

Anderson
Rochling Case
Opinion

General Tribunal of the Military Government
of the
French Zone of Occupation in Germany.

JUDGMENT

rendered on

30 June 1948

in the case against

Hermann ROCHLING and others

charge with

Crimes against Peace,

War Crimes and Crimes against Humanity.

The General Tribunal

In view of Law No. 10 of the Allied Control Council dated 10 December 1945 relating to the punishment of persons guilty of war crimes, crimes against peace and against humanity,

In view of Ordinance Nos. 20 and 36 of the French Supreme Commander in Germany, dated 25 November 1945 and 25 February 1946 relating to the repression of war crimes, crimes against peace and against humanity,

Whereas within the meaning of the terms of these statutes, the Military Government Tribunals of the French Zone of Occupation in Germany are competent to judge all persons other than French nationals who have rendered themselves guilty of crimes against peace, war crimes and crimes against humanity,

Whereas Hermann ROECHLING, Ernst ROECHLING, von GEMRINGEN, WIEB and TODENHAUSEN are being charged with crimes against peace, war crimes and crimes against humanity, by virtue of an Indictment dated 25 November 1947 which was communicated to them the same date; that in the course of the proceedings, namely on 15 April 1948, the Public Prosecutor has stated that he was dropping the charges against Ernst ROECHLING, von GEMRINGEN, WIEB and TODENHAUSEN on the count of crimes against peace, and that in his closing statement the charge of crimes against humanity was not retained (as far as these three are concerned);

Whereas the Public Prosecutor has in the session of 24 May 1948 stated the facts with which he definitely charged the Defendants in the course of the proceedings;

Whereas the London Charter of 8 August 1945 which is incorporated in Law No. 10 mentioned above, defines the crimes in question as follows:

- a) crimes against peace, that is to say the direction, the preparation, the unleashing or the waging of a war of aggression or a war of violation of International treaties, agreements or assurances or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;
- b) war crimes, that is to say the violation of

the rules and customs of warfare. These violations include, but are not limited to, murder, mistreatment or deportation to slave labor, or for any other purpose, of civilian population from occupied territory, murder or mistreatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

Whereas Article 2, Paragraph 2, of Law No. 10 states concerning crimes against peace that any person is responsible who has held a high civilian or military position in Germany or an important position in the financial, industrial or economic life of Germany or its Allies;

Whereas there is no cause to raise in this Judgment the question again but to consider as permanent certain principles which have been established by the Judgments of the International Military Tribunal for major war criminals of 1 October 1946, in particular the criminal character of wars of aggression, and the legal right of prosecuting those who are responsible therefor;

With regard to Hermann ROECHLING,

Whereas Hermann ROECHLING, aged 75, took over in 1898 the technical direction of the steel plants at Voelklingen which his father has bought in 1881 and which were formed into a corporation in 1886 under the name of "Roehlingsche Eisen und Stahlwerke Gesellschaft"; that in 1910 he took over the general direction of the business on the death of his father; that the steel plants at Voelklingen are one of the most important steel works in the territory of the Saar, producing 700,000 tons of steel per annum, and possessing numerous branches in Germany and abroad, especially in Europe and America, for the exploitation of refined steel;

Whereas Hermann ROECHLING has always revealed himself as a militant subscriber of national-socialist policy, that he joined the NSDAP in 1935, after having agreed with Hitler that it had not been expedient to introduce the Nazi Party into the Saar, before the re-inclusion of the territory into the Reich;

Whereas in the Indictment Hermann ROECHLING is charged with having participated in the preparation of wars

of aggression, that in this respect it is especially of account that he is alleged to have been present at several secret conferences with GOEBBES in 1936 and 1937, which were held in connection with the Four Year Plan, and that it is alleged he had in the territory of Baden strongly pushed the utilisation of poor-grade ore which did not pay commercially;

Whereas it is correct that Hermann GOEBBES has been present at several of these conferences, which he does not deny, but states that the purpose of these conferences was not solely the rearmament of the Reich but also the economic development of the country;

Whereas, moreover, the fact that Germany was rearming its rearmament does not necessarily imply -- as the International Military Tribunal has stated -- that its aim was to launch wars of aggression; that GOEBBES states he has never heard projects of this nature being discussed during such conferences;

Whereas the exploitation of poor-grade ore may be justified by economic necessities, it does not infer, even from the point of view of rearmament, the unavoidable obligation to unleashing wars of aggression; that Germany could have introduced the utilisation of poor-grade ore in order not to be dependent on imports which in time of war would probably have ceased, and would have made her dependent on foreign countries;

Whereas the Prosecution does not show proof that Hermann GOEBBES was informed of the wars of aggression which were eventually undertaken by the German Government, nor that he participated in the preparation of such wars; that this Count of the Indictment must therefore be set aside;

Whereas it is proper to examine whether Hermann GOEBBES has participated in the conduct of the wars of aggression;

Whereas after the invasion of Poland in 1939, of Denmark, Norway, Belgium, Luxemburg, the Netherlands in 1940, of Yugoslavia, Greece and Russia in 1941, no one could any longer have any doubts concerning the purpose of the wars unleashed by the Government of the Reich, that the aggressive character of these wars has moreover been recognised by the aforesaid Judgment of the International Military Tribunal;

Whereas Hermann GOEBBES stepped out of his

role of industrialist, demanded and accepted high administrative positions in order to develop the German ferrous production;

Whereas actually in 1940, Hermann ROECHLING accepted the positions of "Generalbeauftragter" (Plenipotentiary-General) for the steel plants of the Departments of the Moselle and of Meurthe-et-Moselle Sud; that by virtue of these positions he applied total seizure of these enterprises with an annual capacity of more than 9 million tons, and employing more than 200,000 people; that after the allocation of plants effected by Goering in 1941, Hermann ROECHLING retained his hold on all these enterprises in his capacity as "Generalbeauftragter", attempting by all possible means to increase the production of these plants designated for the war effort of the Reich;

Whereas at the beginning of 1942, the steel production in Germany being fairly low, Hermann ROECHLING wrote to Goering in order to advise him of the situation and to propose remedies to him, in particular an annual increase in the production of from 600,000 to 700,000 ton, informing him that he regretted he was unable to apply these remedies through lack of sufficient authority and that he offered his services in order to save the situation; that he also wrote:

"that based on a study of foundries, one discovers what can be done in the long run. I can indicate with hopes of success the road that must be followed."

Whereas on 30 April 1942 Hermann ROECHLING made new proposals to Speer, the Minister of Armament, with a view to increasing the production of iron;

Whereas on 29 May 1942 Goering appointed Hermann ROECHLING President of the "Reichsvereinigung Eisen" (RVE) (Reich Association Iron), an association the purpose of which was to direct the war effort of the Reich in order to coordinate and intensify the ferrous exploitation in Germany; that on 18 June 1942, his powers were extended to all the countries occupied by the Reich with the title of "Reichsbeauftragter" (National Commissioner); that this appointment placed under his direction the occupied territories of the West, Norway, Alsace, Lorraine, Luxembourg, Styria, Southern Carinthia, Bohemia, Pravia, Poland, the Ukraine and Serbia, with extensive authority to take all measures necessary to

increase the production;

Whereas in a speech made at Knuttange (Moselle) on 10 June 1942, ROECHLING announced his program and his full dictatorial powers; that he had as Vice-Presidents of the "EVE" Krupp von Bohnen and Homboldt and that among the members of the Managing Board there were some of the biggest German steel industrialists (Ernst FOERSCHE, ZANGEN, FIECK, etc.), and that in this manner Hermann ROECHLING was at the head of the German steel industry;

Whereas in his position as dictator for iron and steel in Germany and the occupied countries, Hermann ROECHLING proved to be of particularly great zeal and showed himself extremely hard towards the directors of occupied plants; that with the support of the regime of terror which Germany exercised over these territories, he demanded of them that they work in order to increase the armament of a Tower at war with their own country; that this is shown by the testimony of numerous witnesses heard (in particular Lubrun, Vicaire, Mercier, Ferrot);

Whereas due to his talents as technician and also to the pressure which he exercised over the industry of occupied countries, Hermann ROECHLING was able to eliminate the drop in ferrous production which had set in at the beginning of 1942, as it can be seen from a report dated 14 November 1945, written by General THOMAS, chief of War Economy of the Reich; that this report states in particular that the role of the Ministry for Reich Economy had been eliminated as far as the production of iron and steel was concerned to the advantage of the RWE, as soon as this organism had been created;

Whereas the actions of Hermann ROECHLING have undisputedly contributed in a large measure to the continuation of aggressive wars during three years; that there are grounds to retain against him the Count of undertaking aggressive wars;

Whereas it is necessary to examine the Counts retained against Hermann ROECHLING concerning war crimes;

That there is cause to ascertain that after the beginning of aggressive wars, Hermann ROECHLING, stepping out of his role of industrialist, after having demanded high administrative and leading positions concerning the steel exploitation of the Reich, has concentrated his activity to develop the production of steel to the highest possible extent;

Whereas Hermann FOEHLING had demanded the duties of "Generalbeauftragter" for the steel plants of Moselle and Neurthe-et-Moselle; that he wrote in fact to WUCKEL on 28 December 1940 in order to thank him for "having helped him to obtain a position which was highly satisfactory" to him, that going beyond his duties of control and information, he behaved as if he was absolute owner of these enterprises, partaking in expulsion measures undertaken against the (rightful) owners, appointing German directors to replace the rightful owner;

Whereas during a first period from June 1940 to February 1941, Hermann FOEHLING supplied a complete seizure of the steel plants of the Moselle and the Neurthe-et-Moselle Sud, which represented 65 % of French production, totalling an annual iron capacity of 9 million tons of liquid steel and employing more than 200,000 workers; that in these functions Hermann FOEHLING did his utmost to repair the plant as rapidly as possible in order to increase the war potential of the Reich; that he did not hesitate to liquidate important quantities of merchandise in order to obtain realizable assets without furnishing to the real owners a proper inventory;

That during a second period from February 1941 to March 1944, after Goering had ordered the allocation of the Moselle steel plants to various German firms, Hermann FOEHLING was allocated the installations of the "Societe Lorraine Miniere et Metallurgique" at Thionville (Karls-huetten) over which he received an option (to purchase) while continuing to exercise his functions of "Generalbeauftragter" over the plants of Moselle and Neurthe-et-Moselle Sud, which was over twelve plants in the most productive region of France;

That during this period the plants were managed at a loss, the selling price of the steel being below that of the production, that FOEHLING was forced to borrow 180 millions from a company subservant to the Germans, the "Societe de Credits et d'Investissements", in order to cover up the loss and that he obtained from Bichelonne and Cathala, Ministers of the Petain Government, that the French Government would take over the responsibility of repaying this sum;

That during a third period, from March 1944 to the Liberation, the plants were returned to their owners but remained under the severe control of Hermann FOEHLING

who, bearing no longer the financial responsibility of the plants, forced them nevertheless to produce for the German war effort;

Whereas though it is impossible to name precisely the total of tons of steel products thus put at the disposal of the Reich war effort, it is proper to remember that during the month of March 1944 the Germans celebrated the extraction of the hundredth million ton of ore from the iron mines of Eastern France;

Whereas the exploitation of these plants has been accomplished solely at the expense of occupied countries and the witness Dulacote has named the figure of approximately one billion (millard) Francs as the deficit due to Hermann GOEBBELS's management, which has been charged to the French Treasury;

Whereas the Reich war potential has almost exclusively benefited from this exploitation, that Hermann GOEBBELS in a memorandum to COELING on 20 January 1942, stated himself that iron and coal could be deducted only in "homeopathic" quantity in the occupied countries from the pure war economy and be put at the disposal of specific needs of those countries;

Whereas Hermann GOEBBELS had developed in the occupied countries a program of removal of machinery and transfer them to Germany or to Russia, and to put them in production for the Reich war effort, that on the 23 December 1941 he wrote to an officer who was in Russia;

"I believe that it is proper to remove from the occupied regions in the Haute-et-Meuse and eventually from Belgium and the North of France the necessary installations in order to set going the plants in the regions where you find yourself. I have already proposed to M. Peiper some time ago to remove the entire rolling mill Jocuf to Mariupol";

Whereas as a matter of fact the essential parts of the rolling mills of Jocuf were sent to the Ukraine in 1941, that that represented considerable material, that it was loaded on 42 railroad cars, that the plant at Jocuf is at this date immobilised due to this fact; that General von STURMGEH. attracted attention in a secret report, dated 8 October 1942, stated to the Ministry of Armament, the difficulty

he had to obtain from the French the consent to transfer to the East the electrical machinery of the rolling mills and added that thanks to the "decisive collaboration" of Hermann Roechling, the French Government had consented to the dismantling of the Joeuf enterprise; that the Defendant asserts that he had thus secured the agreement of a Government which he considered as the legal Government of France; that he however, could not fail to know that this Government, whether legal or not, applied the German policy in France in a servile manner and committed treason against its country in dancing to the tune of the enemy; that in addition this agreement with the Petain Government was not carried through and that the removal of this material became the object of protests, purely "pro forma" in fact, from the point of the French Government, as a result of the failure of this agreement; that there is cause to establish the leading role played by Hermann Roechling in this operation;

Whereas, in addition, an electric motor has been removed from the Joeuf plant and taken to Karlshuette near Thionville, which Hermann Roechling considered as an object which would be definitely his own;

Whereas the rolling mill of Ymuiden (Holland) has been dismantled at the suggestion of Hermann Roechling, in order to be sent to Watenstedt (Brunswick) in July 1943, as it appears from the testimony of M. Perrot;

That these are facts characterised as economic plunder;

Whereas Hermann Roechling is being charged with having personally profited from systematic plunders which were accomplished in order to augment the war potential of Germany;

Whereas immediately after the occupation of Poland, the firm Roechling had obtained the management of the Laura and Koenigshuette plants; that contrary to what he claims, Hermann Roechling had demanded this mission, as it is proven by an affidavit of the Supervisory Board of Voelklingen, dated 17 November 1939; that he made no secret of his desire to obtain later the ownership of these plants; that he in fact wrote in a letter, dated 19 December 1939, addressed to Pastor (Roechling director):

"We shall only then succeeded in reaching our objective, that is to obtain definite possession of these enterprises, when we shall act in the

capacity of interpreter of National-Socialist principles in maintaining these in the strongest manner and in practising them. We must thus prove that we are the faithful supporters of the Fuehrer's policies, that is to say that we must follow here a policy of Germanization, as much as that is possible..... If we do not conduct ourselves in this manner, even though we certainly will obtain the management of the enterprise, it is today the least doubtful that we would be able to obtain the actual ownership of these enterprises.";

Whereas in fact it is established that the firm Roechling took possession of these two plants from the month of May 1940 to 1 October 1941, that at the end of 18 months Hermann Roechling did not give up this exploitation except in order to assure for himself that of the steel plants of occupied France over which he had exercised complete seizure and which he coveted:

Whereas if the desire which he has thus manifested to become, after the war, owner of these Polish plants is not sufficient to characterize it as a personal appropriation, it is necessary to consider his efforts in the Mosell from a different standpoint;

Whereas from the moment of the invasion of France, Hermann Roechling, going beyond his functions as "Generalbeauftragter" personally accomplished a complete seizure of the plants of the Departments of the Mosell and Meurthe-et-Moselle Sud, and particularly the establishments of the "Société Lorraine Minière et Metallurgique", the said "Karlshuette" at Thionville;

That in February 1941, Goering ceded to him the management of this plant together with the right to purchase it in case of a Reich victory;

Whereas he protested vehemently against this allocation which he considered insufficient, by reminding him of his accomplishments (his struggle against the French dating from 1919, his utilization of poor grade ore, his action in favor of the creation of the "Hermann Goering Werke" in face of the unanimous opposition of German industry;

That in fact he behaved as owner of these plants, as if this property had been transferred to him; that on 16 December 1940, Raabe, the "Generalbeauftragter" of the iron

mines of Eastern France, was in a position to write to Secretary of State Korner that Hermann Roechling desired to obtain the mines of Hayange in order to consolidate them within "his" Karlshuette, that he had transported an electric motor from the Jocuif plant in spite of the opposition of the owner;

Whereas on 2 May 1943 he founded a company so-called "Eisen und Stahlwerke Karlshuette" in Thionville, the purpose of which was the manufacturing of iron and steel;

That this manoeuver of appropriation culminated in the taking -without the consent of the rightful owner - of a mortgage on the properties of the plants which profited particularly the Roechling Bank of Saarbruecken, which was entirely subservient to the Roechling Company of Voelklingen and of which he was the moving spirit;

Whereas these plants which had during four years been exploited for the purpose of increasing the Reich war potential, could not be returned to their rightful owners until after the liberation of the Department of Moselle, and that under these circumstances, Hermann Roechling has thus participated in the systematic plunder of occupied countries for his personal profit;

Whereas it is in vain that the Defendant claims that having built four blast furnaces in this plant in 1907, he had the right to consider himself as owner of these plants after the de facto annexation of the Department of Moselle in 1940;

That in fact these four blast furnaces had been seized and sold under the reparations clauses of the Treaty of Versailles, and that the Defendant had received from this sale an indemnity from the Reich Government - that on the other hand no Treaty involving territorial cessions had existed between France and Germany since the events of the month of June 1940 - the private properties of the Departments of Moselle, Lower Rhine, and Upper Rhine were still under the protection of the Hague Convention and as such could be neither seized nor confiscated;

Whereas it is equally in vain that Hermann Roechling maintains that he had invested large sums in these plants, while in fact, even admitting that this should be the case, it would in no way modify the responsibility of the Defendant, since expenses incurred for an object obtained by means of a criminal act or an offense do not eliminate the fraudulent character of such a possession;

Whereas Hermann Roechling has equally grabbed the plants of Reichshofen (Lower Rhine belonging to the "Société des Tréfileries Wurth";

That the Defendant has recognized that from the month of June 1940 on, one of his employees named Giesecke had taken possession thereof;

That at the beginning of 1941 the firm Roechling had obtained from the German authorities a lease with promise of sale of the above mentioned plants, that these were purchased a while later and that a company with limited liability, so-called "Draht-industrie" was created for its exploitation;

Whereas it is only after the liberation of the Department of Lower Rhine that these plants could be returned to their rightful owners, and that as a matter of fact important quantities of industrial material were found missing, having been sent to Germany;

Whereas it is proven that Hermann Roechling had obtained the management and later had acquired the property of this plant in violation of the terms of the Hague Convention;

Whereas in order to be able to manufacture a certain type of war material in his plants at Voelklingen, a metal structure weighing nine hundred and fifty thousand Kilograms which belonged to the "Société de Sain Gobain" was dismantled from this company's plants at Cirey (Meurthe-et-Moselle) and moved to Voelklingen again in spite of the objections of its owners;

Whereas the Defendant maintains that this represented a requisition made by the German authorities;

But whereas it is established from a letter of 12 May 1942 that this requisition has been carried out only after the stalemate reached by the private negotiations made between the "Société de Saint-Gobain" and the firm Roechling, and that at the very time when the halls were being dismantled, on 9 July 1941, the owners were writing to Hermann Roechling to protest against a requisition which had been effected at his request and for his profit;

Whereas these facts constitute a fraudulent

acquisition of private goods belonging to inhabitants of occupied countries and is a violation of the Hague Convention;

Whereas Hermann Roechling is charged with having lavished advice on the Nazi Government in order to utilize the inhabitants of occupied countries for the war effort of the Reich;

Whereas in a report dated 17 July 1942, the President of the RVE suggests to the Directorate of POW Service attached to the Wehrmacht to discover in the Stalags French or Belgian POWs who were metallurgical specialists, in order to assign them to German industry;

Whereas in a memorandum dated 12 August 1942, Hermann Roechling, as President of the RVE, requested from Speer, in order to augment steel production, a supplement of 45,000 foreigners; that in a report of 15 August 1942 he reminds him that 5,000 POWs and 45,000 Russian civilian workers were to be put at his disposal; that in a report dated 5 October 1942 he advises Speer that 150,000 Russian POWs are hardly sufficient to maintain the production quota of that time;

Whereas on 8 February 1943 Hermann Roechling sent to the Nazi leaders in Berlin a memorandum requesting that he obtain the utilization of Belgian labor in order to develop German industry; that he suggests in this connection that youths of 18 to 25 should be drafted to obligatory work under German command -- which would mean the utilization of approximately 200,000 persons -- and that he added:

"If a large quantity of young Belgians are in our hands in close formations, they would also serve as hostages to the good conduct of their parents."

Whereas in a report dated 4 January 1943, Hermann Roechling requested that negotiations be started immediately in order to obtain a considerable number of Russian youths of about 16 years of age for labor in the iron industry;

Whereas in a memorandum dated 8 February 1943, addressed to Marshal Keitel, Hermann Roechling requested the taking of a general census of French, Belgian and Dutch youths in order to force them to work in war plants or to draft them into the Wehrmacht together with the promulgation of a law which would make work obligatory in the occupied countries;

Whereas at the beginning of 1943 Hermann Roechling requested from Speer that obligatory work be

instituted in France, for men as well as for women, in order to achieve the envisaged increase in the plant production in occupied territories;

Whereas it is thus proven that Hermann Roechling in his important function as President of the RVE or as Reichsbeauftragter has incited the Reich authorities in the most insidious manner to employ inhabitants of occupied countries and POWs in arduous work, with complete disregard of human dignity and the terms of the Hague Convention;

Whereas there is cause to consider these not as a particular war crime but as a phase of its activity involved in the conduct of wars of aggression and that the facts listed above must be considered together with those of which he is charged under the group of crimes against the peace;

Whereas concerning the purchases of metallurgical products made in Paris by the "Société Lorsar" and the purchases of various types of merchandise effected by the "Société Roges", the Prosecution does not state with sufficient exactitude the nature and importance of such operations, which is also the case concerning the manner in which these operations were settled, which would serve to inform the Tribunal whether these are operations of economic plunder or not, and therefore there is no reason to retain this Count of the Indictment;

Whereas the Prosecution accuses Hermann Roechling of having exercised great severity in order to force the POWs and the deportees working in his plants to perform their work, and to have tolerated or encouraged inhuman executions of punishments which were meted out;

Whereas if Hermann Roechling has employed POWs and deportees which were sent to him -- to him just the same as to other industrialists -- as a result of a request for labor directed to competent authorities, there is cause to consider under what conditions this employment took place; that on this subject the Prosecution has furnished corroborative depositions, from the part of workers, doctors, medical orderlies and guards;

Whereas it results from these depositions that food was absolutely insufficient, that the workers were obliged to swap their own personal possessions and their clothing for food; that there were weeks on end without meat, that many workers became ill, were covered with discharging sores, that some collapsed from weakness and had to be transported without delay to hospital; that Immisch, charged with labor inspection, has declared that the condition of the workers at Roechling was catastrophic, particularly from the point of view of food,

that sanitary conditions were very poor, that the workers were covered with lice, that they were beaten for trifles, that the foreign workers were shamelessly exploited, receiving only insufficient food for very hard work:

Whereas the doctors of the camps have made statements which confirm the deplorable sanitary state of these workers and which concern the illnesses which resulted from it: tuberculosis, furunculosis, illnesses of the digestive system, gall bladder, etc.;

Whereas the POWs have suffered a particularly rigorous treatment at Roehling, that they were employed in the most difficult jobs, such as work in the rolling mills, coke, blast furnaces, electro-furnaces, pitch, and that for these exhausting labors they received only the most insufficient nourishment; that the POWs were able to exist only with the help of Red Cross packages or those sent by their families and that since the Italian and Russian prisoners obtained none of these, they were decimated by illness; that a witness has evaluated the proportion of deaths among prisoners of this category to 50 percent;

Whereas the plant police consisted of a protective service, known as the "Werkschutz"; that in April 1943, by agreement between directors of the firm Roehling and the Gestapo, a "Schnellgericht" (Summary Court) was created in the plant, whose purpose was to punish breaches of discipline of foreign workers (repeated absences, repeated lateness, leaving place of work, refusal to perform supplementary work, conduct without discipline); that about the same time there was created at a distance of about 15 kilometres at Etzenhofen a punishment camp, by agreement between the directors of the Roehling firm and the Gestapo; that the foreigners sentenced by the "Schnellgericht" were sent there for a maximum of 56 days; that those sentenced who had to spend the night at Etzenhofen were brought back in the morning to the Roehling plant and returned in the evening to this camp; that the principal advantage for Hermann Roehling in the creation of this camp was that the workers so punished while being simply turned over to the Gestapo, were temporarily or permanently lost to him, continued nevertheless to work in his plant;

Whereas it results from corroborative depositions made by old workers in the camp, by doctors, guards, and inhabitants of the village that the conditions under which these men under punishment existed were inhuman; that after having slept just a few hours, the prisoners were often forced to

perform gymnastics in the middle of the night, usually stark naked, that afterwards they were led to the Voelklin plant, where they were put to work at the most difficult tasks, particularly at the coke ovens and the handling of tar, for ten hours at a stretch, on Sunday as well; that in the evening at 1800 hours they were marched back to the camp where, on certain days, they were forced in addition to perform punishment exercises, such as clearing bars, running and jumping; that dogs had been trained to bite the workers when these walked instead of ran; that the guards often struck the prisoners without cause, that those were often locked up in a cage which was half full of water; that the food was absolutely insufficient for these men who were forced to perform such exhausting labor and exercises and that the food consisted of a bit of bread and a soup which usually had not even vegetables in it; that the inhabitants of Etzenhofen were indignant to see these exhausted individuals walk through the streets, often fainting, recognisable by their prison clothing with blue and white stripes;

Whereas JOECHLING is not accused of having ordered these abominable treatments but of having tolerated them and of not having done anything in order to have them modified;

Whereas Hermann JOECHLING states in his Defense that he had ignored the conditions of existence of these workers at the Voelklingen plant and particularly of those of the Etzenhofen camp, since from 1942 on his duties as President of the IWB were too exhausting to allow him to come often to Voelklingen and that therefore if he ignored these bad treatments, the excessive labor, the insufficient food mentioned above;

But whereas his important duties which he had in the administration of the Reich did not prevent him of taking great care of his interests as an industrialist at Voelklingen; that it was his duty as the head to enquire into the treatment accorded to the foreign workers and to the POW's whose employment in his war plants was moreover forbidden by the rules of warfare which he could not ignore; that he cannot escape his responsibility by stating that the question had no interest for him, that his double position as chief of an important industry and of President of the IWB would have given him the necessary authority to effectuate a change in the inhuman treatment of these workers. that witnesses have stated that several times he had the opportunity to ascertain what the

conditions of this personnel was during his visits in the plants; that he himself states that he has come in contact with these men from Voelklingen, particularly with the interned from Etzenhofen, which were recognisable by their prison garb, but that he had never considered the condition of their existence while their miserable situation was apparent to all those who passed them on the street;

Whereas among the documents introduced at the proceedings by the defense counsel of the Defendant, there are many depositions which indicate his moral qualities and his lofty sentiments, that there is no reason to contest the sincerity of these declarations, but that one cannot but deplore still more the fact that a man possessed of the intelligence, of the social and family background of Hermann JOECHLING, should have shown such an inexcusable indifference concerning the material situation of his foreign personnel and his responsibility in this respect appears so much greater since his own social position was of the very highest;

Whereas the Defense presents equally a certain number of documents which prove that Hermann JOECHLING has intervened on several occasions to obtain the liberation of Frenchmen arrested by the Gestapo and has particularly described his role concerning the perfoming of hostages arrested at Auboué and which were to be shot;

Whereas there is cause to take into account in sentencing him that he has thus performed services which had a humanitarian aim;

That there is cause also to take into account that he is actually 75 years of age;

With regard to Ernst JOECHLING,

Whereas Ernst JOECHLING, aged 60, is an industrialist of Voelklingen, that he is one of the principal pillars of the "Roehlingsche Eisen Stahl Werke Gesellschaft";

That he never joined the NSDAP, that he has even expressed anti-Nazi sentiments, that in July 1944 when he was in Paris, he was arrested by the Gestapo for having given shelter to a member of the plot against Hitler, that he was then taken to Germany and sentenced by the "Volksgericht" (People's Court) to five years' hard labor, that he was freed on 6 April 1945 when the Allies arrived;

Whereas the Defendant has since 1930 directed in Paris the fine steel trade of Voelklingen in France and in other countries, that after the occupation of France he

settled in Paris and that he became the representative there of his cousin Hermann, both as President of the "WF" and Reichsbeauftragter and as industrialist at Voelklingen;

Whereas he himself has been "Reichsbeauftragter fuer Eisen und Stahl", a position which consisted mainly in the control and supervision of iron and steel plants and enterprises in the occupied countries;

Whereas in these positions, Ernst ROECHLING, concluded agreements with the French authorities of that time, in particular with Pichelonne and Cathala, that his perfect knowledge of French, his amiability, his great artistic and literary culture greatly facilitated his negotiations, that it was certainly not solely for the needs of the cause, but as corresponding to its spirit which Hermann ROECHLING expressed in a letter to Hitler when he asked for pardon for Ernst after the attempt upon his life in July 1944:

"Since 1940, he has with a fortunate knack in his dealings with the French, displayed an extraordinary activity to improve Franco-German relations, each time it had become necessary.

I have taxed his capacities to a very great extent, and it was largely due to my cousin that I have had considerable success in my dealings with the French industry.... We complemented each other very well, his fascinating amiability had gained over the French, while I roused them into technical problems and developed their interest in our work."

But whereas there is no doubt of the activity of Ernst ROECHLING, the Prosecution does not bring out in detail the number, the nature of the importance of the agreements which the Defendant is alleged to have thus concluded with the Government of Petain, or with private enterprises; that besides, Ernst ROECHLING has stated that he has never acted except on the instructions of his cousin, that he has not taken any personal initiative; that he states having been nothing but a subordinate, that on this point also the Prosecution has not brought sufficient and proper information to determine whether, in his conduct, Ernst ROECHLING has been a co-author, or an accomplice or simply a good executing agent; that there is on this question a doubt in the mind of the Tribunal which should benefit the Defendant;

Whereas the Prosecution in its accusation of Ernst ROECHLING charges him with the following:

1) of having favored the economic enslavement of the occupied countries for the benefit of the war effort of the Reich by supplying the authorities and the industry of the Reich with precise information on the possibilities of production of a certain number of French metallurgical plants;

2) of having acquired in order to further the war effort of the Reich financial participations through the intermediary of the Societe de Credits et d'Investissements in certain French enterprises;

3) of having favored the recruitment and the deportation of skilled workers by establishing German services on the premises of the "Société Lorsar" in Paris, the purpose of which was to send French skilled workers into the plants of the Reich;

But whereas regarding the first Count of the Indictment mentioned above it does not appear that Ernst Roechling has gone beyond his duties as liaison representative of Hermann Roechling in Paris as far as the organization of the production of steel plants is concerned;

That with regard to the second Count a special report lodged in the enquiry opened in Paris against X (Société de Credits et d'Investissements) by the experts Bienville and Housse shows that the said Kreuter has played the principal part in the creation and functioning of this corporation, and that it is not shown herefrom that Ernst Roechling had been guilty of any special activity;

That with regard to the third Count, it has not been established that Ernst Roechling has been personally active in the functioning of the recruiting service for workers established in Paris on the premises of the "Société Lorsar" which was a branch of the firm of Roechling;

Whereas therefore no Count of the Indictment can be maintained against Ernst Roechling;

With regard to Hans Lothard von Gemmingen,

Whereas Hans Lothard von Gemmingen, aged 55, son-in-law of Hermann Roechling, was the President of the Board of Directors of the Roechling steel plants which was composed of seven members; that he held besides the position of "Betriebsfuehrer" (plant manager) which means the position of representing the enterprise to the competent authorities, particularly concerning labor; that among his duties were his connections

with the Gestapo with regard to the plant police; that in his position as President of the "Directorium" he had under his orders the directors of the plant, especially the two Defendants Maier and Rodenhauser;

That he has been a member of the NSDAP since 1935;

Whereas it is proper to examine the part he played in the employment of prisoners and deportees in the firm of Roechling, that the material conditions in which this employment has taken place were examined above;

Whereas if Hermann Roechling has stated that he was often absent from Voelklingen and did not occupy himself personally with the material conditions of his workers, that this care fell essentially on von Gemmingen, that the latter has not claimed, like Hermann Roechling, to have been unaware of these conditions and has stated that the "Werkschutz", the "Schnellgericht" and the camp at Etzenhofen had functioned under imperfect conditions, and that he had got hold of unfavorable reports concerning the material condition of the foreign workers, but that he claims it was impossible for him to modify that state of affairs, that he states that the "Werkschutz" and the camp at Etzenhofen were under the orders of the Gestapo and that he himself could not give them orders on this subject; that on the other hand, a contract had been concluded with the DAF (German Labor Front) concerning the feeding of foreign civilian workers and that therefore he was no longer in charge thereof, that he has stated that he himself investigated the deplorable condition in which those foreigners found themselves;

But whereas the high positions which he occupied in the corporation, as well as the fact that he was Hermann Roechling's son-in-law, gave him certainly sufficient authority to obtain an alleviation in the treatment of these workers by the Werkschutz, that moreover the employees of the Werkschutz were appointed by the factory, that he has stated never to have visited the camp at Etzenhofen, claiming against any probability that the employees of the Werkschutz would not have let him enter if he had tried to do so;

That the contract with the DAF left upon him as Betriebsfuehrer the responsibility for the material care of the foreign workers; that this contract as any other was revocable if it did not give satisfaction, and that the infamous position in which it put the workers ought to have incited von Gemmingen

to renounce it, that moreover this contract was not concluded till 1942, that on the other hand it did not apply to POWs, the latter remaining always under the direct orders of the "Directorium";

Whereas there is cause under these circumstances to hold von GERTINGEN responsible for the inhuman treatment of the foreign workers and POWs in the firm of ROECHTING, which he has aided by his negligence and his lack of courage towards the Gestapo;

Whereas von GERTINGEN has submitted documents trying to establish that he was not disinterested in the material lot of the foreign workers, that he has taken numerous steps in order to get rid of LASSNER, the chief of the Werkschutz of the plant, whose brutality and meanness were particularly felt by the workers, that the purpose of other interventions on his part was to improve the conditions with regard to food and clothing for the workers, the condition of small children and the elimination of brutalities, that the interventions which he undertook concerning secondary questions will be remembered by the Tribunal when passing sentence, but that this does not eliminate his responsibility with regard to the general conditions put upon the foreign workers from the point of view of their material condition and their employment in the plant; that it, on the contrary, underlines the fact that one of von GERTINGEN's duties was the organizing of the material life of the foreign workers;

Whereas the Prosecution charges von GERTINGEN with having participated in the acts upheld by the Prosecution against Hermann ROECHTING under a certain number of other counts of accusation, in particular the economic plunder of the occupied countries;

But whereas the Prosecution has not brought any precise charge on which the facts thus set out can be based; that it is not established that von GERTINGEN has exceeded the role of mandatory or legal representative of Hermann ROECHTING in the administration of the firm of ROECHTING, that it is therefore proper to reject the other charges upheld by the Prosecution against von GERTINGEN;

With regard to Albert WIEB,

Whereas Albert WIEB, 53 years of age, entered into the service of the ROECHTING steel plants in 1929, and subsequently became financial director, being as such a member of the Directorium;

That he has been a member of the NSDAP since 1936;
Whereas the Defendant is charged with having been an accomplice to certain acts which are imputed to Hermann Roechling;

Whereas it is not proven and not even alleged by the Public Prosecutor that Maier had ever stepped out of his functions as financial director of the Roechling Company to take a given initiative concerning various facts with which Hermann Roechling is charged, that he states never to have played another part except that of an executing agent, particularly in several transactions with French authorities and in which he himself has participated;

Whereas under these conditions no incriminating factors can be retained against him;

With regard to Wilhelm Rodenhauser,

Whereas Wilhelm Rodenhauser, aged 68, electrical engineer, has since 1904 been with the firm of Roechling, that he rose through the various administrative grades to be Director General, that by virtue hereof he formed part of the "Directorium" under the orders of von Gemmingen, that he was, as he has admitted himself, especially in charge of labor;

Whereas he applied for membership of the NSDAP in 1937, but that for some unknown reason this was not carried out;

Whereas he is on account of his position responsible for the working conditions to which the deportees and the POWs were subjected, that these latter were, contrary to international conventions, utilised in work which was much too hard, such as blast-furnaces, coking plants, pitch, with regard in particular to the under-nourishment they suffered and the working hours;

Whereas he has, together with von Gemmingen, organised at the plant in 1943 a "Schnellgericht" in order to punish disciplinary offenses, which resulted, together with the establishment of the camp at Etzenhofen, which occurred at the same time, to render the living and working conditions, of the punished foreigners inhumane;

Whereas Rodenhauser maintains in vain that the material condition of the workers depended on the LAF and the questions of discipline on the Gestapo; that the contract with the DAF was dated February 1942, that previously the Roechling plants had sole charge of the maintenance of foreign workers, that afterwards they still had a right of supervision on the LAF, that the material fate of the POWs had always been

incumbent upon the firm of Roechling, that Rodenhauser, who was specially in charge of labor, issued numerous circulars signed by him relating to discipline, punitive measures to be taken in case of escape, or bad work performance, of punishments affecting the food rations; that in particular in a circular dated 11 December 1942, Rodenhauser states that the warm food may have been withheld up to three days a week from foreign workers on account of absences from work, that not a single superior decision, whatever he says, has authorized such measure; that Rodenhauser cites in vain a document dated 1944, authorising solely the suppression of food;

Whereas he was in constant contact with the "Werkschutz", the "Schnellgericht" and the camp at Etzenhofen; that the setting of examples by punishments ordered by the "Schnellgericht" shows clearly that, contrary to what he claims, the Gestapo was not only one whose function was to punish disciplinary infractions at the plant;

Whereas by going to camp Etzenhofen and by inspecting the conditions of the foreign workers at the plant he could have become aware of their miserable position; that he does not even claim of having tried to obtain from the guards at camp Etzenhofen a more humane treatment for the inmates; that his position as Director General gave him sufficient authority to remedy that state of affairs, and that in any case he should have tried to do so;

Whereas he has thus rendered himself guilty of having supported the bad treatment inflicted on POWs or deportees, for purposes of slave labor;

Whereas all these acts constitute as far as the Counts of the Indictment are concerned which the Tribunal is retaining, violations of Article 2 of the aforementioned Law No. 10;

Consequently,

The General Tribunal after deliberation finds:

Ernst Roechling and Albert Maier are not guilty of the charges charged against them in the Indictment.

And further finds:

Hermann Roechling guilty of having committed crimes against peace by having participated in the waging of aggressive wars and wars in violation of international treaties, agreements or assurances, because:

1) His action and his personal initiative had the effect of enslaving the steel industry in the occupied countries in order to increase the war potential of the Reich, particularly in his capacity as "Generalbeauftragter" (Plenipotentiary General);

2) His activity and his personal initiatives beginning with the month of June 1942 had the power to force decision in his capacity as President of the "Reichsvereinigung Eisen" (Reich Association Iron) and as Reichsbeauftragter which had for aim the increase in the iron and steel production of the Reich and of all the occupied countries for the purpose of waging aggressive wars, and

3) by giving advice to the Nazi Government concerning the deportation of inhabitants of occupied countries, either in order to force them to work, or in order to draft them against their own country, or its Allies,

He is also guilty of war crimes by:

1) having by his personal action exercised complete seizure of the steel industry of France from June 1940 until February 1941, especially in the Departments of the Moselle and the Meurthe-et-Moselle, for the purpose of bringing about at the expense of the occupied country, the maximum increase in the war potential of the Reich;

2) having pursued this action from February 1941 until March 1944 over twelve steel plants in the Department of the Meurthe-et-Moselle,

3) having exercised a rigorous control over these twelve plants from March 1944 until the liberation of the territory, for the purpose of bringing about, at the expense of the occupied country, the maximum increase in the war potential of the Reich,

4) having supported and contributed in the removal of machinery from the occupied countries in order to enrich the Reich and to increase its potential, and this to the detriment of these countries, by removal especially of rolling-mills and rolling-mill motors, installations and machinery from Ymuiden (Holland), Angleur-Athus (Belgium) and Joeuf (Meurthe-et-Moselle),

5) having profited personally from the economic plunder in the occupied countries, especially in demanding the management and ownership of the plants of the "Société Lorraine Minière et Métallurgique" at Thionville (Moselle), plants which he administered as the actual owner, and on which he obtained an option in the event of a victory for the Reich, by acquiring from the German authorities to the detriment of the occupied countries at Reichshoffen (Lower Thine) the "Tréfileries Wurth" and by having a metal structure requisitioned at Cirey (Meurthe-et-Moselle) to the detriment of the "Société de Saint Gobain",

6) having employed prisoners of war and deportees in the plants which he managed or in his own plants, and of having exercised or having consented to a very strict regime in order to compel these deportees or PoWs to work, especially by the establishment of a "Schnellgericht" and a punishment camp, and by having tolerated or encouraged punishments meted out in inhuman fashion;

Hans Lothard von Gemmingen and Wilhelm Rodenhauser are guilty of war crimes for having been co-authors or accomplices to the above stated acts charged against Hermann Roechling, in paragraph 6, concerning the employment of PoWs and deportees in the plants of the Roechling firm.

In the name of the French Commander-in-Chief in Germany

The General Tribunal of Rastatt

Having deliberated behind closed doors

Considering the declaration of culpability which has been presented above

Deciding in order to eliminate the infractions of the Defendants found guilty and retained as indicted and by applying Law No. 10 of the Inter-Allied Control Council, dated 20 December 1945

Whereas all the facts retained and charged against the Defendants found guilty are covered by and punishable under Article 2 of the above-mentioned Law

Whereas the General Tribunal possesses the necessary elements to determine how large the sentences which are to be imposed against those Defendants found guilty,

FOR THESE REASONS

it sentences

Hermann Roechling to seven years' imprisonment;

Hans Lothard von Gemmingen to three years' imprisonment;

Wilhelm Rodenhauser to three years' imprisonment;

sentences the above-named collectively to pay the costs and expenses of the Trial

.

Decides that the beginning of the sentences should start from the date of imprisonment ordered by the judiciary authorities, American as well as French, namely:

For Hermann Roechling beginning with 26 May 1945, deducting the time he had spent in provisional liberty from 12 May 1946 to 30 April 1947;

For von Gemmingen from 1 May 1945 deducting the time spent by him in provisional liberty from 12 May 1946 to 15 November 1946;

For Rodenhauser from 12 September 1946;

Relinquishes and acquits Ernst Roechling and Albert

Maier and states that they should be released immediately if they are not to be retained for other reasons.

I, Emilie J. Hinchliffe, hereby certify that I am fully conversant with the French and English languages and that the above is a true and correct translation of the Judgment rendered on 30 June 1948 in the case against Hermann Roechling and others.

Emilie J. Hinchliffe
ETO 20152

Rastatt,
1 July 1948