

MACHINES AND MATERIALS REMOVED FROM HOLLAND

For several years prior to the outbreak of the war the Krupp firm owned subsidiary Dutch companies, among them being the following:

(1) Fried Krupp's Reederij en Transportbedrijf N.V. (Krupp's Shipping and Transport Co.) (2) Krupp's Erts-Handel Maatschappij N.V. (Krupp's Ore Trading Co.) (3) N.V. Stuwadoors Maatschappij "Kruwal" (The Stevedores Co.) and (4) Devon Erts Maatschappij N. V. (the Devon Ore Co.). The first three maintained their principal places of business at Rotterdam and the latter at Amsterdam.

In addition, Krupp Eisenhandel (Krupp Iron Trade Co.), a Krupp subsidiary located at Duesseldorf, Germany, had a branch office at Rotterdam.

Throughout the period of the German occupation the Netherlands industries were forced to produce for the German war economy. By 1942 the so-called Lager-Aktion program was underway, under which the produce of the Dutch firms was seized and held for shipment to Germany. This covered, in the main, the period from 1942 to September 1944 which may be referred to as the first phase of organized spoliation. The branch office at Rotterdam of Krupp Eisenhandel had sold Krupp products for many years in Holland and knew where many of these materials were located. The German authorities were informed and seized these products which included goods owned by the Board of Works, the Municipal Gas Works of Dutch municipalities, and several private firms. (Article 52 of the Hague Regulations protect "Municipalities" of belligerently occupied territories as much as "inhabitants". In addition, Article 56 of the Hague Regulations reiterates: "The property of Municipalities.... should be treated as private property. ...") These municipal and private enterprises were compelled to deliver these confiscated materials to various depots in Holland from which they were transported by the Krupp Dutch subsidiary, Krupp's Shipping and Transport Company, and shipped to Germany. The prices for these goods were arbitrarily set by the German

authorities without the consent or approval of the Dutch owners. During this phase of the spoliation policy the Krupp subsidiary Dutch company shipped to Germany about 16,000 tons of confiscated materials which consisted largely of fire-tubes, iron for re-inforced concrete and shaped iron, a considerable portion of which reached the Krupp firms.

The second phase covers the period of September and October 1944 when it was thought that the Allied troops would soon liberate the Netherlands and that therefore not sufficient time would be available for the complete removal of industrial machinery and materials. Hence, only valuable machines and first-class materials were taken.

The third phase lasted from November 1944 until May 1945 during which time the Allied armies were held by the German army after only a small portion of the Netherlands had been liberated. During this period a systematic plunder of public and private property was carried out.

By the Fall of 1944 the Ruhr district had suffered heavy damage by bombing from the air. As a result, at the instigation of the Speer Ministry, the Ruhr Aid project was set up for the purpose of rehabilitating the industries of the Ruhr area. Under the plan tradesmen and skilled workmen throughout the Reich were to be recruited for work on reconstruction in the Ruhr. Suitable material for reconstruction was sequestered in the Reich and sent to the Ruhr District.

By October 1944 the Gustahlfabrik (Cast Steel Plant) in Essen was badly damaged by air raids. Minister Speer came to Essen to inspect the damaged plants and held a meeting while there which was attended by several members of the technical staff, members of the Vorstand and other Krupp officials. At that meeting Speer proposed that German firms should seize machines and materials from the Dutch to rehabilitate the factories of the Ruhr. This suggestion, without doubt, prompted the ruthless and systematic plunder of Dutch industries which followed and which continued until the complete liberation of the Netherlands.

A As a result of Speer's proposal, two employees of Krupp's Technical Department named Koch and Hennig were appointed by Rosenbaum, defendant Houdremont's direct subordinate, to proceed to Holland for the purpose of selecting machines and materials suitable for the Krupp industries in Germany. Several of the machine factories and the Technical Department were under the supervision of defendant Houdremont. Before leaving they were furnished a list of such machines and materials. At The Hague, Koch and Hennig were joined by Rosenbaum, mentioned above, and Johannes Schroeder, defendant Janssen's chief assistant. Together they proceeded to the German government office where they obtained the addresses of its branch offices in Rotterdam, Amsterdam and Utrecht. At the Rotterdam office of the German Ministry for Armament and War Production they obtained the names of shipyards and manufacturing enterprises in Rotterdam where they could inspect machines and materials for shipment to Germany. Koch and Hennig visited the Lips factory, which will hereinafter be referred to, where they selected machines that were suitable to their lists. Ten fitters were requested from Essen for the purpose of dismantling and shipping these machines to Essen. They also visited the factories of De Vries Robbe & Co. of the N.V. Nederlandsche Seintostellen Fabrik in Hilversum which was a subsidiary of the Philips firm in Eindhoven, of the firm of Rademakers, and the scale factory of Berkel, as well as several idle shipyards; and at each of these plants they selected materials and equipment. At one idle shipyard, for example, they did not even neglect to designate ship-toilets for removal--which appeared to be useful for the barracks at Essen. They also selected profile steel and iron bars. The following comment of Hennig is of interest:

"...At heart, I did not approve the confiscation of the machines from the Dutch owners, since I held the view that the forcible removal of the machines deprived the owners of the Dutch enterprises as well as the Dutch workers of the possibility to continue production. In my opinion, this action was to be condemned as an unjustifiable hardship for the Dutch...."

We shall now discuss the evidence on the looting of three specific factories in the Netherlands which will illustrate the pattern followed

during the period from September 1944 until the complete liberation of Holland in April and May 1945. Those factories are: (1) Metaalbedrijf Rademakers N.V., located at Rotterdam, (2) De Vries-Robbe & co. N.V., located at Gorinchem and (3) Lips Brandkasten-en Slotenfabrieken N.V., located at Dordrecht.

(1) the firm of Rademackers was engaged in a very specialized business--the production of cogwheels. Prior to the war some competition existed between them and the Krupp firm in the Dutch market, hence Krupp was familiar with the factory installations and the type of machinery owned by Rademakers.

On 16 March 1944 Rademakers was advised by letter from the Commissioner for the Netherlands of the Reich Ministry for Armaments and War Production that the Krupp firm at Essen was appointed the "sponsor firm" for Rademakers and that Krupp could delegate a firm commissioner who would exercise strict supervision over orders and deliveries and should be advised by Rademakers of everything relating to German orders and their execution.

In September 1944 a certain Gerosa, the head of the Rotterdam branch of the Office of the Reichministry for War Production came to the Rademaker factory with a requisitioning order signed by himself, listing machines which were to be confiscated. He went through the factory and marked five very modern special grinding machines for confiscation. The following day he returned with twelve German workmen from the Krupp firm at Essen who proceeded to dismantle these machines and others which had been designated for dismantling in the meantime. Gerosa made the management responsible for the correct execution of his orders and threatened them if they failed to comply. At the beginning, only the best and newest machines were taken but a few weeks later they began taking everything that could be removed, including raw materials and tools. In all, there were twenty-one freight cars of machines and materials, all of which were sent to the Krupp firm at Essen.

Immediately upon the termination of the war the Rademaker

firm instituted a search for the eight-four machines which had been confiscated and were able to find all of them with the exception of three or four machines in a bombed-out Krupp shop at Esssen. Fifty percent of the machines were damaged beyond repair.

In November 1944 the two representatives of the Krupp firm at Essen, Messrs. Koch and Hennig, visited the Rademaker factory. At that time practically all of the machines had been removed. They requested an inventory for all confiscated machines and tools which was refused.

The Defense did not deny the fact that this valuable property of Rademakers was received by the Krupp firm, but asserted that Rademaker had voluntarily chosen the Krupp firm to receive it.

In answer to this position of the Defense, we quote from the testimony of the Dutch witness, Hendrikus Esmeyer, as follows:

"...On the 29th of September, Fliegerstabs-Ingenieur or Engineer Bauer appeared, who worked there before, with the motor factory man, and stated that he would come again to take out all machines because they had to be shipped away. Bauer requested that I state an address in Germany where these machines would be shipped to. I said to Herr Bauer, "We do not want these machines taken away because it is a war regulation between Germany and Holland, and this was not in accordance with these regulations." Consequently, Herr Bauer said, "If you do not want to give up these machines we will take them away by force." And I said, well, do what you have to; and he again requested that I give him an address in Germany. I refused that, but I said we have a sponsor firm in Germany, which is Friedrich Krupp. Let Krupp decide this. In answer, after that, machines were sent to Krupp Essen from Rademacher's..."

"Q.—Witness, you mentioned something concerning asking the Krupp officials to safeguard the machines. Does this mean that you desired the machines removed from your factory to Germany.

"A.—I absolutely refused to have these machines taken away to Germany because I felt that in September or October 1944 the machines were much safer in Holland than in Essen, Germany. I also told Messrs. Hennig and Koch that I have only one fear about the machines, that the Allied armies

would advance through Essen and that our machines would be destroyed in the course of that advance...."

(2) In the case of De Vries Robbe & Co., the system pursued followed closely that employed in the case of Rademakers.

A department of the Krupp firm, Stahlbau-Rhinehausen, manufactured the same products as were produced by the De Vries firm. Consequently, throughout the occupation of Holland by Germany the De Vries firm was required to produce for the Krupp firm at Rhinehausen. As early as September or October 1940, some Krupp Rhinehausen officials looked over the factory. In 1942 technical officials of Krupp Rhinehausen spoke to technical officials of the De Vries firm about Krupp's intention to buy or otherwise take over the factory, but for some time no further steps were taken in that direction.

On 21 April 1944 the De Vries firm was advised by the Netherlands Office of the Reich Ministry for Armaments & War Production that it was placed under the sponsorship of the Krupp-Rhinehausen firm. A letter of Krupp-Rhinehausen, dated 5 June 1944, confirmed this, stating that Karl Breitung of the Dutch subsidiary firm Krupp Eisenhandle had been appointed as Rhinehausen's delegate to the firm.

In October 1944 the same Captain Bauer of the German Air Force who carried out the confiscation of Rademaker's advised the De Vries firm that all their material would be confiscated. Immediately the German military authorities carried away large quantities of zinc wire, bolts and nuts which were shipped to the Krupp firm at Rhinehausen. Thereafter the De Vries firm was informed that its machines would also be taken, giving as a reason that the valuable machines and materials had to be protected and placed with Krupp for safe-keeping in view of a possible Allied invasion. Resistance to this seizure was impossible. In late November Koch and Hennig of the Krupp Essen firm called at the factory and designated the machines and the machine tools which were to be taken. As a result of this visit, a large shipload of material was sent to Krupp Rhinehausen in January 1945.

At first only the most valuable and modern machines were taken. Later on, everything that could be used and dismantled was carried away.

Practically all the material taken was sent to Krupp-Rhinehausen. Its total weight, exclusive of the machines and tools taken, was 2, 860 tons. Of the forty-eight machines sent to Rhinehausen, twenty were found and returned after the war ended. About 47% of the material dispatched to Rhinehausen was found and returned.

(3) The same pattern was followed in the case of the Lips firm. This firm was engaged in the manufacture of safes, steel furniture, locks and other related items. The factory was located at Durdrecht, but the company also operated branch stores in other cities of the Netherlands. In September and October 1944, members of the Field Economics Office came to the town of Durdrecht and proceeded to confiscate the goods of various firms of that city, including the Lips firm. Not only were the machines of the company confiscated but also implements, boxes, charcoal, tables, chairs, dining utensils, their entire stock of locks from the branch store at Utrecht--without opportunity to invoice them--and a number of locks from their stock at Durdrecht.

Representatives of the Krupp firm at Essen came to the factory in December 1944 to look over the machinery and in about a month thereafter the Krupp workmen participated actively in removing machines from the factory. They told the Lips workmen that if they did not work fast enough in assisting to remove the machines they would call in the Wehrmacht. A comment reported to have been made by two representatives of the Field Economic Office, namely, Boilke and Goetz is of interest. They advised the Lips firm that in their opinion enough machines had been removed from the factory and referred to the Krupp man as the "Robbers." The specific items which were forwarded to the Krupp firm at Essen consisted largely of machines and materials and are shown in Prosecution Exhibit No. 752.

The position taken by Lips was the same as that of the other firms. Active resistance was impossible and out of the question. They did not place any price on the seized machines and materials although the opportunity was extended to them because they did not trade in these goods and they wanted to make it clear that the materials were taken from them by force and without any voluntary assistance or assent on their part.

There were other firms such as the Nederlandsche Seintostellen Fabriek N.V., located at Hilversum and various shipyards which have been mentioned above from which machines, implements and material were taken. Suffice to say that the system of confiscation and transportation of these goods followed the same pattern. After the war ended most of the machines sent to the Krupp-Essen firm from Holland were found in Machine Construction Shops 9 & 10.

We conclude that it has been clearly established by credible evidence that from 1942 onwards illegal acts of spoliation and plunder were committed by, and in behalf of, the Krupp firm in the Netherlands on a large scale, and that particularly between about September 1944 and the Spring of 1945, certain industries of the Netherlands were exploited and plundered for the German war effort, "in the most ruthless way, without consideration of the local economy, and in consequence of a deliberate design and policy...."

Another example of the aggressive attitude of the Krupp firm and the reliance placed upon government officials to assist it in acquiring properties in the occupied territories is the attempted purchase of a shipyard in the Netherlands, owned by a Dutchman named Wortelboor. The Krupp firm wished to obtain a shipyard on the Rhine to be used in conjunction with the Krupp-Stahlbau plant at Rhinehausen. For this purpose, Schroeder, defendant Loeser's chief assistant, journeyed to Holland in company with an official of the Krupp-Stahlbau plant and a Dr. Knobloch to inspect and appraise the Wortelboor shipyard.

Schroeder reported to defendant Loeser his superior that the

shipyard would be suitable, but the Krupp firm's subsequent efforts to purchase the property were frustrated because Wortelboor decided not to sell. We quote from a portion of Schroeder's report, dated 11 June 1942:

"Herr Wortelboor is a Hollander. He plainly has no interest in furthering the plans of the German Navy.A plan of working in co-operation with Wortelboor does not appear feasible to us....We would be interested in buying the dockyard if it is to be had at a reasonable price. Dr. Knobloch will inform the Navy of our way of looking at the matter, and will suggest that the Navy exert a certain amount of pressure on Wortelboor....Perhaps Wortelboor will then yield and agree to make a sale, for which he shows no interest at the moment.
(underscoring added)

The credible evidence discloses active participation in the acquisition of machines from France and Holland by defendants Krupp, Houdremont, Mueller, Janssen, and Eberhardt and from Holland by the same defendants with the exception of defendant Eberhardt. Defendant Loeser did not participate in the acquisition of machinery and materials subsequent to April 1943 but prior thereto as head of the Finance Department and member of the Inner Vorstand he, together with defendant Krupp, approved a credit application for purchase of machinery at the Austin factory and an application for credit of 1.2 million R.M. for the purchase of machinery in France. The agenda for an Aufsichtsrat meeting in March 1943 sent out by defendant Krupp to defendants Loeser, Houdremont, Mueller, Janssen, Pfirsch and Korschach included a large list of credits for new construction and acquisition of machines which includes an item of "800,000 R.M. for Booty machines for machine construction 20 and 21". A report on the method of acquisition of machines in France was initialled by defendant Houdremont. Reference has already been made to the statement by defendant Mueller that someone should accompany the machines from France in order to assure their speedy arrival. Moreover, subsequent to April 1943, expenditures for machinery in excess of 5,000 R.M. needed the approval of defendants Houdremont, Mueller and Janssen, and if in excess of 10,000 R.M. the approval of defendant Krupp. As has been previously stated defendants Krupp and Loeser were members

of the Vorstand of the Krupp firm until April 1943 at which time defendant Loeser retired from the firm and thereafter the Vorstand consisted of defendants Krupp, Houdremont, Mueller and Janssen. Defendant Eberhardt was a deputy member and head of the commercial Sales Department. In the acquisition of machines and property in France he was the most active in the field of all defendants.

The Defense have argued at length that the Krupp firm did not desire to participate in the spoliation of occupied countries but that whatever action was taken on their part in the acquiring of machines, materials and other properties was solely upon the orders of the Reich government in the furtherance of war production. For example, the claim is made that the confiscation of the two large bending machines obtained from Als-Thom--which we have discussed heretofore--was the direct responsibility of the Navy High Command, and that the Krupp firm had no alternative except to remove the machines and utilize them for the duration in carrying out the submarine program. Another example is the claim that the Krupp firm did not desire to use confiscated machines from Holland although the record shows that their own men proceeded to Holland with a suggested list of essential machines and on the basis of this list selected machines which were confiscated and sent to Germany for use in Krupp plants. There are numerous other such examples, all of which make it clear to us that the initiative for the acquisition of properties, machines, and materials in the occupied countries was that of the Krupp firm and that it utilized the Reich government and Reich agencies whenever necessary to accomplish its purpose, preferring in some instances, as has been shown, to remain in the background while the negotiations were handled by the government agencies.

This "initiatibe" on the part of the Krupp firm is best shown by two letters admitted in evidence, both of which are signed by Defendant Loeser's right hand man, Johannes Schroeder. One is addressed to his colleague Dr. Buseman and the other to defendant Eberhardt. We quote

them in toto--their purpose is clear:

"Mr. A. V. Bohlen just asked me which steps we had undertaken to secure trusteeships of enterprises of interest to us in case American property would be confiscated as a retaliation against the Americans.

"I told him that you are slated to become a trustee for the NATIONAL-KRUPP REGISTRIERKASSEN G. m.b.H. (NATIONAL-KRUPP CASH REGISTER LTD:)

"In my opinion, however, it is not sufficient if this is arranged with the company. There is rather required a consent from Government authorities, probably from Ministerial direktor Dr. ERNST.

"Mr. A.v. BOHLEN requests you to report to him briefly.

"Since I shall not be present to-morrow, and not having been able to reach you today, I inform you about this matter in writing."

The second letter is as follows:

"We were discussing the DUEKOFF WORKS a few days ago. I have not done anything yet, since I wanted to await the return of Dr. LOESER.

"Would the 'SINGER SEWING MACHINES' also be suitable for you. The SINGER SEWING MACHINES are, to my knowledge, American property. The appointment of trustees as a retaliation against the Americans is to be reckoned with shortly. Maybe a man of KRUPP could then become a trustee."

Thus we see that six months prior to the attack on Pearl Harbor, the defendant Alfried Krupp was taking the initiative in acquiring American interests for the Krupp firm of which fact the defendants Loeser and Eberhardt were well aware.

With respect to the acquisition of the Berndorfer plant in Austria by the Krupp firm we are of the opinion that we do not have jurisdiction to which conclusion Judge Wilkins dissents.

After a careful review of all the evidence presented by the Prosecution and the Defense we are convinced beyond all reasonable doubt that the defendants Krupp, Loeser, Houdremont, Mueller and Janssen participated actively in the spoliation of France and Holland and that defendant Eberhardt participated actively in the spoliation of France. Therefore we find the defendants Krupp, Loeser, Houdremont, Mueller, Janssen and Eberhardt guilty of the crime of spoliation as alleged in Count Two of the Indictment. The reasons upon which these