

izations. The fact that the Krupp firm and its directors contributed a few hundred or thousand marks to the promotion of the National Socialist Public Welfare Organization, the fund for the care of war victims and the erection of a Memorial Hall, appears, to the Prosecution, to be indicative of inveterate villainy. I shall prove by means of figures what a minute fraction of the various expenses involved was represented by the contributions made by the Krupp firm and its directors to the Party and its branch organizations.

Besides, the actual amounts contributed by Krupp were not voluntary payments but rather levies resembling taxes. Even the trifling so-called voluntary contributions that remained, could not be considered by anybody in a totalitarian one-party state, least of all by a large firm. For the most part, in any case, they were used for social, sport, and charitable aims, in keeping with the firms old principle of guarding and developing its social political tradition.

When presenting its evidence, the prosecution devotes considerable space to the change over from the Reich Federation of German Industry to the organizational forms of the German Reich. This from their point of view may be logical but it has not recognizable connection with the defendants. They are obviously trying to pin this development on to Herr Gustav Krupp von Bohlen und Halbach. I however shall bring forward proof to show that events took place in a absolutely different manner, and that Gustav Krupp von Bohlen und Halbach in particular cannot be reproached for having delivered German industry over-hastily into the hands of National Socialism. Such a cautious and righteously thinking man as Gustav Krupp does not make hasty decisions unless they are born of necessity and the enormous pressure exerted by the dynamic powers of Party and State on the economy as early as 1933. This pressure went on increasing until the open - and worse still - the secret terror in the dictator state which imposed its will on every free thinking man and necessarily made him become outwardly a silent supporter of national socialist doctrine, just through avoiding the greatest disadvantages of the law for himself and his family, and immediate

danger to his life ! Economic dictatorship, state dictatorship, and -- overshadowing both of them -- total dictatorship by the Party, were the pillars that upheld National Socialist domination. This can only be fully comprehended by someone who was forced to live under National Socialist dictatorship.

In connection with the subject "War of aggression" I next have to deal with the prosecution's assertion that German heavy industry together with Krupp made Nazi propaganda and conducted espionage abroad by means of their foreign agencies, foreign connections, and firms with which they were on friendly terms, and that no other than German industry itself organized the fifth column abroad. It is true that the prosecution has produced very weighty material in support of this contention. It has tried to prove in fact that the firm of Krupp sent abroad a total of 300 pamphlets during the twelve years of National Socialism. Unfortunately the Prosecution has overlooked the fact that as these pamphlets were first sent to neutral countries during the war, they have nothing to do with the preparation of wars of aggression. On the other hand any child knows that since the days of the First World War, next to the war of arms and the economic war, the propaganda war has become the deciding factor. No one will be able to reproach a warring power for broadcasting by means of its radio system and newspapers definite or even untrue news, with the object of gaining moral support for its conduct of the war. Should it not be then entirely in order to send white papers, documents and speeches to neutral countries?

With these observations, your Honors, I will close the general opening remarks of my speech on the subject of wars of aggression, and will now turn to the principles on which I intend to

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conduct the individual defense of the defendant Friedrich von Buelow.

On the question of the defense with regard to Point 2 of the indictment, the so-called spoliation I shall confine myself to a few words. Dr. Siemers has the onus of dealing with this point; in so far as any charges may be made by the prosecution against the defendant Friedrich von Buelow in this connection, I shall refer to them when speaking of my client. It is a pity that the prosecution has not discovered just now my client collaborated in this so-called spoliation. So long as no substantiation of this has been forthcoming, it is practically impossible and also probably hardly desirable to do more than make a few observations on Buelow's duties within the firm.

As you will have realized from the opening statements already made, the defense has divided up according to certain angles the subject of the employment of foreign labor and their treatment. It was desirable in view of the speech for the prosecution to classify the so-called slave labor program in which these defendants are supposed to have participated according to certain legal and factual aspects. IN order to coordinate and group the enormous amount of material, the defense saw itself obliged to delimit the question of employment and treatment of foreign labor according to function and locality. The next large sections to stand out were the questions of procurement of workers and prisoners of war, their utilization and distribution, in short the employment of foreign labor as such; next comes the question of the treatment of this labor at work and otherwise in Germany. A legal reply to the charges raised by the Prosecution

in this connection and an inquiry into the facts of Control Council Law No. 10 in connection with the decisions reached in the Flick judgment will have to be left to a later part of the procedure.

The conduct of the first section - Employment of foreign labor - will be divided between Attorney-at-Law Kranzbuehler, Dr. Wolf, and Dr. Wandschneider. It will however be occasionally necessary in my presentation of the evidence to touch upon this question. In this connection I shall also have to go into the completely insignificant role still played by the industry forming the Economic Group Iron in the period with which we are concerned, i.e., from about 1942 onwards.

On the other hand, with regard to the second section, the treatment of foreign labor in Germany, I shall reply in detail to the speech for the Prosecution. We have also had to subdivide extensively the gigantic complex of this second section and this we have done on the basis of the offences within the framework of the whole held by the defendants whom we individually represent. Thus the general treatment of foreign workers, its legal underlying principles and the attitude of the Krupp firm to these questions will be dealt with by Attorney Kranzbuehler, the treatment of prisoners of war and the particular circumstances of the Gustahlfabrik, by Dr. Wolf, the housing in the camps and their conditions, by Dr. Behringer and, finally, the conditions in the Berthawerk, by Dr. Wandschneider.

To me, Your Honors, falls the task of demonstrating the special difficulties which confronted the works in the interests of the maintenance of order, security and discipline, when, in

consequence of Government measures and against the will of the industry, great numbers of foreign workers began in 1941 and continued increasingly from 1942 onwards to pour into the works. Such tasks had never before arisen in the history of German industry and they had to be mastered at a time when the all powerful national-socialistic State was demanding from the works a production output never before imagined and the total war from every single German a physical and psychological effort hitherto never even considered possible, and when, moreover, the shadow of a pitiless air-war was beginning to stretch over the whole of Germany. Without their will or any contributory act of their own, these defendants, and among them Friedrich von Buelow, were drawn into the vortex of this historical event, for which not any one of the defendants, but the national-socialist State administration, was responsible.

The maintenance of calm, security and order among such heterogeneous elements as were represented by the home and foreign workers of a great works in Germany in the war, was an indispensable condition for the maintenance and increase of the production demanded by the State. I will show in my final statement the extent to which the State and the authorities therefore intervened by means of laws, ordinances and decrees in the maintenance of order, security and discipline in the works. By regulations of every kind they restricted the freedom of judgment of the undertaking more and more and finally cut it away altogether. Through a subtle system of secret organizations of security services and police and through the many-branched Party and its numerous affiliations they watched over the carrying out of the dictatorial will of the State in the works. Rebellion against it meant detriment, dis-

missal, loss of freedom, the concentration camp, or death.

My final statement will show how the men of the Krupp firm endeavoured to deal with the entire problem of this system, while maintaining the widest consideration traditional in this firm for the welfare of the people employed in it. This will be the point to which we will devote our attention in considering the activity of the defendant, Friedrich von Buelow, in particular. In this connection, I will describe to the Tribunal the duties of the military and political-police Abwehr-Officers and discuss the tasks which the Works-Security Police (Werkschutz), the factory guard (Werkschar) and the Auxiliary Works' Security Police (Erweiterer Werksschutz) of the Krupp firm had to fulfil. We shall have to learn to distinguish clearly between the terms and functions of these various institutions and to put them under minute examination. Only in this way will it be possible to form a clear outline of the sphere of work of each defendant. This again is an indispensable condition for the establishment of criminal responsibility and criminal guilt, and this question of individual criminal responsibility and criminal guilt, and this question only, is the point at issue in this trial.

It will be demonstrated that no criminal system of bad treatment or mishandling of foreign workers, devoid of every humanity, existed in the Krupp firm, just as little as it did in any other German industrial firm. In this connection, we shall have to deal also with the incriminating witnesses of the prosecution, who, like the witness Wirtz, showed the perhaps understandable desire to justify their own deeds by alleged orders of their superiors, only discovered by them afterwards - that witness who thought he could build a whole

criminal system on the three words of his superior: "Fahrt mal dazwischen" ("Get them moving!"). And we shall also have to go into the question of the Fechenschule Camp, concerning which three men of the Belgian Intelligence Service have expressed themselves, three not unlikeable but certainly still hate-inspired men, who were all three revealed under cross-examination as active members of the Belgian Resistance Movement and not at all as simple labor service resisters or labor contract breakers and who, according to existing rules of war of all civilised nations, could very easily have suffered a different fate.

The Prosecution have from time to time industriously and deliberately called up over the head of the defendant, Friedrich von Buelow, a menacing shadow: the Gestapo. With raised finger they point to him as the confidential man of that institution and obviously seek by this indication alone -- and a completely distorted one at that -- to create feeling against him. Things were not so simple as that, however, in the national socialist dictator state. It did not follow that anybody who, officially, or by reason of his position in a firm, came into touch with the Gestapo, became thereby, through that alone, their confidential agent, and most certainly not when he was not even a member of this organization, declared as criminal by the International Military Tribunal....Neither does the Prosecution apparently wish to assert that he was. I will, on the other hand, show in what Buelow's connections with the Gestapo in reality consisted and in what manner they were used so as to bring the well being of the firm and the wellbeing of the people who

worked in it into harmony with the maintenance of order in the works, demanded by the State in tempestuous times of war and emergency, and at the same time to satisfy the hard demands of the Moloch State.

In this connection, the judgment on Buelow as a man will acquire considerable significance. I will show that the character of this man is naything but a criminal one. And I am convinced that, when the evidence is concluded, the Tribunal will agree with me that the picture of this man is very different from that dark portrait which the Prosecution have sought to draw for us by interspersing occasionally the sinister word: Gestapo. Here stands before his judges a man of unblemished character, whose tragedy, like that of the other defendants sitting here with him, lies in the fact that they were born into a time of immense disorders and confusions, whose floods and counter currents passed over them as objects, as over millions of others.

DR. VORWERK: (For defendant Karl Pfirsch): Mr. President, I should like to make a statement. I refer to the following sentence of my statement which I made here yesterday. I quote: "For instance, the photostatic office of the courthouse has refused their cooperation with the defense a couple of weeks ago in a manner which could not be foreseen," and I move that this sentence, which I have just read, may be stricken from the record. I move this because after discussing the matter with the competent authorities, the photostatic office will be made available to the defense in the same way as it is available to the prosecution and has been available to the prosecution, and because we also have found out that obstacles which had existed for the defense in this respect were not the fault of the prosecution nor that of the photostatic office as had been assumed regrettably and in an erroneous way by the defense. The sentence to which I refer is on page 8 of my opening statement.

PRESIDING JUDGE DALY: As I understand it, Dr. Vorwerk, your motion is to strike from the record so much as appears on page 8 of your opening statement as counsel for the defendant Karl Pfirsch as states this. Will you tell me if I am right in this? Beginning with this sentence, "In this respect I must reserve the right to submit some of the material pertinent to the count of the indictment at a later stage in the statement of the defense." Now, that portion, I understand, those words you want to have remain in the record because it wouldn't make sense if they didn't remain in, but beginning after the comma, the words, "since special difficulties have arisen, for example, the photostatic office of the courthouse ceased unexpectedly a few weeks ago to work for the defense. Formerly it had done this work as a matter of course." Those words, beginning with the word "since" and ending with the word "course" are the words you desire to have stricken from the record, is that right?

DR. VORWERK: If my view is correct, if the possibility exists in any case, material belonging to a certain count of the indictment which is not available for the moment, to present it to the defense at a later date by means of a supplementary document book, if this possibility is

also given in this trial, I agree that the proceedings which starts with "I have to reserve," and ends with the words "special difficulties have arisen," that this sentence is also stricken.

PRESIDING JUDGE DALY: I am sorry. I am afraid that what I stated is unintelligible. Let's go back again. So much of the sentence as says, "In this respect I must reserve the right to submit some of the material pertinent to this count of the indictment at a later stage of the statement of the defense," that part you desire to have remain in, do you not, at this time? That is right, isn't it?

DR. VORWERK: Yes, that is correct.

PRESIDING JUDGE DALY: So that all that you are asking for now to have stricken out is the following, that is I am quoting: "since special difficulties have arisen, for example, the photostatic office of the courthouse ceased unexpectedly a few weeks ago to work for the defense. Formerly it had done this work as a matter of course." Are those the words included in your motion, are they?

DR. VORWERK: Your Honor, not only approximately. Those are just what I am driving at.

PRESIDING JUDGE DALY: Yes, then the motion is granted.

DR. WOLF: Dr. Wolf for the defendant Heinrich Lehmann.

Your Honors,

In Count 3, which in the Indictment is listed under the heading "deportation, exploitation and abuse of slave labor" and which is contained in the "Opening Statement" of the Prosecution under the heading of "deportation, exploitation and ill treatment of slave workers", all 12 defendants are charged with War Crimes and Crimes against Humanity within the meaning of Article II of Control Council Law No. 10, of which allegedly they made themselves guilty, among other things through "murder or ill treatment of prisoners of war". The Prosecution announced its argumentation to this Court with the powerful words, I quote, "the harsh bark of the oppressor and the sharp cry of pain of the individual victim will be heard."

Well, the Defense was curious to learn which facts the Prosecution would introduce to prove the truth of this mighty announcement, especially in connection with the assignment of prisoners of war by the firm of Krupp. However, during the entire period, covering approximately 3 months, neither harsh barks nor shrill cries of pain were to be heard. The Prosecution was satisfied to introduce a fair number of documents of mainly general contents, partly consisting of laws and regulations of government and Wehrmacht agencies, which in their turn have for their better part nothing to do with the assignment of prisoners of war at Krupp's and which for the rest consisted of records concerning discussions within the firm of Krupp or with other government or industrial agencies, furthermore of circulars sent out by the firm and of the firm's correspondence and similar matters. Moreover, the Prosecution introduced a number of witnesses, mainly former prisoners of war, foreign workers concentration camps or prisoners who gave witness about their various experiences at Krupp's in a more or less unbiased manner. According to the statement of the Prosecution, this evidence is to prove that the firm of Krupp endeavored to procure prisoners of war, that prisoners of war at Krupp's were engaged in work directly concerned with the war effort, involving dangerous occupations, that the prisoners of war were inadequately billeted and fed, that the installations for air raid protection in the camps and in the plants were insufficient and that individual prisoners were manhandled.

The Defense will have to contest in detail the entire evidence introduced by the Prosecution. That much however, can be said even at this early date:

In any case, the Prosecution did not succeed in bringing proof for its assertion that there existed at Krupp's a slave system, indeed it did not even explain clearly in what way the 12 defendants are to have been connected with the individual incidents, in particular that they knew of them or at least should have known of them, let alone that they tolerated or even sanctioned them.