt am 27 Januar 2004

Handwritten signature of Karl Lange in cursive script, written above a horizontal line.

Karl Lange

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
**IN RE: HOLOCAUST VICTIMS ASSETS**

**CASE NO.  
96CV4849(ERK)(MDG)  
(Consolidated with CV 96-  
5161 and CV 97-461)**

-----X  
**Affidavit of Karl Lange in Objection to the  
Special Master's October 2, 2003 Recommendation  
and in Support of the *Cy Pres* Proposal of the Pink Triangle Coalition**

1. I, Karl Lange, reside in Hamburg, Germany. I was born in Hamburg, Germany in 1915. I was persecuted by the Nazi Regime because I am a homosexual. I am a Survivor Member-Beneficiary of the Pink Triangle Coalition, which seeks to protect my interests as well as those of other known and unknown homosexual victims of Nazi persecution in this case.

2. I was arrested by the Nazi regime in 1935 in Hamburg after having been denounced to the police, and was condemned to 15 months in prison under Paragraph 175. Shortly after my release, I was again denounced and arrested in 1937. After 18 months of preventive detention, I was condemned under paragraph 175 to three years of so called "security custody". The punishment turned out to be of undetermined duration and came to end in 1945 only after seven years of forced labour. I was first imprisoned in Hamburg Fuhlsbüttel prison



where I had to work in the bakery. After the heavy bombing of Hamburg in the summer of 1943, many inmates were transferred to nearby Neuengamme Concentration camp. I was transferred to Waldheim prison in Saxony in the summer of 1943, where I was forced to work for the German armament industry. I had first to assemble machine guns and then, due to my fake clumsiness, was switched to another department where I had to sew ammunition bags for the German Army.

3. The forced labor came to an end in autumn 1944 when I suffered a physical and nervous breakdown from the effects of this ordeal. I was finally freed from the Waldheim prison hospital by Russian troops in May 1945.

4. After the war, I continued to face discrimination because of my homosexuality. I found it difficult and painful to speak of my experience. I was also fearful of the consequences of publicly revealing my persecution, and my homosexuality, because of ongoing stigma and criminalization of gay people in post-war Germany. My police record caused me to face great difficulty in finding an adequate occupation. Police authorities refused to eliminate from my records my convictions and internments under the Nazi regime. This fact caused me to lose my employment several times. In the 1950's homosexuals were systematically placed under observation by the Hamburg police. In one particular situation legal authorities in Hamburg referred to my Nazi-era record in order to exert

pressure upon me to testify in an investigation. Such discrimination continued until 1969 when the German legislation was revised and paragraph 175 was formally abolished. Severe social stigmatisation however continued until the late 1980's, and remains a problem in many contexts to this day.

5. In the early 1990's I was encouraged to be publicly identified as a victim of Nazi persecution of homosexuals by German researcher and writer Lutz van Dijk. Because I felt it important that this and future generations learn of the Nazis' persecution of homosexuals, I agreed to have my story included in his book "A fulfilled life, though.... Homosexuals' remembrances 1933-1945", published in 1992. No organisation ever approached me and offered to defend my interests as a survivor of Nazi persecution of homosexuals until I was contacted by Pink Triangle Coalition members in 1998, and I never felt comfortable stepping forward myself to seek recognition for my persecution. Through the assistance of Pink Triangle Coalition members, I obtained one-time humanitarian assistance, but I never received any compensation for persecution suffered under the Nazi regime.

6. I hereby object to the October 2, 2003 Recommendation of the Special Master in this case to the extent it proposes to distribute residual unclaimed funds in this settlement exclusively to provide direct assistance only to identified needy victims of the Nazis. This use of the funds would not do justice to homo-

sexual victims of the Nazis, nearly all of whom are now either dead or impossible to identify. Because we continued to be criminalized and stigmatized for decades following World War II, our suffering at the hands of the Third Reich went largely unreported and unrecognized. To limit a distribution only to those few of us who can now be located would inadequately compensate homosexual members of the class.

7. Though I understand now from the Pink Triangle Coalition that the International Organization for Migration (IOM) has attempted to locate homosexual survivors of the Third Reich, I did not learn of this case from the IOM. I was not contacted by the IOM until the Pink Triangle Coalition put me in touch with it, nor did I see outreach publicity about this settlement from the IOM or any other source. I learned of this case only through contacts with members of the Pink Triangle Coalition, and with assistance from the Coalition. Therefore I never filed any claim with the IOM until December 2003, when I did so with the assistance of the Pink Triangle Coalition.

8. I live alone on very modest welfare assistance, of which one half is absorbed for housing. I suffer from diabetes, and have lost a substantial portion of my eyesight. I need constant medical treatment for my condition. I am in need of assistance for medical and other expenses. Nonetheless, I do not believe that providing direct material assistance only to myself and those few other homo-

sexual survivors of Nazi persecution now able to come forward would fairly compensate homosexual members of the class.

9. A settlement remedy that does not do more to acknowledge and commemorate homosexuals who suffered at the hands of the Nazis would inadequately benefit homosexual members of the class. I support and join in the proposal of the Pink Triangle Coalition for a distribution of settlement funds to provide not only direct assistance to the few needy homosexual survivors who have been identified, but also to fund scholarly research and educational programs about Nazi persecution of homosexuals and to fund programs aimed at preventing anti-gay persecution that persists around the world. I believe that the suffering of victims of the Nazis persecuted on the grounds of their homosexuality should at long last receive recognition. My ordeal and that of others persecuted at the hands of the Nazis should be commemorated and understood by future generations, in order to prevent these atrocities from being repeated. The Pink Triangle Proposal offers a fitting use of settlement funds to benefit homosexual members of the class, whose interests are otherwise inadequately addressed in this settlement.

10. In addition to this objection on my own behalf, I also join in the Pink Triangle Coalition's objection to the Special Master's Recommendation and the proposal for a distribution of settlement funds, both as an individual and as a

Survivor-Member Beneficiary of the Coalition. I respectfully request that the Court grant the Pink Triangle Coalition's request for a distribution of settlement funds to commemorate and benefit homosexual victims of the Nazis.

I, Karl Lange, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: \_\_\_ January, 2004

\_\_\_\_\_  
Karl Lange

Beat Wagner

Giessereistrasse 5  
CH-8005 Zürich  
Switzerland

**Affidavit of Beat Wagner Certifying the Accuracy of English Translation of the  
German-Language Affidavit of Karl Lange in Objection to the  
Special Master's October 2, 2003 Recommendation  
and in Support of the Cy Pres Proposal of the Pink Triangle Coalition**

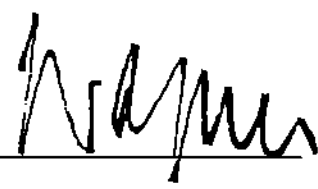
1. I, Beat Wagner, hereby certify that the attached English language translation of the Affidavit of Karl Lange in Objection to the Special Master's October 2, 2003 Recommendation and in Support of the Cy Pres Proposal of the Pink Triangle Coalition, is a true and correct translation of the original German language version executed by Mr. Lange, a copy of which is also attached.

2. I am qualified to confirm the accuracy of the English translation of the affidavit. I reside in Zurich, Switzerland. I am fluent in both German, my native language, and in English. I have studied and worked using English in a number of contexts. I began studying English at college. I received an undergraduate degree in political science from University St. Gallen. I did my postgraduate studies in international law at the Geneva Graduate Institute of International Studies, which is a bilingual French-English Institute. I served as a diplomat in the Swiss Ministry of Foreign Affairs from 1982 to 1988, where I was in charge of the United States, Canada and United Kingdom desks from 1986 to 1988, and was required to read, write and converse in English and to translate between English and German. I continued working between German and English as a consultant from 1988 to 1992 and as Chief business editor

of St. Gallen daily newspaper from 1992 to 2000. Since 2001, I have been the Director of Communication of the Swiss Red Cross. My responsibilities in this position include supervision of the translation service of the Swiss Red Cross.

I, Beat Wagner, certify and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 11 January, 2004

A handwritten signature in black ink, appearing to read 'Beat Wagner', is written over a horizontal line.

Beat Wagner

Müller Art.



UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

-----x

IN RE: HOLOCAUST VICTIMS ASSETS CASE NO. 96CV4849(ERK)(MDG)  
LITIGATION (Consolidated with CV 96-5161 and CV 97-461)

-----x

**Affidavit of Klaus Müller in Support of**  
**the Joint Objection and Proposal of the Pink Triangle Coalition**  
**in Response to the Special Master's October 2, 2003 Recommendation**

1. I, Klaus Müller, make this affidavit in support of the Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation. I am a member at-large of the Pink Triangle Coalition.
2. I am based in Amsterdam, and am an international museum consultant. I am an expert on the persecution of homosexuals under Nazi rule. I was a consultant on the conception of the U.S. Holocaust Memorial Museum's permanent exhibition, researching and advising on the inclusion of material documenting the experiences of homosexuals under Nazism. I am also the initiator, research director, and associate producer of the award-winning documentary *Paragraph 175*, which profiles gay survivors of Nazi persecution (a copy of which was submitted to the Special Master as an appendix to the Pink Triangle Coalition's Proposal), and assistant director of the film *But I Was a Girl*, documenting the life of Dutch lesbian resistance fighter and orchestra conductor, Frieda Belinfante. I have a Ph.D., summa cum laude, in Sociology and a Master's degree with honors in German Literature and Philosophy, both from the University of Münster, Germany.
3. Beginning in the early 1990's, in connection with my research on the Nazi regime and its persecution of homosexuals, I endeavored to locate gay survivors of Third Reich persecution. Through my contacts with other scholars, journalists and gay groups, by the mid-1990's I was able to locate and be personally in touch with a total of ten elderly survivors. These included Kurt von Ruffin, Karl Gorath, Karl Lange, Friedrich-Paul von Groszheim, Heinz Doermer, Heinz Fleischer (all of whom are from Germany), Pierre Seel (France), Stefan Kosinski (Poland), Tiemon Hofman and Dik Monster (Netherlands). I remain in contact with several of these men until this day, though sadly, many are now dead. Each of these men had been interned by the Nazis because of their homosexuality, and many had been tortured and forced to perform slave labor. Over a period of years I interviewed most of these men extensively, and several are featured in *Paragraph 175*.
4. For decades following their release from the Nazis, these men shared having been discouraged and silenced from speaking openly or publicly about their ordeal at the hands of the Nazis. Because their homosexuality remained stigmatized and grounds for further criminal persecution, they lived in fear of revealing their suffering at the hands of the Nazis and of exposing themselves to additional jeopardy. Unlike other groups that had been victimized by the Nazis, these men also lacked connections to support and advocacy organizations that could offer

some community of interests and offer a forum for them to tell their stories. Indeed, unlike other groups, they never formed a group as such and had no contact with one another, but instead lived completely isolated from any community that could acknowledge their ordeal and provide them with support. For the most part, these survivors bore their memories and the effects of their suffering alone and in silence. Though I was able by the mid-1990's to locate only ten living gay survivors, it was evident that other survivors remained still too fearful or isolated to be identified.

5. Indeed, because the ten men I had located had become so habituated to silence and to fear of exposing themselves to further discrimination, it took several years of speaking and working with them to win their trust and confidence to communicate with me more freely, and, ultimately, to speak publicly about their experiences.

6. What I learned from these men was that all shared the profound desire that the persecution of homosexuals by the Nazi regime not disappear from the historical record. They all felt strongly that the world should know about what had happened to homosexuals under the Third Reich, and that future generations of gay and lesbian people should not have to repeat their suffering and silence.

7. For this reason, at the very end of their lives, these survivors became resolved to speak publicly of their persecution and to call for memorialization and recognition of the Nazi atrocities against homosexuals. In May 1995, these men issued a public declaration, released during a program I conducted at the U.S. Holocaust Memorial Museum in Washington, D.C. This historic declaration is also posted on a gay history website that I maintain (see [www.kmlink.net](http://www.kmlink.net)).

8. The declaration states:

50 years ago, Allied troops did liberate us from Nazi concentration camps and prisons. But the world we had hoped for did not happen to come true.

We were forced to hide again and faced on-going persecution under the same Nazi-law that was on the books since 1935 and stayed on the books until 1969. Raids were frequent. Some of us - just tasting their new freedom - were even sentenced to long-term prison again.

Although some of us tried courageously to gain recognition by challenging the courts up to the West German Supreme Court, we were never acknowledged as being persecuted by the Nazi regime. We were excluded from financial compensations for the victims of the Nazi regime. We lacked the moral support and sympathy of the public.

No SS-man ever had to face a trial for the murder of a gay man in or outside the camps. But whereas they now enjoy a pension for their 'work' in the camps, our years in the camps are subtracted from our pension.

Today we are too old and tired to struggle for the recognition of the Nazi injustice we suffered. Many of us never dared to testify. Many of us died alone with their haunting memories. We waited long, but

in vain for a clear political and financial gesture of the German government and courts.

We know that still very little is taught in schools and universities about our fate. Even Holocaust museums and memorials many times don't mention the Nazi persecution of homosexuals.

Today, 50 years later, we turn to the young generation and to all of you who are not guided by hate and homophobia. Please support us in our struggle to memorialize and document the Nazi atrocities against homosexual men and lesbian women. Let us never forget the Nazi atrocities against Jews, Gypsies, Jehovah's witnesses, Freemasons, the disabled, Polish and Russian prisoners of war and homosexuals.

And let us learn from the past and let us support the young generation of lesbian women and gay men, girls and boys to lead unlike us a life in dignity and respect, with their loved ones, their friends and their families.

9. These words, from those silenced for so long, help to inspire the Pink Triangle Coalition's *Cy Pres* Proposal for an allocation of undistributed settlement funds to help ensure that the suffering of homosexuals under the Third Reich is remembered and never repeated. Sadly, of the eight signatories to this declaration, only three, Pierre Seel, Karl Lange, and Friedrich-Paul von Groszheim, remain alive today. In honor of all these courageous men and the many others who have been unable to bear witness to their suffering, we ask for a fair and fitting allocation of settlement funds that appropriately acknowledges the suffering and post-war silencing of homosexual victims of the Nazis.

I, Klaus Müller, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: <sup>28</sup> January, 2004

  
Klaus Müller

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
IN RE: HOLOCAUST VICTIMS ASSETS  
LITIGATION

CASE NO. 96CV4849(ERK)(MDG)  
(Consolidated with CV 96-5161 and  
CV 97-461

-----x

**CERTIFICATE OF SERVICE**

I am over the age of 18 years and am not a party to this action. I hereby certify that on this 30th day of January 2004, I caused copies of the *Affidavits of Pierre Seel, Karl Lange and Klaus Müller in support of the Joint Objection and Proposal of the Pink Triangle Coalition*, including:

1. a) Affidavit de Pierre Seel: Objection à la Recommandation du 2 octobre 2003 du *Special Master*, et appui à la proposition cy-près de la Pink Triangle Coalition;  
b) English translation of the foregoing, titled:  
Affidavit of Pierre Seel in Objection to the Special Master's October 2, 2003 Recommendation and in Support of the *Cy Pres* Proposal of the Pink Triangle Coalition, with the Declaration of Éric Filion certifying the English translation;
2. a) Eidesstattliche Erklärung von Karl Lange als Einspruch gegen die Empfehlung des Special Master vom 2. Oktober 2003 und als Unterstützung des *Cy Pres* – Antrages der Pink Triangle Coalition;  
b) English translation of the foregoing, titled:  
Affidavit of Karl Lange in Objection to the Special Master's October 2, 2003 Recommendation and in Support of the *Cy Pres* Proposal of the Pink Triangle Coalition, with the Affidavit of Beat Wagner Certifying the Accuracy of English Translation; and
3. Affidavit of Klaus Müller in Support of the Joint Objection and Proposal of the Pink Triangle Coalition in Response to the Special Master's October 2, 2003 Recommendation;

to be served via United States Postal Service first class mail postage prepaid on:

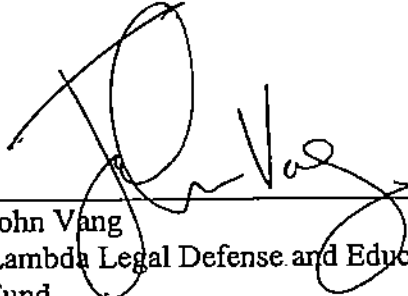
Special Master Judah Gribetz, Esq.  
Holocaust Victim Assets Litigation  
P.O. Box 8300  
San Francisco, CA 94128-8300

Prof. Burt Neuborne  
New York University Law School  
Brennan Center for Justice  
161 6<sup>th</sup> Avenue, 12<sup>th</sup> Floor  
New York, NY 10013

Morris A. Ratner, Esq.  
Lieff, Heimann, Cabraser & Bernstein,  
LLP  
780 Third Avenue, 48<sup>th</sup> Floor  
New York, NY 10017

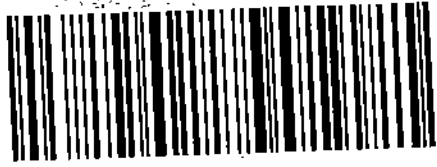
Roger Witten, Esq.  
Wilmer, Cutler & Pickering  
2445 "M" Street, N.W.  
Washington, DC 20037

Dated: January 30, 2004  
New York, New York

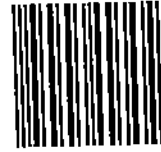


John Vang  
Lambda Legal Defense and Education  
Fund  
120 Wall Street, Suite 1500  
New York, NY 10005  
(212) 809-8585

**CERTIFIED MAIL™**



7003 1680 0006 8280 1455



U.S. POSTAGE  
PAID  
NEW YORK, NY  
10005  
JAN 30, '04  
AMOUNT

**\$6.49**  
00034897-03

9261

94128

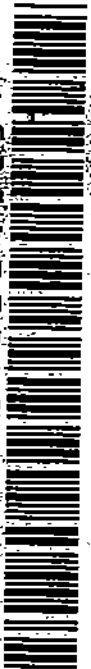
Lambda Legal Defense & Education Fund National Headquarters  
120 Wall Street, Suite 1500 | New York, NY 10005-3904



**Lambda**  
LEGAL

Special Master Judah Gribetz, Esq.  
Holocaust Victim Assets Litigation  
P.O. Box 8300  
San Francisco, CA 94128-8300

**PRESS HARD** You are making 4 copies.



\* CD 16231415 KUS \*



UNITED STATES POSTAL SERVICE™

CUSTOM  
DESIGNED  
SERVICE

CD 16231415 KUS

Agreement No. X970812005

**FROM:**  
POORMAN DOUGLAS  
PO BOX 8039  
SAN FRANCISCO CA 94128-8039

Claim at:  AMF  PO  
or  Deliver to: Time Due  
09/20

HOLD FOR POORMAN DOUGLAS  
AT MAIN POST OFFICE  
715 NW HOYT ST  
PORTLAND OR 97208-9998

Weight	7 lbs	Pouch	1 of 1
Pick-up Charge	\$ 0.25		
Basic Rate	\$ 82.55		
Delivery Charge (Domestic Only)	\$ 0		
<b>Total Postage + Fees</b>	<b>\$ 95.05</b>		

Date	Time	Date	Time	Date	Time
09/20/04	14:50				

1-800-375-8749

Customer Receipt - Copy 3

Detach here to remove copies