

MR. BOWLER: Prosecution wishes to offer as exhibit 905, document D-144 which appears on page 18 of the English and page 22 of the German. This document is a combination of three documents.

The first, we should like to mention appears on page 19 of the English and page 23 of the German. This is a memorandum dated the 27th of October 1942 by Von Buelow. He deals with the management of Eastern workers and a discussion on this had by members of the Works Police Office with various camp leaders and according to this report it appears that a copy was sent Mr. Ihn via Dr. Lehman. He points out the following points were discussed at this meeting:

"All the camp leaders complained that they had the greatest difficulty in bringing the male and female Eastern workers to work in the morning. In the darkness - the roll-call for the first shift takes place at 0430 hours - some of the workers sneak away, hide themselves in the trunks, cupboards, or under the beds, or lie down in beds in other barracks etc.

"The camp leaders are of the unanimous opinion that the only possible way to combat this is to treat the shirkers roughly and bring them to work by force."

He continues that:

"...as has already been ordered in the circular dated 23 October 1942 H.V. No. A 6, efforts must be made by means of better pay, and above all by piece rates, premiums, etc. to induce to induce the Eastern Workers to go to work voluntarily. Furthermore it can be expected that if the camps are made more comfortable and the food is improved, the Eastern Workers will automatically become more willing to work. On the other hand, the beginning of winter, with its cold weather, will, on account of cold infections, poor clothing and foot-wear increase unwillingness to go to work."

He points out that the morale of the Eastern Workers is becoming visibly worse and then he says in the next paragraph:
"As a first measure, the wholly bad elements should be put into

a special camp -- punishment -- camp."

Then he goes on and deals with the problem of punishment.
"The Gestapo informed us recently that to begin with they have adopted the method of inflicting severe corporal punishment on all workers trying to escape and other bad elements.

"I have given express instructions to all camp leaders neither to order nor to tolerate in future the infliction of corporal punishment. The camp leaders have taken note of this and have agreed to conduct themselves accordingly. They have, however, expressed their grave doubts as to whether, in view of these limitations, discipline and production efficiency can always be maintained. They believe that the news of the abolishment of corporal punishment in the camp would spread very quickly, and would lead to insubordination.

And then he continues that especially in thefts from the kitchen persons caught in the act are not affected by the order to discontinue corporal punishment.

"Instantaneous measures of corporal treatment applied to persons caught in the act are not affected by the order to discontinue corporal punishment, especially in cases where the steadily increasing thefts from kitchens and breaches of discipline...."

And then in the last paragraph on the same topic on page 20 of the English and page 24 of the German he finds that:

"The Works Police are furthermore to be allowed to punish malingerers and slackers by depriving them of meals. In this respect the Works Police are already co-operating with the camp doctors, who report these slackers and malingerers to the camp leaders."

The next section of the document, D-144, is a report dated the 17th of October 1942, signed by one Grosse Thie of the Krupp Housing Administration on the conditions, the results of an inspection of foreign workers' camps by Mr. Von Buelow, Mr. Lehmann and one Mr. Schlessmann. Mr. Schlessmann is identified in the document as the Deputy Gauleiter of the Essen area.

Then following that there is a detailed report by Grosse Thie who was apparently reporting over the head of Lanmann for he is sometimes critical of Lehmann. Here we find on page 23 of the English and page 27 of the German that Mr. Schlessmann, the Gauleiter, --- we find this half way down the paragraph:

"He asked outright, where, within the organization of Krupp's, the responsibility for the furnishing of the Workers' homes lay."

THE PRESIDENT: You are reading a little too fast and I also think you are going into too much detail in these affidavits. They speak for themselves, I mean these documents.

MR. BOWLER: All right, Your Honor, but we do invite your attention to that particular ---

THE PRESIDENT: Yes, that will have our attention ---

MR. BOWLER: --- feature because there is a remark on some of the problems of jurisdiction and then we find good and bad remarks about the various camps which housed Eastern Workers, French civilian workers, Polish workers, Russian, Dutch and Italians and Russian prisoners of war.

Prosecution wishes to offer as exhibit 906, document NIK 12359 which appears on page 27 of the English and 31 of the German.

This is a memorandum dated the 30th of October 1942 from one Eckmeier. Eckmeier was an assistant to Dr. Lehmann and he reports to Lehmann on the poor treatment of Russian prisoners of war employed at the Krupps including the statement that the controlling Army physician had declared that they had never seen such a bad general condition amongst the Russians as this in the Friedrich Krupp camps. I call particular attention to that place which appears in all of paragraph 2 of this report.

Prosecution wishes to offer as exhibit 907 ---

THE PRESIDENT: Will you wait just a moment before you leave that one? What page was that about the physician's reports, 27?

MR. BOWLER: Yes, Your Honor, page 27.

THE PRESIDENT: I don't know whether I caught that or not.
Was it some camp of the Krupp firm or a Krupp plant?

MR. BOWLER: Krupp camp. It's half way down in the second paragraph in which it is stated that:

"Army medical inspectors have also made remarks in the camps along these lines...."

THE PRESIDENT: Yes, I have found it now. All right.

MR. BOWLER: Prosecution wishes to offer as exhibit 907, document NIK 9205 which appears on page 29 of the English and 35 of the German. This is a copy of a letter dated the 10th of November 1942 to the Insurance Fund of the Krupp Cast Steel Works. It concerns amongst other things the use of four doctors to care for the 15,000 foreign workers then living in 30 camps.

In this document we also find stated the responsibility of the firm to care for the medical and sanitation conditions at the camps. Among the doctors available were Dr. Jaeger, a protective physician, Dr. Mychas Kiv, a Russian physician Cinstantin Limin and an Italian physician.

In the next exhibit — Prosecution wishes to offer as exhibit 908, NIK 12358 which appears on page 31 of the English and page 37 of the German. This is a note dated the 19th of November 1942 by one Jung, J.U.N.G. On the English it fails to state that it is signed by June, but in reality the document will show it. He is a foroman at the Krupp Instrument shop and he addresses a letter to the Krupp Allocation Office reporting that the Russian prisoners of war are so poorly fed that some are collapsing at their work, and he states that:

"During the last few days we have again and again discovered that the food for the Russian POW's who in our plant are exclusively employed on heavy work is totally inadequate. We have already expressed this in our letter to Herr Ihn dated 30 October 1942. We

discover again and again that people who live on this diet always break down at work after a short time and sometimes die."

And then we find below that above the signature of IHN the:

"Camp food supply with the request for your opinion.
Liaison office for Labor Procurement" and that, of course, is Dr.
Lehmann.

The prosecution wishes to offer as exhibit 909, document NIK 6720 which appears on page 32 of the English and page 39 of the German. This is a rather lengthy report prepared by Dr. Wiele who was the Chief physician at the Krupp Medical Clinic, dated the 2nd of December 1942 and amongst other things he refers to the high rate of cases of of hunger edema amongst the Eastern Workers. That is on page 35 of the English and page 43 of 44 of the German, that particular reference to the Eastern Workers' condition.

The Prosecution wishes to offer as exhibit 910, document NIK 7617 which appears on —

THE PRESIDENT: You mean 6717?

MR. BOWLER: I beg your pardon, Your Honors, it's NIK 6717, page 35 of the English and page 37 of the German. This is a report dated the 16th of December '42 very similar to the previous reports of Dr. Wiele's and to the Krupp management, in this case concerning amongst other things the inability to eliminate hunger Edema of the Eastern Workers with the present diet allotted to them.

We offer in addition to the previous one where contains the hand-written notation to Professor Goerens or to A. Von Behlen for information to Dr. Beusch and the reference there to the difficulty to eliminate the hunger edema symptoms in the Eastern Workers. It appears on page 39 of the English and 49 of the German.

The Prosecution wishes to offer as Exhibit 911 Document D-283 which appears on page 42 of the English and page 52 of the German. This is a copy of a report dated the 7th of May 1943, apparently prepared by the Krupp hospital and it concerns the causes of the death of eastern workers and with reference specifically to the malnutrition and tuberculosis.

DR. BEHRINGER: (Counsel for the Defendant Kupke): May it please the Tribunal, I object because neither the copy nor the photostat shows who is supposed to be the author of this document. It does not show any signature or any name.

THE PRESIDENT: Well, that seems to be the same question that we had just a short while ago, and under the rule that we have adopted, it will have to be admitted for whatever it may be worth.

MR. BOWLER: Yes, Your Honor, we agree that this document is -- does not contain a source in the way of a signature, and we offer it for whatever it is worth and make no strong effort to show that it is an official record.

THE PRESIDENT: The difficulty with respect to that kind of proof it seems to me individually is that for the defendant that information is very hard to combat, but that's been ruled on.

JUDGE WILKINS: Well, maybe I better make a statement. Judge Anderson referred to a majority, and the position that I take with reference to documents of this kind is that under the particular ordinance we would give this just what weight we think it is entitled to. Now, when we come down to examining this, the chances are unless you can connect this up in some other way or in some other evidence, we will throw it out and disregard it entirely. That is the position I take.

THE PRESIDENT: I thought I had that clear, Judge Wilkins, that by admitting it that was not meant to say it would be given any value or that it would be considered, but it would be considered along with the other evidence. That is what I understood by it.

JUDGE WILKINS: I wanted to make it clear to the Prosecutor that unless

you are able in your argument or in your briefs to connect this with other evidence that you may have, or by which you could tie it in or show where it originated, the chances are we will disregard it entirely. You understand that?

MR. BOWLER: Certainly, Your Honor.

JUDGE WILKINS: Even though it is admitted for whatever probative value it may have. What I want to say is that it will have no probative value unless you do more than you do right now with reference to it.

JUDGE DALY: I might add a word by just saying that it might be a sort of a type where time may be saved by design in selecting the documents to be offered.

MR. BOWLER: The Prosecution wishes to offer as Exhibit Number 912 Document NIK-5824 which appears on page 43 of the English and page 60 of the German. This is a report addressed to the Economic Chamber of the Gau, concerning food rations for various classes of workers, mentioning specific lack of calories for certain classes, and with the notation in paragraph three that the Italians were in pretty bad shape due to the lack of food rations in Italy.

The Prosecution wishes to offer as Exhibit Number 913 Document NIK-7306 which appears on page 45 of the English and page 61 of the German. This is a memorandum dated the 10th of November -- pardon me, the 10th of December 1943 by Dr. Beusch and relates to the unsanitary condition at the workers camp in Essen and the insufficient medical attention that he discovered. And Dr. Beusch is identified in Exhibit 61 as being in charge of the general administration of the sick ward and dental clinics, etc.

The Prosecution wishes to offer as Exhibit Number 914 Document 335 -- Document D-335 appearing on page 47 of the English and page 63 of the German. This is a letter dated the 12th of June 1944 and it is signed by one Heitesbeck, H-e-i-t-e-s-b-e-c-k. I believe on the German it states "Stinsbeck". It appears to be Heitesbeck. It was addressed to Dr. Jaeger concerning the intolerable conditions of the French POW's camp in Noegger-

athstrasse.

DR. MASCHKE (Counsel for the Defendant von Buelow): Your Honor, may I ask that the Prosecution submit these documents a bit more slowly because we are not able to compare the documents in the different language and cannot finish our looking at the document before the Prosecution goes on to the next document. We cannot follow it at this pace.

THE PRESIDENT: Well, I would hate to tell the Prosecution anything but to speak up, but otherwise, you have to accommodate your presentation to that situation.

MR. RAGLAND: May I make an inquiry to the Court. With regard to this question, I feel we have been going in some of these documents into too much detail and quoting too much at length; and with respect to the comment of defense counsel, I would assume that they had these document books for some time, and any question which they may have concerning any document they would be prepared to make it at the time the document is offered, irrespective of whether it is read at length or merely identified and put in evidence.

THE PRESIDENT: Well, I didn't understand it was for the purpose of making any comment. They couldn't follow the presentation, that they didn't know what was being presented. I may have misunderstood what counsel said about it.

DR. MASCHKE: Your Honor, I am referring to Exhibit 913 -- no, I mean, 912, Your Honor. I would there ask the Tribunal to make a reference to it. The way this document was offered was objectionable. It cannot be seen where this document comes from and it has no date. All it is is a piece of paper with some handwritten notes which cannot be identified in anyway.

THE PRESIDENT: Isn't that the document that we just had under --

DR. MASCHKE: Your Honor, that is NIK-5824 on page 43 of the English Document Book.

MR. BOWLER: Yes, Your Honor, if I may observe Document D-283 and Document NIK-5824, both stand in the same position as we have already

mentioned.

THE PRESIDENT: Yes, well I was mixed up. It was 911. Well, they are both in the same plight, and as Judge Wilkins suggests unless you have something more than what is intrinsic in that document, why we could hardly be expected to give any value to it when we come to it. If that is in the same position as this 911?

MR. BOWLER: Yes, Your Honor. With reference to Document D-335 which we have already offered as Exhibit 914, we find in the third paragraph that 350 French prisoners of war are still accommodated in this camp in Noeggerathstrasse --

JUDGE WILKINS: It doesn't say French, does it?

MR. BOWLER: --- and 170 of them are no longer housed in huts.

THE PRESIDENT: Judge Wilkins addressed a question to you, counsel.

MR. BOWLER: I beg your pardon, Your Honor.

JUDGE WILKINS: Excuse me, you read 315 French prisoners. I assume that you interpolated there because it doesn't refer to French POW's, it just says "315 prisoners."

MR. BOWLER: In the paragraph above it refers to 644 French prisoners of war.

JUDGE WILKINS: You weren't reading exactly from the exhibit, you interpolated the word "French."

MR. BOWLER: Yes, Your Honor.

JUDGE WILKINS: All right.

MR. BOWLER: And the Prosecution wishes to offer as Exhibit 915 Document D-328 which appears on page 48 of the English and page 64 of the German. This is a special medical report signed by Dr. Jaeger, the Krupp Camp Works Doctor, of the 28th of July 1944, in which he describes the poor condition in the sick barracks at the camp Rabenhorst. On the distribution it will be noted it was brought to the attention of Dr. Ihn and Mr. Kupke.

The Prosecution wishes to offer as Exhibit Number 916 Document NI-2593 which appears on page 49 of the English and page 65 of the German.

This is another special medical report, confidential in nature, dated the first of September 1944, from Dr. Jaeger with distribution to Ihn and Kupke, amongst others, and concerns the conditions at various Krupp Workers' Camps in Essen.

THE PRESIDENT: Who is Dr. Jaeger?

MR. BOWLER: Dr. Jaeger is identified on page 50 as the supervising camp and factory physician.

THE PRESIDENT: All right, go ahead.

MR. BOWLER: In this document he goes through the whole list, or one list of several camps, and describes the conditions in which he found them.

THE PRESIDENT: Well, we have to break off here. We will recess until tomorrow morning.

(The Tribunal adjourned until 0900 hours, 6 February 1948.)