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MILITARY TRIBUNALS

Count 1. Crime against peace
Count 2. Plunder and spoliation
Count 3. Slave labor
Count 4. Conspiracy

CASE No. 10

THE UNITED STATES OF AMERICA

— against —

ALFRIED FELIX ALWYN KRUPP VON
BOHLEN UND HALBACH, EWALD OSKAR
LUDWIG LOESER, EDUARD HOUDREMONT,
ERICH MUELLER, FRIEDRICH WILHELM
JANSSEN, KARL HEINRICH PFIRSCH,
MAX OTTO IHN, KARL ADOLF FERDINAND
EBERHARDT, HEINRICH LEO KORSCHAN,
FRIEDRICH VON BUELOW, WERNER WILHELM
HEINRICH LEHMANN, HANS ALBERT GUSTAV
KUPKE

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947-48

I M I Indictment

Count 1: charged, deft participated in the formation or execution of a common plan or conspiracy to commit acts which involved the commission of crimes against the Peace and in an course of crimes and which contemplated and came to embrace as typical & systematic means, crimes against humanity.

Count 2: charged deft with participation in the planning preparation, initiation and waging of specific acts in violation of international treaties. Overlaps Count 1:

L Defendant apparently felt without so stating the knowledge of defendant's aggressive intentions suppressed for conviction under Count 1, even if deft had no idea who ultimate victims would be.

But under Count 2, allegations were limited to 12 specific aggressions. Therefore knowledge of the specific plans to invade those countries had to be shown.

Count Three: charged Star Crimes

Count Four charged crimes against humanity which embraced acts which were also war crimes.

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Peace, War Crimes and Crimes against Humanity, and participated in a common plan and conspiracy to commit Crimes against Peace, all as defined in Control Council Law Number 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included planning, preparing, initiating and waging wars of aggression and invasions of other countries, as a result of which incalculable destruction was wrought throughout the world, millions of people were killed, and many millions more suffered and are still suffering; deportation to slave labor of members of the civilian population of the invaded countries and the enslavement, mistreatment, torture and murder of millions of persons, including German nationals as well as foreign nationals; plunder and spoliation of public and private property in the invaded countries pursuant to deliberate plans and policies intended not only to strengthen Germany in launching its invasions and waging its aggressive wars and to secure the permanent domination by Germany of the continent of Europe, but also to expand the private empire of the defendants; and other grave crimes as set forth in this Indictment.

The persons hereinafter named were all officials of Fried. Krupp A.G., Essen (1903-1943) and its successor, Fried. Krupp, Essen. The original enterprise of Fried. Krupp was founded in 1812. It was transformed into a corporation (A.G.) in 1903, which was succeeded in December 1943 by an unincorporated firm, Fried. Krupp, Essen, in accordance with a special Hitler decree. These firms constituted successively the Family Enterprise of the Krupp family and, together with their subsidiaries and other interests, are hereinafter referred to as "KRUPP." The managing body of the Fried. Krupp A.G. is hereinafter referred to as the "Vorstand", and that of the succeeding unincorporated firm, as the "Direktorium."

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

ALFRIED FELIX ALWYN KRUPP VON BOHLEN UND HALBACH - Sole owner, proprietor, active and directing head of Fried. Krupp, Essen, and Fuehrer der Betriebe (Leader of the Plants), from December 1943; successor to Gustav and Bertha Krupp von Bohlen und Halbach, directing head and owner respectively of Fried. Krupp A.G.; previously active head, Chairman of the Vorstand and head of the War Material and Raw Materials Departments of Fried. Krupp A.G., Essen; Wehrwirtschaftsfuehrer

(Military Economy Leader); Deputy Chairman of the Reichsvereinigung Eisen (Reich Association Iron) and member of the Presidium of the Reichsvereinigung Kohle (Reich Association Coal) (hereinafter referred to as the "RVE" and "RVK"); member of the Verwaltungsrat of the Berg and Huettenwerksgesellschaft Ost G.m.b.H. (hereinafter referred to as the "BHO"); member of the Armament Commission (Ruestungsrat) in the Office of the Reich Minister for Armament and War Production (Reichsminister fuer Ruestung und Kriegsproduktion); member of the Nationalsozialistische Deutsche Arbeiter Partei (Nazi Party, hereinafter referred to as the "NSDAP"); sponsoring member of Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiter Partei (hereinafter referred to as the "SS"); Standartenfuehrer (Colonel) of the Nationalsozialistisches Flieger Korps (National Socialist Flying Corps, hereinafter referred to as the "NSFK").

EWALD OSKAR LUDWIG LOESER - Member of the Vorstand and head of the Administrative and Finance Departments of Fried. Krupp A.G. until March 1943; Wehrwirtschaftsfuehrer; Krupp representative in the Kleiner Kreis (Small Circle, a group which exercised great influence over the coal, iron and steel industries) Reich trustee for Phillips Radio, Eindhoven, Netherlands, in 1944.

EDUARD HOUDREMONT - Member of KRUPP Direktorium and deputy member of the Vorstand, head of the Metallurgical, Steel and Machine Departments; plant leader (Fuehrer des Betriebes), Gusstahlfabrik, Essen; Wehrwirtschaftsfuehrer; Special Commissioner for Metal Substitutes (Sonderbeauftragter fuer Metallumstellung) in Reich Ministry for Armament and War Production and the Ministry of Economics (Reichswirtschaftsministerium); advisor to the administrators of the Four Year Plan; member of the NSDAP.

ERICH MUELLER - Member of KRUPP Vorstand and Direktorium, head of the Artillery Designing and Machine Construction Departments and coordinator of artillery construction; Wehrwirtschaftsfuehrer; armaments advisor to Hitler; advisor to the War Ministry; head of Armament Committed (Waffenausschuss) in the office of Reich Minister for Arms and Munitions; Chairman of the Weapons Development Committee (Entwicklungskommission der Waffen) of the Ministry for Armament and War Production; member of the NSDAP.

FRIEDRICH WILHELM JANSSEN - Member of KRUPP Direktorium and deputy member of the Vorstand; successor to Ewald Loeser as head of the Administrative and Finance Departments; head of the Berlin office, 1937-43; Wehrwirtschaftsfuehrer; member of the NSDAP; sponsoring member of the SS.

KARL HEINRICH PFIRSCH - Deputy member of KRUPP Direktorium and Vorstand, and head of the War Material and Machine Sales Departments; head of the Berlin office, 1943-45; Wehrwirtschaftsfuehrer; member of the NSDAP.

MAX OTTO IHN - Deputy member of KRUPP Direktorium and Vorstand, deputy to Ewald Loeser and Friedrich Janssen, concerned particularly with personnel and intelligence; deputy plant leader, Gusstahlfabrik, Essen; member of the NSDAP.

KARL ADOLF FERDINAND EBERHARDT - Deputy member of KRUPP Direktorium and Vorstand, and successor to Karl Pfirsch as head of the War Material and Machine Sales Departments; member of the NSDAP.

HEINRICH LEO KORSCHAN - Deputy member of KRUPP Vorstand; head of the Department of Steel Plants and deputy head of the Metallurgical Department; trustee and administrator of KRUPP wartime enterprises in Eastern and Southeastern Europe; managing director of Krupp Bertha Werk, Breslau; member of the NSDAP.

FRIEDRICH VON BUELOW - An official of KRUPP, concerned particularly with confidential, intelligence, and public relations matters; head of the Berlin office, 1932-36; military and political Chief of Counter-Intelligence (Hauptabwehrbeauftragter) at KRUPP, Essen, and direct representative of Krupp with Nazi officials, the Gestapo and SS; chief of the Works Police (Werkschutz), Gusstahlfabrik, Essen.

WERNER WILHELM HEINRICH LEHMANN - An official of KRUPP, deputy to Max Ihn and in charge of Arbeitseinsatz "A" (labor procurement); member of the NSDAP.

HANS ALBERT GUSTAV KUPKE - An official of KRUPP, head of experimental firing ranges at Essen; head of the foreign workers camps (Oberlagerfuehrer); previously an official of the Army Ordnance Office (Heereswaffenamt); member of the NSDAP.

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Reference is hereby made to Appendix "A" of this Indictment for a fuller statement of the positions and activities of each of the defendants.

COUNT ONE -- CRIMES AGAINST PEACE

1. All of the defendants, with divers other persons, including Gustav Krupp von Bohlen und Halbach, Paul Goerens and Fritz Mueller, during a period of years preceding 8 May 1945, committed Crimes against Peace as defined in Article II of Control Council Law Number 10, in that they participated in the initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation, and

waging wars of aggression, and wars in violation of international treaties, agreements, and assurances.

2. The defendants held high positions in the political, financial, industrial and economic life of Germany and committed Crimes against Peace in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including KRUPP, connected with the commission of Crimes against Peace.

X 3. The invasions and wars referred to and the dates of their initiation were as follows: Austria, 12 March 1938; Czechoslovakia, 1 October 1938 and 15 March 1939; Poland, 1 September 1939; Denmark and Norway, 9 April 1940; Belgium, the Netherlands and Luxembourg, 10 May 1940; Yugoslavia and Greece, 6 April 1941; the USSR, 22 June 1941; and the United States of America, 11 December 1941. X

4. In these invasions and wars many millions of people were murdered, tortured, starved, enslaved and robbed; countless numbers became diseased; millions of homes were left in ruins; tremendous industrial capacity capable of feeding millions of people was laid in waste; and a large part of the world was left in economic and political chaos. The lives and happiness of two billion people were adversely affected as the result of these invasions and wars of aggression.

5. The origins, development and background of the crimes which the defendants herein committed, and of the criminal plans in which they participated, may be traced through a period of over one hundred years of German militarism, and one hundred thirty-three years, embracing four generations, of KRUPP armament making. In World War I KRUPP's contribution to German might included the "Big Bertha" gun which terrorized the civilian population of Paris. In World War II, KRUPP, through the defendant Alfried Krupp, following "an example set by Alfred Krupp in the War of 1870," offered Hitler the "Big Gustav" gun, which shelled Sevastopol. Upon the occasion, in 1940, of the designation, in Hitler's presence, of KRUPP as a "National Socialist Model Enterprise," the award was accepted with the words: "It (the award) is in honor of a social-political attitude, which, while having its roots in a 128-year-old tradition, has developed organically so as to fit into the new times, into the National Socialist Germany."

6. KRUPP, as the principal German maker of large caliber artillery, armor plate and other high quality armament, the largest private builder of U-boats and warships, and the second largest producer of iron and coal in Germany, contributed substantially to the ability of the Third Reich to wage its invasions and wars of aggression. When these invasions and wars were

first initiated KRUPP was a gigantic vertical enterprise composed principally of coal and iron ore mines, transport units, blast furnaces, rolling mills, shipyards, machine, armament and other manufacturing plants, the most important units and subsidiaries of which are named in Appendix "B" of this Indictment. In 1939 it consisted of at least 175 domestic and 60 foreign subsidiary units. Its interests centered in the Ruhr area and particularly in Essen where the seat of the enterprise was located, but its branches dotted the globe and during World War II major interests grew up throughout Europe.

7. The restrictions which the Versailles Treaty placed upon the armament of Germany were systematically circumvented and violated by KRUPP. As the KRUPP Vorstand, which at that time included the defendants Alfried Krupp and Loeser, said in 1938 of the post-Versailles period, "Our company decided to preserve the precious experience irreplaceable for the war potential of our people. This we did as the trustee of an historical heritage *** in order to be ready to execute armament orders when the time came." And Gustav Krupp von Bohlen said, "Even the Allied snoop commissioners were duped." In March 1941 Gustav Krupp von Bohlen wrote, "Through years of secret work, scientific and basic groundwork was laid in order to be ready again to work for the German armed forces at the appointed hour without loss of time or experience." Manufacture of tanks started in 1926. Research and experimental work was done on naval armament, including work on submarines, warships, armor plating and fire control. Remote control of naval fire was demonstrated in 1929. Experimental work on rocket designing was started in 1930.

8. The program of the Nazi Party coincided with the aspirations of the KRUPP firm to re-establish a powerful Germany, with KRUPP as the armament center. The main points of that program, which were first announced in 1920 and thereafter continually and publicly reiterated so as to become matters of common knowledge, were to remove the restrictions which the peace treaties of Versailles and St. Germain imposed on the military armament and activity of Germany; to reconstitute the Wehrmacht; and to acquire, by any means deemed opportune, including war, the territories lost by Germany as the result of the World War of 1914-1918 and other territories asserted to be occupied by so-called "racial Germans" or to be required by "racial Germans" as "Lebensraum" or living space. This program proclaimed, among other things, that so-called "racial Germans" were a "master race" entitled to subjugate other peoples; that the German people should be ruled under the Fuehrerprinzip (leadership principle); and that war was a noble and necessary activity of Germans.

9. The name, prestige and financial support of KRUPP was used to bring the NSDAP into power over Germany and to put into

effect its announced program. On 20 February 1933, immediately prior to the crucial Reichstag election of 5 March 1933, Gustav Krupp von Bohlen, together with other leading industrialists, met Hitler at Goering's Berlin house. Hitler declared his treasonable purpose to seize power by violence if the Nazis failed in this election. Among other things he stated that: private enterprise cannot be maintained in the age of democracy; when the defense of the existing order is left to a majority it will irretrievably go under; it is the noblest task of a leader to find ideals that are stronger than the factors that pull the people apart; he found them in Nationalism, in the denial of reconciliation between nations, in the strength and power of individual personality; if one rejects pacifism, one must offer a new idea in its place immediately; we must not forget that all the benefits of culture must be introduced more or less with an iron fist, just as once upon a time the farmers were forced to plant potatoes; we must first gain power if we want to crush the other side completely; only when one knows that one has reached the pinnacle of power, that there is no further stand before the last election; regardless of the outcome there will be no retreat; if the election does not decide, the decision must be brought about by other means; there are only two possibilities, either to crowd back the opponent on the basis of the constitution, and for this purpose once more this election, or a struggle will be conducted with other weapons, which may demand greater sacrifices; the question of restoration of the Wehrmacht will not be decided at Geneva, but in Germany. At the conclusion of the speech Goering asked for money, saying that, "The sacrifice asked for would be so much easier for industry to bear if it realized that the election of 5 March will surely be the last one for the next ten years, possibly for the next hundred years." Gustav Krupp von Bohlen then expressed to Hitler the industrialists' "gratitude for having given us such a clear picture of his ideas," and initiated the collection of over 3,000,000 RM from the assembled industrialists with a pledge of 1,000,000 RM from the Ruhr. When the Reichstag met on 24 March 1933 following the election of 5 March 1933 Hitler introduced the "Enabling Act" which turned Germany into a dictatorship. The ouster from the Reichstag of his political opponents and the aid of the Deutschnationalen Volkspartei, which was heavily financed and supported by KRUPP, gave him the votes needed for its enactment.

10. The NSDAP, having achieved power over the political life of the country, proceeded to extend its hold to all other phases of German life. Gustav Krupp von Bohlen undertook, as Chairman of the Reich Association of German Industry, the largest association of German industrialists, to bring that Association into "agreement with the political aims of the Reich Government." In April 1933 he submitted to Hitler the plan of that Association for the reorganization of German industry according to the Fuehrerprinzip (leadership principle).

The introduction of this principle into the sphere of business and industry served to promote a war economy by centralizing authority through compulsory memberships in so-called "autonomous" organizations governed by men committed to carrying out the program and aggressive aims of the Third Reich.

11. To strengthen the NSDAP Gustav Krupp von Bohlen, in May 1933, organized the Adolf Hitler Spende. This was a fund collected from every circle of German industry, banking and agriculture, and put at the disposal of Hitler, the Stahlhelm and the NSDAP organizations. Eighty-five per cent of industry contributed to it and it was the greatest private source of funds for the NSDAP. KRUPP alone contributed in excess of 6,000,000 RM to it. Its leadership, originally assumed by Gustav Krupp von Bohlen, subsequently devolved upon the defendant Alfried Krupp.

12. Immediately after the Nazi seizure of power the rearmament of Germany was accelerated. On 21 May 1935 Germany formally renounced the armament clauses of the Versailles Treaty. By 1939 Hitler was able to state that: "For more than six years I have worked for the building up of the German Wehrmacht. During this time more than 90 billions have been spent for the building up of our army. It is today the best equipped in the world and in every respect surpasses that of the year 1914."

13. To produce armaments on this vast scale the entire economic life of Germany, and particularly the armament industry, was reorganized. The chief agency through which this was accomplished was the Four Year Plan, establishment of which was announced on 8 September 1936 at the Nazi Party rally in Nurnberg. Its purpose was to make Germany ready for war in four years. In a memorandum to Goering, Plenipotentiary for the Four Year Plan, explaining its objectives, Hitler stated that the final solution of Germany's problem lay in the acquisition of new territories; that such acquisition was the task of "the political leadership"; that in order for "the political leadership" to exercise its responsibilities the German economy had to be mobilized for the purpose of making Germany self-sufficient in critical war materials.

14. The defendants, and other KRUPP officials whose cooperation was needed for the accomplishment of the aims of the Four Year Plan, were advised as to the purposes of the plan and participated in its execution. On 17 December 1936 Goering made a speech in the Preussenhaus in Berlin to the members of the Reichsgruppe Industrie in which he made clear the intention and decision of the Third Reich to wage war. He said, among other things: "The battle which we are approaching demands a colossal measure of productive ability. No limit on the rearmament can be visualized. The only alternative in this case is victory or destruction. If we win

business will be sufficiently compensated." He ended his speech: "Our whole nation is at stake. We live in a time when the final battle is in sight. We are already on the threshold of mobilization and we are already at war. All that is lacking is the actual shooting." On 17 March 1937 at a conference held under the auspices of the Four Year Plan and which was attended by high ranking government officials and representatives of the leading iron and steel firms, including KRUPP, Goering emphasized that the "shortage of ores must not endanger the program of munition production or armaments in case of war." In the discussion that followed he agreed that Roechling, a leading industrialist, had correctly stated the problem as: "What is the quantity that the German ore mining industry must be prepared to supply the German nation in case of war, and in how many years must this goal be attained?" At a second meeting of that same group held three months later, on 16 June 1937, to discuss the progress of the program, Goering made even clearer that Germany was preparing for war and that production and distribution, including the export of iron and steel products, had to be adjusted accordingly. Elsewhere he stated that the purpose of the Four Year Plan was to create a foundation upon which preparation for war might be accelerated and the most urgent necessity was to increase iron production. Iron was to be used first to increase iron production, and then for the armed forces, for warships and tanks, for the Four Year Plan and for export for foreign exchange. The export of semi-finished products was to be reduced and care was to be exercised that export did not facilitate the arming of the enemy. Goering was assured that only six per cent of Germany's export of iron went to "so-called enemy countries such as England, France, Belgium, Russian and Czechoslovakia." The iron and steel industries gave their full cooperation to this program. On 4 November 1938 at a conference in Duesseldorf of iron and steel industrialists, including the defendants Alfried Krupp and Loeser, Goering's representatives congratulated the members of the industry upon their accomplishments.

15. KRUPP fully and willingly cooperated in the rearmament of Germany for foreign aggression. The KRUPP firm, under the direction of the defendants, synchronized all its activities with the German government and its plans and preparations for invasions and wars. Each of the defendants, during the period of association with KRUPP, participated in its activities in support of the program of aggression and continued the assistance and aid to the Nazi Party initiated by Gustav Krupp von Bohlen as leader of KRUPP in 1933. The assistance KRUPP rendered under the direction of the defendants, through its research, foreign organizations, manufactures, and exports, was indispensable to the preparation, initiation and waging of Germany's aggressive wars.

16. KRUPP laboratories, furnaces and mines were utilized in the attempt to make Germany self-sufficient and invincible. In cooperation with the Four Year Plan research was conducted in coal, chemistry and metallurgy, under the direction of the defendant Houdremont, for the purpose of reducing Germany's dependence upon outside sources by the fullest utilization of German ores and other raw materials, even those of poor quality. Research in armament production, started prior to the Nazi accession to power, was continued on a far vaster scale. Personnel was doubled and elaborate tests were instituted. German intervention in Spain in aid of Franco was used as an opportunity to test in actual combat the weapons developed by KRUPP. The results of research carried on by KRUPP were utilized by the entire German armament industry. KRUPP gave other German armament firms the necessary blueprints and information needed to produce vital armaments, including siege guns, tank guns and turrets, mortars and caissons for field guns. The defendant Mueller, working in close cooperation with German military authorities, fully utilized KRUPP research and personnel to design the weapons needed to meet the special conditions to be anticipated in the invasion of particular countries.

17. All the productive facilities of the KRUPP firm were coordinated with the program for rearmament. Direct production of armaments on a vast scale started in 1933 and continued in increasing volume until the last years of the war. Strict secrecy measures were instituted almost immediately upon the start of the rearmament program to conceal its scope. The KRUPP firm actively cooperated in the disguised methods of financing used to conceal Germany's rearmament program. It was one of the founders of the Metallurgische Forschung Gesellschaft, m.b.H. (MEFO), through which Germany concealed the expenditure of 12,000,000,000 RM for rearmament purposes between 1935 and 1938. KRUPP was one of the principal users of the "MEFO" bills until their discontinuance in 1938, when it was no longer deemed necessary to conceal the vast progress of German rearmament. The KRUPP firm was one of the chief sources of supply of offensive weapons, such as heavy tanks, artillery and submarines, needed for the waging of aggressive war. The "Gustav" gun which shelled Sevastopol, the submarines that formed the "wolf packs" which harried Atlantic shipping, and the tanks which overran most of Europe and North Africa for Germany were KRUPP products. In addition to finished armament products the facilities of the KRUPP firm were used to manufacture intermediate products for sale to other armament manufacturers. Production throughout KRUPP was regulated strictly in accordance with the requirements of the German war machine.

18. The products of the KRUPP shipyards and plants were indispensable to the rebuilding of the German navy. By 1939 the Germania Yards were constructing one submarine a month. In addition to this they were building a battleship, an aircraft

carrier, cruisers, and other vessels for the German navy. The "Bismarck," "Tirpitz," "Admiral Graf Spee," "Admiral Scheer" and "Deutschland" were armed by KRUPP. In building and arming the German navy KRUPP disregarded the limitations imposed by international treaties upon the armament and size of German vessels, and participated in concealing the breach of those treaties.

19. To meet the demands of the German rearmament program KRUPP altered and expanded its production facilities. A new synthetic gasoline plant, the KRUPPSCHE Treibstoffwerk G.m.b.H., was established at a cost of 20,000,00 RM, as part of the program to make Germany self-sufficient in the event of war. The shipbuilding facilities of the Germania yards were enlarged in accordance with the shipbuilding program of the German navy under which it was planned to build three battleships a year. The other production facilities of KRUPP were similarly enlarged. Production of iron and steel by the Gusstahlfabrik and the Friedrich-Alfred Huette increased from 1,500,000 tons in 1932 to 4,000,000 tons in 1938. Production, in Reichsmarks, in the business year ending 1942 was about five and one half times that of the pre-Hitler, depression year ending in 1932. The number of employees increased from 35,000 in 1932 to 112,000 in 1939. Part of this expansion was financed directly by the German government and large German banks and part by KRUPP, and resulted in a production in excess of and different from the needs of a peacetime economy.

20. The exports and foreign affiliates and resources of KRUPP were fully utilized by the defendants to assist the Third Reich in the economic penetration of foreign countries for the purpose and with the result of weakening the economies and military defensive strength of foreign countries and strengthening the economies and offensive military strength of the German Reich and its allies.

21. KRUPP's foreign patents and agreements abroad were used to restrict foreign production, keep foreign prices high, provide KRUPP with technical information and general economic intelligence and furnish foreign exchange to KRUPP through royalty payments. These patents and agreements affected particularly stainless steel and tungsten carbide, the latter of which is of great importance in the production of machine tools. Under the terms of the licenses given in the United States for the use of certain steel formulas, KRUPP required that it be supplied with the production figures of the American licensees. After the outbreak of war in 1939 the KRUPP subsidiary in the United States, the Nirosta Company, continued to demand these rights, even in respect to royalty-free production by American plants on United States government contracts. To facilitate use of its foreign patents and licenses in the interest of Germany KRUPP cloaked its interests in foreign enterprises.

22. KRUPP, in these and other ways, carried on espionage activities on behalf of the German government. Its business

connections abroad enabled it to secure information concerning armament development and progress outside Germany. This information was turned over to competent military strength of the countries in question.

23. The KRUPP connections abroad were used for the dissemination of Nazi propaganda. Personal letters setting out the Nazi viewpoint, booklets sympathetic to the NSDAP, and similar material, were sent out by KRUPP to the people with whom it did business abroad. This was done in close cooperation with the interested government bureaus charged with distributing propaganda and in such fashion as to conceal its official origin. The Third Reich was thus enabled to increase the effectiveness of its propaganda devices. The defendant Ihn supervised much of this KRUPP activity, which was part of German preparation for waging aggressive war.

24. KRUPP export business, like its research, production and foreign affiliations, was likewise coordinated with the Nazi armament program. Exports were controlled in the interest of securing foreign exchange and to advance the military objectives of the Third Reich. The foreign exchange secured through such sales was used for the stock-piling of materials necessary for the waging of aggressive war. Exports were regulated so as to build up the military position of friendly countries, while keeping those deemed "enemy countries" weak or dependent upon Germany. War materials were either entirely cut off from particular countries upon their selection as victims of German aggression, or doled out in the minimum quantities necessary to allay suspicion. So, for example, on 17 May 1939, one week before the conference at the Reich Chancellery in Berlin at which Hitler announced to a group of leaders of the Third Reich his intention to attack Poland, KRUPP was advised to cease export of war materials to Poland. An inquiry from Holland regarding anti-aircraft guns dated 16 October 1939, nine days after the German Army had been ordered to prepare for the immediate invasion of Dutch and Belgian territory, was referred to the defendants Mueller and Eberhardt, among others, and was marked by KRUPP "Not to be answered." Two months before the actual invasion of Holland KRUPP advised the Foreign Ministry not to awaken the suspicion of the Netherlands government by withholding visas and preventing inspection of guns on order which KRUPP had no intention of delivering. While KRUPP was denying material to the intended victims of German aggression it was supplying European satellite governments and Japan with equipment for the manufacture of armaments with approval of the German High Command.

25. The coordination of all phases of activity of the KRUPP firm with the program of the Nazi government was accomplished through the close liaison maintained at all times between the defendants and the government. From the start of the rearmament program KRUPP officials were in constant

communication with officials of the military and economic branches of the government. To facilitate coordination of the work and activities of the KRUPP firm with the military offices of the Reich, the "R-Office," or "Ruestungs Vertretung," was established by KRUPP in 1936 in Berlin and operated under special security measures. This office included among its functions and duties the coordination and supervision of military contracts, financing of military orders, military and industrial espionage in foreign countries and the coordination of confidential relationships of the defendants and KRUPP with the military and military-economic offices.

26. The defendants Mueller and Houdremont collaborated closely with the military procurement agencies in the design of weapons and scheduling of production. Upon the establishment of the Office of the Reichsminister for Arms and Munitions, Mueller's position as military advisor was officially recognized by placing him at the head of the Armaments Committee. When this Office was succeeded by the Ministry for Armaments and War Production he continued to hold a leading position as head of one of the "Rings" and of the Weapons Division Committee. The defendant Alfried Krupp was on the Armaments Advisory Commission (Ruestungsrat) of this Ministry; the defendant Houdremont was in charge of its Special Committee for Metal Substitutes. KRUPP personnel were to be found on many of the other Main Committees and Rings. The value of KRUPP personnel to Germany's rearmament was recognized by the designation of "Wehrwirtschaftsfuehrer" awarded to the defendants Alfried Krupp, Loeser, Houdremont, Mueller, Janssen and Pfirsch.

27. The high positions held by the defendants in the political, financial, industrial and economic life of Germany facilitated the coordination between the activities of the KRUPP firm and the German program for rearmament. They held key positions in the economic organizations and groups which, acting in cooperation with the German High Command, prepared Germany's industrial mobilization plan. The defendant Alfried Krupp was a member of the Beirat of the Wirtschaftsgruppe Eisenschaffende Industrie (herein called "WGE"); and the defendant Loeser was a member of the Kleiner Kreis, which exercised great influence in the WGE and in the iron, steel and coal industries generally. The defendants Alfried Krupp, Loeser, Ihn and von Buelow were also active in the District Group North West, the most important sub-organization of the WGE. The KRUPP firm was equally well represented in the RVE (Reichsvereinigung Eisen), and official organization for the governance of the iron and steel industry in Germany's war economy, organized in May 1942; the RVK (Reichsvereinigung Kohle), organized in April 1941, which occupied a similar position in the coal industry; and the Rheinische-Westphalische Kohlen Syndikat (herein called "RWKS"), the principal sub-organization of the RVK. The defendant Alfried Krupp was

Deputy Chairman of the RVE; and the defendants Mueller and Ihn were members. The defendant Alfried Krupp was on the Presidium of the RVK. The defendants likewise played a leading role in the AGK, the Armament Export Association of the Reichsgruppe Industrie. No weapons could be exported from Germany without the permission of the AGK, and the defendants Alfried Krupp and Pfirsch were members of its Beirat.

28. Each step taken by the Nazi government after its accession to power made clearer that it was on the road to aggressive war. After the announcement of the Four Year Plan in 1936 the inevitability of war as the result of Hitler's aggressive plans and intentions grew increasingly manifest and the dictatorship of the Third Reich more brutal and tyrannical. As succeeding events indicated more and more clearly the war-like intentions of the German government and the imminence of aggressive war, a few prominent supporters of Hitler parted company with the leaders of the Third Reich. In sharp contrast with these, however, KRUPP and the defendants did not terminate, but, on the contrary, intensified their close collaboration with the political and military leaders of the Third Reich. Just prior to the actual launching of Germany's aggressive wars KRUPP's war production reached new heights. In conjunction with the Nazi government and as part of the MOB (Mobilization) Plan it had already scheduled its operations so as to assure their continuance without interruption in the event of war. It took steps to protect its financial position abroad against the anticipated outbreak of war, including transferring its foreign assets to other companies to cloak their real ownership and preparing to set off foreign debts against foreign assets. With the actual start of war the defendants participated even more closely in the government's war plans and activities, and KRUPP officials became part of the official government machinery.

29. During the entire period of actual conflict KRUPP was one of the principal sources of supply for German armed forces and one of the chief beneficiaries of German invasions and wars. To assist the Third Reich and as an integral part of the waging of its aggressive wars and to secure the aggrandizement of KRUPP the defendants plundered and exploited private property in and public property and resources of occupied countries and enslaved their citizens. These acts are more fully set forth in Counts Two and Three of this Indictment, and the allegations made therein are hereby incorporated in this Count. Plants in Austria, France and Belgium, chromium ore deposits in Yugoslavia, nickel mines in Greece, naval and shipbuilding facilities in Holland, and iron and steel plants and foundries in the Soviet Union were exploited by the defendants in furtherance of these wars of aggression. Citizens

of these and other countries were compelled to work for KRUPP in the manufacture of armaments and munitions. This exploitation of the human and material resources of the occupied countries in violation of the laws and customs of war enabled Germany to wage and prolong the criminal invasions and wars in which it was engaged.

30. Throughout the entire period of preparation and planning for Germany's criminal invasions and wars and during the period of the actual initiation and waging of such wars, the defendants supported and approved the aims and programs of the Third Reich and of the NSDAP and placed at their service the productive resources of KRUPP, the prestige of the firm, its owners and executives, and its financial power.

A. The defendant Alfried Krupp, as leader of the KRUPP firm, pledged it to continue the KRUPP tradition of armament and the support of the Fuehrer initiated by his father. In a proclamation to the workers of KRUPP in 1943 he boasted of the glorious history of the KRUPP weapon forges; pointed with pride to the workers as active adherents of Nazi ideology; and promised revenge against the Allies.

B. All of the defendants, except von Buelow and Loeser, were members of the NSDAP and pledge acceptance of Nazi doctrine and aims; Loeser, as early as 1933, had joined the Nationalsozialistisches Flieger Korps; and von Buelow was a Gestapo confidant. The defendants assisted in the spread of NSDAP doctrines and gave financial support to the Party through the KRUPP firm and as individuals. Two plants of the KRUPP firm alone, the Gusstahlfabrik and the Friedrich-Alfried Huette, contributed to Nazi organizations between 30 January 1933 and 1 September 1939 over 4,759,420.88 RM and between 1 September 1939 and May 1945 over 7,606,967.61 RM, a total of over 12,366,382.49 RM.

C. The KRUPP firm supported the Four Year Plan for making Germany self-sufficient and the other economic measures taken to mobilize Germany. KRUPP worked harmoniously with the state-owned Hermann Goering Works, which was engaged in the exploitation of the low grade ores found in Germany, thereby diminishing its dependence on external sources of supply. The defendant Houdremont acted as consultant in respect to that project in preparation for war.

D. Close personal contacts were fostered between the leaders of KRUPP and the Nazi hierarchy. From 1934 Hitler was a frequent visitor at the Essen plants, and other visitors at the Gusstahlfabrik included: Mussolini, special Japanese envoys, Goering, Hess, Goebbels, Himmler,

von Ribbentrop, Bormann, von Neurath, von Blomberg, von Fritsch, Keitel, Raeder, von Mackensen, Todt, Speer, Funk, Ley and Sauckel. Gustav Krupp von Bohlen and the defendants Alfried Krupp and Mueller, among others, on numerous occasions visited, reported to, and made plans with Hitler in Essen, Berlin, Berchtesgaden and elsewhere.

31. The participation and assistance of KRUPP and the defendants in the plans and enterprises of the NSDAP and of the German Reich was profitable and well rewarded.

A. The Family Enterprise was vastly enriched by KRUPP's zeal under the Nazi program of armament and aggressive war. The net profit of the firm, after taxes, gifts and reserves, rose steadily as armament accelerated; for the year ending 30 September 1935 it was 57,216,392 RM; for the year ending 30 September 1937 - 97,071,632 RM; for the year ending 30 September 1940 - 111,555,216 RM. The book value of the KRUPP firm mounted from 170,592,712 RM on 1 October 1933 to 513,824,717 RM on 1 October 1943. The enhanced value reflects the firm's profits on the armament of Germany and the results of its looting and spoliation of the resources of the occupied countries in the wake of the German army.

B. On 12 November 1943 in recognition of the services of the Krupp family and firm to the war aims of the Third Reich, Hitler issued a special decree, the Lex Krupp, which declared: "The enterprise of Fried. Krupp, a Family Enterprise for 132 years, deserves the highest recognition for its incomparable efforts to boost the military potential of Germany. Therefore, it is my wish that the Enterprise be preserved as family property * * *." The defendant Alfried Krupp, with the approval of Hitler, was thereupon designated by Bertha Krupp von Bohlen, former owner, as owner and leader of the Family Enterprise.

32. The acts and conduct of the defendants set forth in this Count were committed unlawfully, knowingly and wilfully and constitute violations of international laws, treaties, agreements and assurances, and of Article II of Control Council Law Number 10.

COUNT TWO -- PLUNDER AND SPOLIATION

33. All of the defendants, except Lehmann and Kupke, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity as defined in Article II of Control Council Law Number 10,

in that they participated in the plunder of public and private property, exploitation, spoliation, devastation and other offenses against property and the civilian economies of countries and territories which came under the belligerent occupation of Germany in the course of its invasions and wars, resulting in privation and suffering to millions of the inhabitants.

34. The defendants committed War Crimes and Crimes against Humanity, as set forth in paragraph 33 above, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including KRUPP, which were connected with the commission of War Crimes and Crimes against Humanity.

35. In consequence of a deliberate design and policy, the territories occupied by Germany in the course of its aggressive acts and its aggressive wars were exploited in a ruthless way far beyond the needs of the army of occupation and in disregard of the needs of the local economy. The requisitions and other demands made on the economies of the occupied countries were out of all proportion to their resources and inflicted severe suffering upon their civilian inhabitants. Agricultural products, raw materials useful to German factories, machine tools, transportation equipment, other finished products, foreign securities, holdings of foreign exchange and other property were requisitioned and sent to Germany. Patent rights were seized. Property rights of Jews, Slavs and of political opponents of the Nazi regime were special targets of the despoilers. The management and operation of, and the title to industrial, mining, commercial and other enterprises were frequently acquired or assumed by, or awarded to favored German officials and firms. Production for the local economy was drastically curtailed, and the production of industries and mines was geared to support the German war machine. In planning and organizing the plunder of and offenses against property in occupied territories and countries, the means adopted varied from complete dispossession and outright confiscation, which were cloaked by the enactment of various sequestration decrees, to general control through blanket enactments and negotiations under pressure with the owners of such property for its acquisition. This latter technique was used particularly in the West. At times a pretense was made of paying for the property seized. This pretense merely disguised the fact that the goods, including raw materials, machinery and equipment sent to Germany from, or employed for German benefit in, these occupied countries were paid for by the occupied countries themselves by various devices, including excessive occupation charges, forced loans in return for a credit balance in an alleged clearing account and currency manipulation. The means adopted were intended to and did carry into effect the plans of the Third Reich to strengthen Germany, in waging and in preparing and initiating

further aggressive wars, to insure the subservience to Germany of the economies of the conquered countries, and to secure German economic domination of the continent of Europe. The German occupation policy in Poland was clearly stated in a directive by Goering on 19 October 1939:

"On the other hand, there must be removed from the territories of the Government-General all raw materials, scrap materials, machines, etc., which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of the bare existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time, and would make it more practicable to exploit those enterprises by giving them German orders, to be executed at their present location."

Later in a speech made on 6 August 1942 to the various German authorities in charge of Eastern occupied territories, Goering said:

"God knows, you are not sent out there to work for the welfare of the people in your charge, but to get the utmost out of them, so that the German people can live. That is what I expect of your exertions. This everlasting concern about foreign people must cease now, once and for all. I have here before me reports on what you are expected to deliver. It is nothing at all, when I consider your territories. It makes no difference to me in this connection if you say that your people will starve."

36. The defendants participated extensively in the formulation and execution of the foregoing plans, policies and acts of spoliation and plunder, by seeking and securing possession through duress, in derogation of the rights of the owners, of valuable properties in the territories occupied by Germany for themselves, for KRUPP and for other enterprises owned, controlled and influenced by them; by exploiting properties in occupied territories, individually or through enterprises owned, controlled and influenced by them in the interest of the German war economy, without relation to the needs of the army of occupation and out of all proportion to the resources of the occupied territories or the welfare and needs of its inhabitants; by abuse, destruction and removal of such property; by taking possession of machinery, equipment, raw materials and other property known by them to have been taken by themselves and by others from occupied territories; by their activities and positions in KRUPP and in other private enterprises, and in official and governmental positions; and through memberships, representation, control and influence in financial, industrial, and economic organi-

zations and groups which were connected with the commission of War Crimes and Crimes against Humanity.

37. The defendants exercised pervasive influence and authority in the iron and steel and coal industries and exercised important functions in respect to the spoliation of occupied territories through and by means of their memberships, representation, control and influence in various economic organizations including: RVE, RVK, Kleiner Kreis and others. The influence and control exerted by the defendants over policies and actions of these organizations and groups were further extended through the positions and activities of other officials of KRUPP companies. The defendant Alfried Krupp was especially influential and active in these organizations and groups; and he travelled in the occupied countries to organize their spoliation and plunder. The Kleiner Kreis, of which the defendant Loeser was a member representing KRUPP, upon the downfall of France demanded so insistently immediate action granting permanent titles in seized property to favored German industrialists that the Reich Minister of Economics, Funk, was forced to ask the members to curb their lust for property.

38. Throughout occupied Europe KRUPP was heavily engaged in spoliation and plundering activities. The KRUPP legal department participated in spoliation deals and negotiations and attempted to give them the color of lawfulness. Industrial property, machinery, raw material, patent rights, and other property rights and human labor were the targets of KRUPP's economic plans and activities to encourage, assist and take advantage of German criminal invasions and wars. Through the defendants and their representatives, KRUPP acquired, and benefitted from, numerous immovable properties in occupied territories, employing devices including: seizure, purchases and leases influenced by force, "trusteeships" (Treuhandenschaften), and "sponsorships" (Patenschaften). KRUPP acquired and benefitted similarly from acquisition of movable property seized in the occupied countries for use there or in Germany in the interest of the German war effort. The particulars in paragraphs 39-44, inclusive are illustrative.

39. FRANCE. Even prior to the war the German Reich Government had invited German industrialists to submit an account of all losses of properties suffered in consequence of the defeat in the First World War and the Treaty of Versailles. KRUPP had suffered such losses, particularly in Lorraine, although money compensation had been paid by the German Republic. Following the German occupation, German industries, among them KRUPP, put in claims to booty in France. The defendant Janssen, then the principal KRUPP representative in Berlin, was instructed from Essen to make KRUPP claims known at the Reich Ministry of Economics. KRUPP

sent groups of technical experts into the occupied zone in France and obtained reports concerning French enterprises which KRUPP might take over advantageously. KRUPP established the subsidiary firm KRUPP S.A. in Paris, to amalgamate all KRUPP enterprises in France. KRUPP unlawfully obtained control through trusteeships and so-called "sponsorships" (Patenschaften) of numerous French enterprises; acquired rights and interest in mines, including the wolfram ore mine "Montbelleux"; founded jointly with other German concerns the Erzgesellschaft, for joint exploitation of French ore deposits, both colonial and European; threatened the French Custodian of Jewish property and thereby obtained the privilege of exploiting the Austin factory at Liancourt; took over the "Elmag" plant in Alsace; participated with other industrial concerns and the Hermann Goering Works in the seizure and exploitation of Lorraine coke ovens, gas and other property; participated in the dismantling of French factories and was a beneficiary of the looting of French raw materials, machinery, automobiles, urban real estate and other property, goods and materials; and at a meeting in or near Strasbourg in the summer of 1944 participated in organizing last-minute plunder and spoliation of French property in anticipation of the German evacuation of France and of the defeat of Germany in the war. For example:

A. By agreement with the Reich's Organization Todt, KRUPP took over, without notifying the concessionaire and the owner until a later date, the exploitation of a wolfram ore mine at Montbelleux, near Fougere, France. Upon the withdrawal of German forces from the area the mine installations and the warehouse were blasted and destroyed by and with the participation of KRUPP representatives and engineers.

B. KRUPP entered into a so-called "agreement" (Betriebsueberlassung) with the German commissar for a lease of the plants, including machinery, of the Elsaessische Maschinenfabrik A. G., Mulhouse, Alsace (Elmag) and founded a new company, the Elsaessische Maschinefabrik G.m.b.H. When the plant was evacuated in September 1944 KRUPP dismantled the machinery and shipped it to Germany. KRUPP withdrew current funds and working capital belonging to the French company and did not even leave enough to pay the workers and employees.

C. In April 1941 KRUPP's engineer, Eisfeld, from Rheinhausen, accompanied by German workers and military officers, commenced dismantling a valuable sheet metal bending machine and a valuable sheet metal bending press at the Alstom plant in Belfort, France. Both items were shipped to a KRUPP plant in Germany.

40. BELGIUM AND THE NETHERLANDS. Krupp-Brussels S.A. was founded with the purpose of obtaining, and did obtain, control of Belgian plants acquired unlawfully, including the American owned Lot factory of the S.A. Gregg. KRUPP participated in the so-called Ruhrhilfe Aktion, a project involving the dismantling of Dutch factories and machinery for the benefit of Ruhr plants, including those of KRUPP. KRUPP participated in the earlier Lager Aktionen, concerned chiefly with the requisitioning of new iron and steel materials from Dutch owners. KRUPP agents selected the material desired by KRUPP and informed the RVE, which ordered the requisition. KRUPP companies carried out the transport of such materials directly to KRUPP plants in Germany and to plants of the Vereinigte Stahlwerke, for which KRUPP acted as agent in this looting.

41. AUSTRIA. Prior to the Anschluss there had been in Austria well-founded fears of German domination and of the acquisition by Germans of Austrian industrial plants. For many years KRUPP had attempted unsuccessfully to acquire the Berndorfer Metallwarenfabrik Arthur Krupp, A.G. Negotiations were conducted by KRUPP with Goering, Hitler's plenipotentiary for Anschluss. The German-appointed trustee of the Austrian Creditanstalt was directed by Goering to sell Berndorf only to KRUPP. Backed by Goering's favor and German might, KRUPP, and the defendant Loeser in particular, conducted negotiations concerning the price and the Berndorf properties to be acquired. The acquisition of Berndorf was, in the words of KRUPP's official historian, a "pleasant consequence" of the annexation of Austria.

42. YUGOSLAVIA. Shortly after the German Army occupied Yugoslavia KRUPP attempted to obtain control of the Chrom-Asseo, A.G. and its Jeserina chrome mines by obtaining a majority of the shares which had been seized from a family considered "non-aryan." However, representatives of an Italian company had previously taken the shares to Rome and KRUPP was required by the German Foreign Office to accept a minority interest in partnership with the Italian plunderers. KRUPP subsequently acquired other shares, including shares seized by the Reichscommissar for Enemy and Jewish Property. In the negotiations, conducted by KRUPP's representatives Bellas and Kyllmann, KRUPP also succeeded in obtaining a share of the chrome ore.

43. GREECE. Prior to the war KRUPP attempted to obtain control of the nickel ore mine "Lokris," which was the property of a Greek citizen. The Societe Anonyme Internationale des Mines et Commerce de Minerals, Athens, controlled by a Greek, Charilaos, held the mining concession. KRUPP's offers for shares of the mine and the mining concession company were low and were rejected. When the German Army invaded Greece to assist their Italian allies in subduing the Greek nation,

Charilaos feared the seizure or confiscation of his shares and of his mine by Italians or Germans, both of whom had indicated a dangerous interest in the mine. Taking advantage of such fears KRUPP acquired 44,895 shares under duress from Charilaos. KRUPP subsequently acquired under similar circumstances 7,000 shares from the President of the S.A. Internationale, a Greek citizen, which gave KRUPP a controlling interest.

44. SOVIET UNION. KRUPP took full advantage of the German program, adopted even before the attack on the USSR, for the fullest and most ruthless exploitation of all Soviet economic resources. The restraints of the Hague Convention were not recognized by Germany as applying to the Soviet territory. All Soviet property was declared to be "Property Marshalled for the National Economy" (Wirtschafts-Sondervermoege) and representatives of the German civil and military occupation authorities were declared trustees of this property to which Germany purportedly took title. Special governmental or semi-governmental companies, Monopolgesellschaften or Ostgesellschaften, were created by the Plenipotentiary of the Four Year Plan, Goering, as trustees for the control of certain sectors of Soviet economy. One of these Ostgesellschaften, the Berg und Huettenwerksgesellschaft Ost m.b.H., herein referred to as the BHO, was the trustee for the iron, steel, and mining industry and the main spoliation agency in its field of operations. KRUPP obtained from this organization the priority for exploitation of the Ukraine and the trusteeship of numerous valuable enterprises, including two plants in Mariupol; the Ilyitch and Azov "A" plants, in Kramatorskaya; and the Molotov Works in Dneperpetrovsk. In 1943 KRUPP undertook the complete dismantling of the electro-steel mill at Mariupol for shipment to the KRUPP Bertha Werk near Breslau. Under special provisions of its agreement with the BHO, KRUPP obtained an option, to be exercised after the war, on the property of which it was trustee. Pursuant to the plans and programs of the BHO, RVK and RVE, KRUPP participated in numerous plans and programs for exploiting mining and smelting properties in Russia, and for stripping the occupied territory of stocks, raw materials, scrap iron and other property.

45. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the laws and customs of war, of international treaties and conventions, including Articles 46-56, inclusive, of the Hague Regulations of 1907, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law Number 10.

COUNT THREE -- DEPORTATION, EXPLOITATION AND ABUSE OF
SLAVE LABOR

46.. All of the defendants, with divers other persons, during the period from September 1939 to May 1945, committed War Crimes and Crimes against Humanity, as defined in Article II of Control Council Law Number 10, in that they participated in atrocities and offenses against persons, including: murder; extermination; enslavement; deportation; imprisonment; torture; abuse; and other inhumane acts committed against civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, the Third Reich; enslavement and deportation of foreign and German nationals, including concentration camp inmates; employment of prisoners of war in war operations, work having a direct relation to war operations, including the manufacture and transport of armament and munitions, and in dangerous occupations; persecution on political, racial and religious grounds; and exploitation and ill treatment of all categories of persons referred to above.

47. The defendants committed War Crimes and Crimes against Humanity, as set forth in paragraph 46 above, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including KRUPP, which were connected with the commission of War Crimes and Crimes against Humanity.

48. The acts, conduct, plans, and enterprises charged in this Count were carried out as a part of the slave labor plan and program of the Third Reich. Millions of persons, including women and children, were subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering and many deaths. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing, or sanitary facilities. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy. The needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises, as were the family honor and rights of the civilian populations involved. Prisoners of war were assigned to work directly related to war operations, including work in armament factories. Millions of prisoners were herded into concentration camps, and then driven to death in factories and mines or into more expeditious death in gas chambers. The treatment of slave laborers and prisoners of war was based on the principle that they should be fed, sheltered and treated in such a way as to exploit them to the greatest possible extent at the lowest possible expenditure.

49. Through and by means of their offices, memberships, representation, control and influence in the RVE, RVK and other organizations and groups, the defendants victimized and committed offenses against hundreds of thousands of civilians and prisoners of war in the iron and steel and the mining industries alone, in Germany and the occupied territories. These organizations and groups were given wide powers by the Government, exercised pervasive influence and authority in these industries, and performed important functions in respect to the procurement, enslavement, deportation, allocation, and treatment of foreign civilians, prisoners of war and concentration camp inmates. Members of the governing bodies of these organizations and groups, including the defendants Alfried Krupp and Houdremont, met and consulted with, and advised the Central Planning Board, which was the top wartime coordinating body in the Third Reich on matters of industry and manpower. The influence and control exerted by the defendants over policies and actions of these organizations and groups were further extended through the positions and activities of other officials and subordinates of KRUPP.

50. The defendants sought out, requested and recruited foreign workers, prisoners of war and concentration camp inmates from the Third Reich and satellite government ministries and agencies, from the German military forces, the SS, the official economic organizations and elsewhere. KRUPP maintained offices in occupied countries and recruited foreign civilians who were forced, terrorized and misled into employment with KRUPP. The defendant Lehmann, for example, recruited foreign workers in the course of numerous trips to the Netherlands, Belgium, France, Poland and Italy. In 1942 the KRUPP Ignitor workshop in Essen complained bitterly that foreign workers were made available only two or three months after being requisitioned; and the defendants Mueller, Eberhardt and Korschach participated in the attempt to remedy this complaint. The defendants advised, influenced and assisted governmental ministries and agencies, the military, the Gestapo, the SS, the official economic organizations and others on matters pertaining to the recruiting, allocation and utilization of slave labor. Under its slave labor program, KRUPP employed in KRUPP enterprises over 55,000 foreign workers, over 18,000 prisoners of war and over 5,000 concentration camp inmates, not including replacements, within a period of about five years, and not including workers in KRUPP plants in the occupied countries.

51. In the course of recruitment, deportation to slave labor, allocation and utilization of slave labor by the defendants, and in the industrial plants, mines and enterprises of KRUPP, foreign civilian workers, prisoners of war and concentration camp inmates were exploited under inhumane conditions and subjected to atrocities, ill treatment and offenses against their persons in innumerable ways. The

particulars in paragraphs 52 - 62, inclusive, all illustrative.

52. Repressive measures were used to force workers to enter into and remain in involuntary servitude. Armed guards, barbed wire enclosures and other measures were utilized to keep workers from association with the German population, and from escaping; and the few who did escape were reported to and dealt with by KRUPP's Works Police and the Gestapo. When hordes of starving, ragged prisoners of war and foreign workers were crammed into Essen in 1942 the defendants Ihn and the Personnel Department of the Gusstahlfabrik issued a circular reminding German civilians that "all prisoners of war -- even the French ones -- are nationals of enemy states. * * * Civilian Russian workers are to be treated the same as prisoners of war. Any kind of sympathy is false sympathy which the courts will not recognize as an excuse." In a circular in 1943, the defendant Ihn notified all plants that certain categories of so-called voluntary workers, i.e., Eastern workers (Ostarbeiter), Poles, Netherlands, Belgians and Frenchmen, after the normal expiration of their contract period, were subject to compulsory extension thereof; with the distinction in regard to Netherlands, Belgians and Frenchmen that the attempt was first to be made to induce them to a voluntary extension of the contract. The circular continued: "In case they are not ready to do it on a voluntary basis, they will be committed to service by the Labor Office."

53. Penalties, torture and abuse, including cruel beatings, were often inflicted by persons under the supervision and control of the defendants, and sometimes by means of special torture equipment ordered and manufactured by KRUPP for that purpose; and KRUPP authorized its Works Police to mete out punishments. Various crimes of violence, committed by KRUPP employees against the persons of foreign workers, prisoners of war and concentration camp inmates, took place at Essen, including murders, shootings and brutal beatings. The defendant von Buelow encouraged brutality by the expression of approval of a recommendation that a guard be publicly commended for killing a Russian prisoner of war for attempting to pick up bread while clearing rubble of the KRUPP bakery in Essen. KRUPP sent "unruly" foreign workers to a special disciplinary camp; and, through the defendant von Buelow's deputy, KRUPP actively encouraged harsh treatment of foreigners there, so that conditions in the camp should not compare favorably with conditions in KRUPP plants. In one camp Eastern women workers were awakened by pouring cold water on them. Kickings and beatings by foremen were common. KRUPP officials distributed steel switches for disciplinary purposes. A fantastic method of torture employed at KRUPP, Essen, was the use of an iron cupboard into which slave workers were crammed in a crouching position and left for periods of hours up to several days. A

refinement of torture was to pour water during winter weather onto the victims through air holes in the top of the cupboard.

54. Persecution on political, racial and religious grounds was practiced on workers brought from occupied countries and especially on concentration camp inmates, Eastern workers and Russian prisoners of war. Circulars of the KRUPP Gusstahlfabrik gave instructions that more severe punishment for the same "offenses" be inflicted upon Polish, Czechoslovakian and Eastern workers than on others. For a period of years, smaller amounts of food were issued for the same work to Poles than to German workers, and the same policy was instituted in the case of other Eastern workers. The systematic discrimination against the Russian prisoners of war and the Jewish concentration camp inmates in the distribution of food at the KRUPP Bertha Works resulted in actual fighting between these two groups for spoiled food which the foreign civilian workers had rejected as unfit for human consumption.

55. The labor of foreign women and children was exploited in war production and at other tasks. A KRUPP official reported in 1942 to the defendants Eberhardt and Ihn and to others concerning the manufacture of anti-tank gun barrels and the latest assignment of 600 Russians, consisting of 450 women and 150 juveniles fourteen years of age. Objection was made by a production official to this assignment on the sole ground of the unskilled character of the laborers. During a period of about three months in 1944 the KRUPP Werkschutz at Essen reported to the firm and the Gestapo the escapes of at least six foreign juveniles under seventeen years of age. KRUPP employed 520 Hungarian Jewesses from the concentration camp Buchenwald and used them in Essen plants and construction work at heavy labor.

56. Children were separated from parents as a part of the policy to require the parents to labor and for other purposes, and many children of foreign workers died of neglect and ill treatment by KRUPP Officials, doctors, and nurses. In a four month period at the end of 1943 and early in 1944, in a group of approximately 130 children at a camp maintained by KRUPP near Essen for the children of foreign workers, approximately one-third of the children died. About one-half of the deaths were due to causes denominated on the death certificates as general weakness.

57. Foreign workers, prisoners of war and concentration camp inmates were subjected to work which was excessive according to ordinary and customary hours of exertion and the capacities of the individuals, affected as they were by insufficient food, clothing, rest, medical care and otherwise. KRUPP's chief physician reported to the defendant Ihn and others that the nutrition of Eastern workers was inadequate,

and that plant leaders often needed two Russians for work otherwise performed by one worker of normal strength. Moreover, foreign workers and prisoners of war frequently were entirely deprived of food during a working day of twelve hours.

58. The denial of food was a customary form of punishment utilized by the defendants, and severe and brutal punishment was inflicted upon starving victims who tried desperately to obtain adequate food. The defendant Loesser ordered food withheld from foreign civilians who might be regarded as loafing on the job. Similar measures were applied against prisoners of war and Italian internees. The defendant von Buelow openly authorized the administration by KRUPP personnel of severe corporal punishment to foreign workers caught stealing food.

59. Food, sanitary measures, medical assistance, clothing and shelter were customarily inadequate, and as a result, many of the workers became ill and died. After describing the horrible living conditions, barely sufficient food, the lack of medicine, bandages, and proper medical treatment in one of the prisoner of war camps in Essen, a KRUPP doctor found it astonishing that the number of sick was not higher than it in fact was -- nine to ten per cent of the inmates. KRUPP doctors had severe standards for release from work, and persons able to march to work were not ordinarily regarded as "sick." The chief physician at KRUPP, Essen, reported to the defendants Alfried Krupp and Loesser, concerning health conditions among Eastern workers in 1942, that no hunger oedema had been observed among German workers, but it had appeared among Eastern workers. The KRUPP hospital in Essen, in reporting the causes of death in a group of 54 Eastern workers, referred to four deaths by external causes and 50 as a result of illnesses, among which were 38 cases of tuberculosis and two of malnutrition.

60. Slave workers were exposed to air raids, deprived of shelter and protection from air raids, and required to work in the most dangerous locations during air raid alarms. KRUPP continued to demand and to receive thousands of foreign workers, prisoners of war and concentration camp inmates, knowing that air raid shelter other than trenches would not be provided. Concentration camp inmates employed at the KRUPP Bertha Works were the last workers to leave this armament plant during an air raid alarm.

61. Prisoners of war and foreign civilians were used in war operations, including the manufacture and transport of armament and munitions, and were exploited and ill treated under these and other conditions of employment. On 25 January 1944 KRUPP employed on tank production, in one department, at least 1151 civilian foreign workers and 412 prisoners of war.

62. KRUPP engaged in a policy and a widespread practice of exploitation of concentration camp labor. These concentration camp inmates were employed, among other places, at the Gusstahlfabrik in Essen; the Bertha Works in Markstaedt near Breslau; Wuestergiersdorf; the Norddeutsche Huette; Deschimag; Weserflugzeugbau, G.m.b.H.; Geisenheim; the Elmag plant in Mulhouse, Alsace, France; and at a plant in the notorious concentration camp at Auschwitz. During negotiations with the SS and the Special Committee M3 of the Office of the Reichminister for Armament and War Production, in 1943, KRUPP participated in the giving to the SS of lists of approximately 500 Jewish workers and in their compulsory transfer from Berlin to the Auschwitz concentration camp for work in KRUPP's contemplated production of shell fuses at Auschwitz. The defendants Mueller and Eberhardt were notified of this action. Numerous other important KRUPP projects were planned upon the assumption and the intention that the labor of concentration camp inmates would be available for the execution of those projects, including a plant at Maekrisch Schoenberg and four earlier projects at Auschwitz. The defendant von Buelow and others frequently referred KRUPP workers to and received them back from the disciplinary camp Dechenschule in Essen.

63. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully and knowingly and constitute violations of international conventions, particularly of Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46 and 52 of the Hague Regulations, 1907, and of Articles 2, 3, 4, 6, 9-15, 23, 25, 27-34, 46-48, 50, 51, 54, 56, 57, 60, 62, 63, 65-68 and 76 of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law Number 10.

COUNT FOUR -- COMMON PLAN OR CONSPIRACY

64. All of the defendants, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators and accomplices in the formulation and execution of a common plan and conspiracy to commit, and which involved the commission of, Crimes against Peace (including the acts constituting War Crimes and Crimes against Humanity, which were committed is an integral part of such Crimes against Peace) is defined in Control Council Law Number 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy.

65. The acts and conduct of the defendants set forth in Counts One, Two and Three of this Indictment formed a part of said common plan or conspiracy and all the allegations made in said Counts are incorporated in this Count.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above-named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, U. S. Army
Chief of Counsel for War Crimes
Acting on behalf of the United
States of America

Nurnberg, 16 August 1947