

31

SUBDIVISION 40

KRUPP

40.01 Trial Brief.

Cross References

Postponement of trial against Krupp, Docs. 5.01-5.03.

Draft of indictment re Krupp, Doc. 62.03.

INDEX

	<u>Page No.</u>
A. Pertinent Sections of the Indictment	i
B. Legal References	ii
C. <u>Statement of Evidence</u>	1
D. Argument and Conclusion	41
E. Documents:	
<u>D 62</u> - Letter from Inspector of War Production to KRUPP, 21 January 1937	14a
<u>D 63</u> - Declaration of political attitude by KRUPP	14a
<u>D 64</u> - Draft of article by KRUPP, entitled Works Leader and Armaments Works, 5 April 41	2
<u>D 66</u> - Presentation certificate re granting to KRUPP of "Adler Schild"	38
<u>D 88</u> - Carbon copy of letter, KRUPP to RAEDER, 10 August 1935	13
<u>D 94</u> - Article by Krupp, Manager and the Armament Worker, 1 March 1942 issue of Krupp magazine	2
<u>D 96</u> - Memorandum on Establishment of an Experimental tank factory by the Grusonwerk	12
<u>D 99</u> - Letter, Krupp to BORNIANN, 11 Nov 1942	39
<u>D 101</u> - Letter, Bormann to Krupp, 21 Nov 1942	39
<u>D 106</u> - Letter, Krupp to Lammers, 24 Feb 1943	39
<u>D 120</u> - Führer decree on family enterprise of the firm Friedrich Krupp	39
<u>D 124</u> - Letter, Lammers to Krupp, 16 Nov 1943	39
<u>D 131</u> - Hitler decree of 21 December 1943	39
<u>D 135</u> - Letter, Krupp to Hitler, 29 Dec 1943	40
<u>D 143</u> - Graph of barracks and beds in workers Hostels and PW camps of Fried. Krupp A.G., as of 1 December 1942	25
<u>D 151a</u> - Carbon copy of letter, Krupp to SCHACHT, 30 May 1933	7
<u>D 151b</u> - HESS circular re use of Hitler Fund	7
<u>D 152</u> - Memorandum by Pfirsch, 28 September 1936	12
<u>D 154</u> - Memorandum in files of Fried. Krupp A.G. re order for armor plating from Bulgaria	14
<u>D 157</u> - Carbon copy of letter, Krupp to Hitler, 25 April 1933	5, 6

	<u>Page No.</u>
<u>D 158</u> - Letter, Rosenberg to Krupp	15
<u>D 167a</u> - Memorandum by Sonnenberg, 14 Oct 37, re exchange of intelligence	16
<u>D 167b</u> - Memorandum by Dr. Conn, 25 June 1939, entitled Intelligence and Information	16
<u>D 170</u> - Notes by Sonnenberg on conference in Berlin re foreign anti-aircraft guns	17
<u>D 191</u> - Experiences in Foreign Trade Concerning Post-War Reconstruction of Armament Exports, confidential memo from File No. 6/3-1	14
<u>D 196</u> - Memorandum by Dr. Lehman re recruiting of French workers, 21 December 1942	33
<u>D 201</u> - Telegram, GÖring to Krupp, Feb 1933	3
<u>D 203</u> - Report of address by Hitler to prominent German industrialists in Berlin	4
<u>D 204</u> - Comment by Krupp on Hitler address to industrialists	4
<u>D 206</u> - Memo on distribution of propaganda abroad through foreign connections of Krupp firm	15
<u>D 208</u> - Carbon copy of letter, Krupp to Springorum, 26 April 1933	15
<u>D 230</u> - Instruction for issuing steel switches to Krupp camps	31
<u>D 233</u> - Memo from Krupp Oberlagerführung re working hours for foreign workers	29
<u>D 238</u> - Memo by Trockel, 28 July 1944, re visit of Schwarz from Buchenwald	34
<u>D 242</u> - Letter, Springorum to Krupp re contri- bution of 20,000 marks to Rosenberg	15
<u>D 249</u> - Von Bulow memo re proposed book, The Commercial History of the War	2
<u>D 253</u> - Affidavit of Peter Gutersohn, 3 Oct 45	20, 21, 31
<u>D 256</u> - Affidavit of Rene Königsberg and Agnes Königsberg, 20 September 1945	35
<u>D 265</u> - Affidavit of Heinrich Ruhnau, 3 Oct 1945	20
<u>D 267</u> - Affidavit of Heinrich Tiedtke, Karl Hanke, Johann Berek, 27 September 1945	31
<u>D 270</u> - Memo, 7 April 1942, re employment of foreign workers	21
<u>D 271</u> - Memo, Wiehle to Ihn, 20 Oct 1942	26
<u>D 272</u> - Affidavit of Elizabeth Roth, 21 Sep 45	35
<u>D 274</u> - Statement by Ihn, 1 October 1945	33
<u>D 277</u> - Affidavit of Rosa Katz, 21 Sep 1945	35

<u>D 278</u> - Memo, 19 March 1942, from Works Catering Dept. to Dr. Lehman	32
<u>D 279</u> - Affidavit of Alexander Haverkater, 1 October 1945	20
<u>D 280</u> - Secret memo, 17 June 1942, re need for and obtaining of workers for cast steel works	33
<u>D 281</u> - Memo by Weinhold, 13 July 1942, re urgent production A.Z.	29, 32
<u>D 283</u> - Report by Krupp hospitals, 7 May 1943, re deaths of Eastern Workers	28
<u>D 287</u> - Carbon copy of letter, Krupp to Raeder, 30 October 1942	13
<u>D 288</u> - Affidavit of Dr. Wilhelm Jaeger, 15 October 1945	21, 24, 25 26, 27, 35
<u>D 291</u> - Original of speech by Krupp, 1 May 1936	10
<u>D 297</u> - Memo, Thiele to Hupe, 26 March 1942, re employment of Russian PWs and civilians	23
<u>D 298</u> - Chart, "Fried. Krupp Berthawerk, Marktstadt Breslau, Number of Occupied Foreigners, Prisoners of War & Concentration Camp Inmates"	36
<u>D 299</u> - Chart, "Fried. Krupp Gustahlfabrik Essen, Turnover in War Material"	13
<u>D 300</u> - Graph, "Profits or Losses of Fried. Krupp and Subsidiaries as Reported to Tax Authorities"	36
<u>D 303</u> - Chart, "Income and Loss of the Fried. Krupp Combine"	36
<u>D 304</u> - Original of Krupp speech, 13 October 1938	18
<u>D 305</u> - Affidavit of Heinrich Buschhauer, 5 Oct 45	29
<u>D 306</u> - Affidavit of August Kleinschmidt, 11 October 1945	30
<u>D 310</u> - Memo, Grollius to Kolsch, 18 March 1942	23
<u>D 312</u> - Affidavit of Karl Sehnbruch, 11 Oct 45	26, 31
<u>D 313</u> - Affidavit by Dr. Apolinary Gotowicki, 13 October 1945	28, 29, 30
<u>D 316</u> - Memo to Mr. Hupe re employment of Russians, 14 March 1942	22
<u>D 317</u> - Original of Krupp speech, "Thoughts about the Industrial Enterpriser", January 1944	11
<u>D 318</u> - Memo, Dinkelacker to Ihn, 20 March 1942	23, 32
<u>D 321</u> - Affidavit of Adam Schmidt, 12 Oct 1945	21
<u>D 323</u> - Chart, "Cast Steel Works, Number of Prisoners of War and Foreigners"	36
<u>D 325</u> - Chart showing payments of Fried. Krupp Cast Steel Works to Party & Party Organizations	8

<u>D 326</u> - Chart, "Money Paid to Adolf Hitler Fund"	8
<u>D 328</u> - Charts and affidavit relating to production in Fried. Krupp Cast Steel Works by foreign workers and prisoners of war	20
<u>D 332</u> - Carbon copy of letter, Janssen to NSDAP, 27 June 1935	8
<u>D 335</u> - Memo, 12 June 1944, Stinnesbeck to Jaeger	25
<u>D 338</u> - Special Medical Report by Dr. Jaeger, 28 July 1944	28
<u>D 339</u> - Special medical report by Dr. Jaeger re conditions in POW camp at Noggerathstrasse	26, 28
<u>D 341</u> - Chart, "Fried. Krupp Participations"	37
<u>D 342</u> - Chart, "Fried. Krupp & Branch Establishments Inland Turnover"	13
<u>D 345</u> - Letter, Col. Zimmermann to Krupp firm, 27 August 1942	32
<u>D 348</u> - Secret memo by Reiff re conference in Berlin on 14 August 1942	28
<u>D 353</u> - Original of speech by Krupp, 18 Oct 1933, at first meeting of Committee for Industrial and Social Policy of Reich Ass'n. of German Industry	6
<u>D 354</u> - Affidavit of Paul Lenz, Wilhelm Sill, Hermann Rosskoth, Fritz Schink, Karl Fortkamp, Wilhelm Piegeler, 5 October 1945	31
<u>D 355</u> - Affidavit of Walter Thone, 8 Oct 1945	26
<u>D 363</u> - Original of Krupp speech, 4 Sept 1939	18
<u>D 366</u> - Memo, Haller to Schurmeyer, 8 Dec 1942	24
<u>D 367</u> - Affidavit of Heinrich Frauenrath, 12 Oct 45	21
<u>D 368</u> - Letter from Lutze re use of Hitler Fund	7
<u>D 373</u> - Letter, Terboven to Krupp, 24 June 1935, thanking Krupp for contributions	8
<u>D 375</u> - Carbon copy of letter, Krupp to Hitler, 24 July 1942	12
<u>D 382</u> - Affidavit of Raimund Becker, Aloys Hüfer, Josef Dahm, 4 October 1945	31
<u>D 385</u> - Original of speech by Krupp at first showing of Krupp film on 27 October 1935	10
<u>D 386</u> - Original of speech by Krupp on election after death of Hindenburg	9
<u>D 387</u> - Original of speech by Krupp, 7 April 1938	17
<u>D 390</u> - Original of Krupp speech to jubilee of plant on 6 May 1941	19
<u>D 391</u> - Original of speech by Krupp, 6 April 1938	17
<u>D 392</u> - Original of speech by Krupp, 26 Jan 1934	9

<u>D 393</u> - Original of speech by Krupp, "The Day of Fate of the German People"	9
<u>D 399a</u> - Identification of Von Bulow	2
<u>D 399b</u> - Identification of Janssen	8
<u>D 399d</u> - Identification of Woelfert	12
<u>D 399e</u> - Identification of Reiff	14, 28
<u>D 399f</u> - Identification of Von Raussendorff	15
<u>D 399g</u> - Identification of Sonnenberg	16
<u>D 399h</u> - Identification of Dr. Conn	16
<u>D 399i</u> - Identification of Hupe	22
<u>D 399j</u> - Identification of Dinkelacker	23
<u>D 399k</u> - Identification of Haller	24, 29
<u>D 399l</u> - Identification of Heimer	24
<u>D 399o</u> - Identification of Wiehle	26
<u>D 399q</u> - Identification of Kupke	31
<u>D 399r</u> - Identification of Ihn	33
<u>D 399s</u> - Identification of Trockel	34
<u>D 459</u> - Chart, "Foreigners and Prisoners of War of the Krupp Concern"	36
<u>D 526</u> - Original of file memorandum re acquisition of Liancourt lease	38
<u>D 527</u> - Charts showing companies in the Krupp concern as of 30 Sep 1935 and 31 January 1944	37

PERTINENT SECTIONS OF THE INDICTMENT

1. Count One - The Common Plan or Conspiracy
 - a. Paragraph III - Statement of the Offense. pp. 2-3.
 - b. Paragraph IV (A) - Particulars of the Nature and Development of the Common Plan or Conspiracy. p. 3.
 - c. Paragraph IV (B) - Common Objectives and Methods of Conspiracy. p. 3.
 - d. Paragraph IV (C) - Doctrinal Techniques of the Common Plan or Conspiracy. p. 4.
 - e. Paragraph IV (D) 3 - Consolidation of Control. pp. 4-5.
 - f. Paragraph IV (E) - The Acquiring of Totalitarian Control in Germany: Economic; and the Economic Planning and Mobilization for Aggressive War. p. 6.
 - g. Paragraph IV (F) - Utilization of Nazi Control for Foreign Aggression. p. 7.
 - h. Paragraph IV (G) - War Crimes and Crimes against Humanity committed in the course of executing the conspiracy for which the conspirators are responsible. p. 10.
2. Count Two - Crimes Against the Peace
 - a. Paragraph V - Statement of Offense. p. 10
3. Count Three - War Crimes
 - a. Paragraph VIII - Statement of the Offense. p. 11.
 - b. Paragraph VIII (B) - Deportation for slave labor and for other purposes of the civilian population of and in occupied territories. p. 16.
 - c. Paragraph VIII (C) - Murder and ill-treatment of prisoners of war, and of other members of the armed forces of the countries with whom Germany was at war. p. 17.
 - d. Paragraph VIII (E) 9 - Plunder of public and private property. p. 19.
 - e. Paragraph VIII (H) - Conscription of civilian labor. p. 23.
4. Count Four - Crimes Against Humanity
 - a. Paragraph X - Statement of the Offense. p. 25.
5. Appendix A - Krupp. p. 32.

LEGAL REFERENCES

1. Charter of the International Military Tribunal
 - a. Article 6 (a). Participation in a common plan or conspiracy involving the preparation for, and waging of, wars of aggression.
 - b. Article 6 (b). Violations of the laws and customs of war, involving, inter alia, ill-treatment of slave laborers and prisoners of war.
 - c. Article 6 (c). Enslavement and inhumane acts against the civilian personnel of occupied countries, and of Germany.
2. Hague Regulations, 1907
 - a. Article 4. Prisoners of war "must be humanely treated."
 - b. Article 6. "The tasks (of prisoners of war) shall not be excessive and shall have no connection with the operations of war."
 - c. Article 7. "... prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them."
 - d. Article 46. "... the lives of persons (of occupied territory) ... must be respected."
 - e. Article 52. "Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country."
3. Prisoners of War Convention (Geneva 1929)
 - a. Article 2. "They (prisoners of war) must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity."
 - b. Article 3. "Prisoners of war have the right to have their person and their honor respected."
 - c. Article 31. "Labor furnished by prisoners of war shall have no direct relation with war operations. It is especially prohibited to use prisoners for manufacturing and transporting arms or munitions of any kind, or for transporting material intended for combatant units."

Basura

INDEX TO STATEMENT OF EVIDENCE

- A. In furtherance of the Nazi Conspiracy, defendant Krupp circumvented the restrictions imposed by the Treaty of Versailles on the rearmament of Germany. pp 1-2.
- B. After the Conspirators accession to power, defendant Krupp lent his influence, prestige, and financial support to the consolidation of their control over the German State
1. With knowledge of the aims and purposes of the Nazi Conspiracy, he sought to reorganize the Reich Association of German Industry, of which he was Chairman, in order to bring it into line with the aims of the Conspirators and to make it an effective instrument for the execution of their policies. pp 3 - 7.
 2. He organized, sponsored and made substantial financial contributions to the Hitler Fund, with knowledge that the funds were to be used to further the objectives of the SA and SS. pp 7 - 8.
 3. He made substantial contributions to the Nazi party and affiliated organizations. p 8.-
 4. In numerous public addresses he supported the measures adopted by the Conspirators in the execution of their program. pp 8-10.
- C. Under defendant Krupp's direction, the Krupp firm, by developing new instruments of war and producing huge quantities of war materials, furthered the Conspirators' program to create a powerful military potential. pp 10-14.
- D. Defendant Krupp governed the exports of his firm in the light of the military requirements of the Nazi Conspirators and he accepted and discharged important administrative responsibilities in furtherance of the Conspirators' program of economic mobilization for war. pp 14-14a.
- E. Krupp supported the Conspirators' propaganda program; lent his organization to the dissemination of Nazi propaganda abroad; and used his employees in espionage activities in furtherance of the aims and purposes of the Nazi Conspiracy. pp 14a-17.
- F. Krupp publicly approved the successive crimes against the peace perpetrated by the Nazi Conspirators. pp 17-19.
- G. As head of the Krupp concern, defendant Krupp, in furtherance of the common plan to exploit the people of occupied countries and prisoners of war, was responsible for compelling persons forcibly deported from occupied countries and prisoners of war to work against their will and without their consent in the manufacture of arms and munitions. These acts and practices were contrary to Articles 6 and 52 of the Hague Regulations, 1907, to Article 31 of the Prisoners of War Convention (Geneva 1929), the laws and customs of war, and to Articles 6(b) and 6(c) of the Charter. pp 19-21.
- H. Contrary to Articles 4, 6, 7, and 46 of the Hague Regulations, 1907, to Articles 2 and 3 of the Prisoners of War Convention (Geneva 1929), the laws and customs of war, and Articles 6(b) and 6(c) of the Charter, defendant Krupp, as head of the Krupp concern, was responsible for denying adequate food, shelter, clothing, and medical care and attention to prisoners of war and workers forcibly deported from occupied countries, for forcing them to work under inhumane conditions, and for torturing them and by subjecting them to indignities. pp 22-36.
- I. As reward for his participation in the Nazi Conspirators' program, defendant Krupp reaped large profits, was permitted to expand his industrial empire, and received high honors and special privileges from the Nazi government. pp 36-40.

Statement of Evidence

Against

GUSTAV KRUPP VON BOHLN

und HALBACH

40,01

A. IN FURTHERANCE OF THE NAZI CONSPIRACY, DEFENDANT KRUPP CIRCUMVENTED THE RESTRICTIONS IMPOSED BY THE TREATY OF VERSAILLES ON THE REARMAMENT OF GERMANY. AS THE RESPONSIBLE HEAD OF THE HUGE ARMAMENTS CONCERN, FRIED. KRUPP A.G., HE CONCEALED ITS ARMAMENT ACTIVITY IN ORDER TO DECEIVE THE ALLIED GOVERNMENTS. HE WAS, THEREFORE, IN A POSITION TO PROMOTE THE OBJECTIVES OF THE CONSPIRACY BY THE RAPID PRODUCTION OF MUNITIONS OF WAR ON A HUGE SCALE AFTER THE CONSPIRATORS' ACCESSION TO POWER.

1. In an article entitled "Manager and Armament Worker" written for the 1 March 1942 issue of the Krupp magazine, defendant Krupp stated:

" * * * I knew German history well, and out of my experiences in the rest of the world I believed to know the German kind; therefore I never doubted that, although for the time being all indications were against it, one day a change would come. How, I never knew or asked, but I believed in it. But with this knowledge - and today I may speak about these things and for the first time I am doing this extensively and publicly - with this, as responsible head of the Krupp works, consequences of the greatest importance had to be taken. If Germany should ever be reborn, if it should shake off the chains of Versailles one day, the Krupp concern had to be prepared again. * * * "

" * * * I wanted and had to maintain Krupp, in spite of all opposition, as an armament plant for the later future, even if in camouflaged form. I could only speak in the smallest, most intimate circles about the real reasons which made me undertake the changeover of the plants for certain lines of production for I had to expect that many people would not understand me, * * * "

"Without arousing any commotion, the necessary measures and preparations were undertaken. Thus to the surprise of many people Krupp began to manufacture goods which really appeared to be far distant from the former work of an armament plant. Even the Allied snooping commissions were duped. padlocks, milk cans, cash registers, track repair machines, trash carts and similar

'small junk' appeared really unsuspecting and even locomotives and automobiles made an entirely 'civilian' impression.

"After the accession to power of Adolf Hitler I had the satisfaction of being able to report to the Fuhrer that Krupps stood ready, after a short warming-up period, to begin the rearmament of the German people without any gaps of experience, - the blood of the comrades of KAR. Saturday 1923 had not been shed in vain. Since that time I was often permitted to accompany the Fuhrer through the old and new workshops and to experience how the workers of Krupp cheered him in gratitude. In the years after 1933 we worked with an incredible intensity and when the war did break out the speed and results were again increased. We are all proud of having thus contributed to the heretofore magnificent successes of our army."

* * *

"I have always considered it to be an honour as well as an obligation to be the head of an arms factory and I know that the employees of Krupp share these feelings. Thanks to the educational work of the National Socialist Government this is the case all over Germany. I know that the things I have said here about the armament worker in particular hold true for every German worker. With these men and women who work for the cause with all their hearts, with cool heads and skilled hands we will master every fate." (underscoring supplied) D 94, Article by KRUPP entitled "Manager and the Armament Worker" written for 1 March 1942 issue of Krupp magazine. Statements comparable to those quoted above are contained in D 64, original draft of an article, dated 5 April 1941, entitled "Works Leader and Armaments Works" prepared by KRUPP at Dr. TODT'S request for inclusion in a book which was to have been dedicated to the German armament workers.

2. In a memorandum of a conference held on 9 December 1942, concerning the proposed publication of a book dealing with Krupp's armament activities, Von Bulow, confidential secretary to Krupp, wrote:

"For the period of transition from 1919 up to rearmament, A. K. (Krupp) had undertaken various tasks in order to keep up the Company's activity in the field of artillery, in the sense of observing activities in that field in the rest of the world (relation: BOFORS) and then also for the production of artillery material, within and to a certain extent also beyond, the limitation established by the peace dictate." (underscoring supplied) D 249, Memorandum by Von Bulow concerning proposed book, "The Commercial History of the War". For identification of Von Bulow, see D 399a.

B. AFTER THE CONSPIRATORS' ACCESSION TO POWER, DEFENDANT KRUPP LENT HIS INFLUENCE, PRESTIGE AND FINANCIAL SUPPORT TO THE CONSOLIDATION OF THEIR CONTROL OVER THE GERMAN STATE.

1. With knowledge of the aims and purposes of the Nazi conspiracy, he sought to reorganize the Reich Association of German Industry, of which he was Chairman, so as to bring it into line with the aims of the conspirators and to make it an effective instrument for the execution of their policies.

a. Upon the invitation of co-conspirator Goering. (D 201, Telegram from GOERING to KRUPP) Krupp attended a meeting in Berlin on 20 February 1933, during which Hitler, in a speech to a select group of industrialists, announced the conspirators' aims to seize totalitarian control over Germany, to destroy the parliamentary system, to crush all opposition by force and to restore the power of the Wehrmacht. In the course of this speech, Hitler stated:

"Private enterprise cannot be maintained in the age of Democracy; it is conceivable only if the people have a sound idea of authority and personality. * * * Life always tears up humanity. It is therefore the noblest task of a Leader to find ideals that are stronger than the factors that pull the people apart. I recognized even while in the hospital that one had to search for new ideas conducive to reconstruction. I found them in Nationalism, in the value of personality, in the denial of reconciliation between nations, in the strength and power of individual personality. * * * If one rejects pacifism, one must put a new idea in its place immediately. Everything must be pushed aside, must be replaced by something better."

" * * * 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. For all this, however, courage, and iron will and perseverance are essential."

" * * * With the very same courage with which we go to work to make up for what had been sinned during the last 14 years, we have withstood all attempts to move us off the right way. We have turned down the favour (benevolence) of the Catholic Centre Party (ZENTRUM) to tolerate us. HUGENBERG has too small a movement. He has only considerably slowed down our development."

We must first gain complete power if we want to crush the other side completely. While still gaining power one should not start the struggle against the opponent. Only when one knows that one has reached the pinnacle of power, that there is no further possible upward development, shall one strike. * * *

"Now we stand before the last election. Regardless of the outcome there will be no retreat, even if the coming election does not bring about a decision. One way or another, if the election does not decide, the decision must be brought about even by other means. I have intervened in order to give the people once more the chance to decide their fate by themselves. This determination is a strong asset for whatever must possibly happen later. Does the election bring no result, well, Germany won't go to ruin. Today, as never before, everyone is under the obligation to pledge himself to success. The necessity to make sacrifices has never been greater than now. For Economy I have the one wish that it go parallel with the internal structure to meet a calm future. The question of restoration of the Wehrmacht will not be decided at Geneva, but in Germany, when we have gained internal strength through internal peace. * * * There are only two possibilities, either to crowd back the opponent on constitutional grounds, and for this purpose once more this election or a struggle will be conducted with other weapons, which may demand greater sacrifices. I would like to see them avoided. I hope the German people thus recognise the greatness of the hour. It shall decide over the next 10 or probably even 100 years. It will become a turning point in German history, to which I pledge myself with glowing energy." (underscoring added) D 203, Report of address by Hitler to prominent German industrialists in Berlin.

At this same meeting, co-conspirator Goering declared that the impending election of 5 March 1933, would certainly be the last one for the next 10 years, and probably even for the next 100 years. D 203.

In a memorandum dated 22 February 1933, describing this meeting, defendant Krupp wrote that he had expressed to Hitler the gratitude of approximately 25 industrialists present for the clear expression of his views and emphasized, on behalf of all present, that it was time to clarify the political situation in Germany. D 204, Comments by KRUPP on Hitler address to industrialists.

German Industry
3/

re Krupp

4001

b. On 25 April 1933, defendant Krupp, as Chairman of the Reich Association of German Industry (Reichsverbandes der Deutschen Industrie) submitted to Hitler his plan for the reorganization of German industry and in connection therewith, undertook to bring the Association into line with the aims of the conspirators and to make it an effective instrument for the execution of their policies.

(1) In the letter of transmittal, Krupp stated that his plan of reorganization was characterized by the desire to coordinate "economic measures and political necessity, adopting the Führer conception of the New German State." D 157, Carbon copy of letter from KRUPP to HITLER, dated 25 April 1933.

(2) In the plan of reorganization itself, Krupp stated:

"The turn of political events is in line with the wishes which I myself and the Board of Directors have cherished for a long time. I am convinced that, under the threat of the impoverishment of our people, the machinery of Government must be simplified to the utmost. For the same reason I did not fail to recognise a long time ago the necessity of rationalising our economic system."

"Convinced that the opportunity of the hour must not be missed to obtain the best for our economic system, I am employing the authority bestowed upon me by the Presiding Council to carry out a double task:-

- 1) In the negotiations with the REICH-CHANCELLOR and his representatives, I shall make it my goal to co-ordinate, in the field of organisation of industrial associations, the economically reasonable with the politically necessary.
- 2) In reorganising the REICHS ASSOCIATION of German Industry I shall be guided by the idea of bringing the new organisation into agreement with the political aims of the REICH Government and at the same time to

make it so rational and forceful that it can be an effective instrument of industrial enterprise, according to the relative importance of the industry." (underscoring added) D 157, Plan submitted by KRUPP to HITLER for reorganization of Reich Association of German Industry.

c. In a speech delivered on 18 October 1933, on the occasion of the first meeting of the Committee for Industrial and Social policy of the Reich Association of German Industry, defendant Krupp reaffirmed his aim to bring the Association into complete accord with the political goals of the Nazi government and stated, inter alia:

* * * *

"To have united the purposes of an entire Nation, is the great historical achievement of the man in whose strong hands our President has placed the fate of our people. When REICH CHANCELLOR AND FUHRER ADOLF HITLER called the General Council of Economy together for the first time on the 20th of September, I had the honour to thank him for the confidence which he had put in the men of the practical business world by calling them to the General Council. I pledged to him unrestrained support in his Government in its exceedingly difficult task from all branches and organisations of Economy.

"I may repeat now what I said then: 'The unshakable faith of our REICH CHANCELLOR and FUHRER in the future of our people gives also to the men of business the courage and the strength to put everything in the reconstruction of a healthy National Economy in a strong National State under National Socialist leadership'.

"You, too, gentlemen, if I am certain of your confidence, are bound to this pledge. It holds in itself, for all of us, the deeply felt obligation to be the guarantors for the unconditional execution of the FUHRER'S will in all links and branches of Industry. May the spirit of devotion to duty which inspires us always dominate this Committee's conferences!

"I ask you, gentlemen, to rise and to join me in the toast: To the venerable President of the GERMAN REICH, GENERAL FIELD-MARSHAL VON HINDENBURG and the GERMAN PEOPLE'S CHANCELLOR and FUHRER, ADOLF HITLER: 'Sieg Heil' " (underscoring added) D 353, Original of speech by KRUPP on 18 October 1933, at first meeting of Committee for Industrial and Social Policy of Reich Ass'n. of German Industry.

2. Defendant Krupp organized, sponsored, and made substantial financial contributions to the Hitler Fund (Hitler Spende), with knowledge that the funds were to be used to further the objectives of the SA and SS.

a. In a letter to co-conspirator Schacht dated 30 May 1933, Krupp wrote:

"As Dr. HOETTGEN and I had the opportunity of mentioning to you yesterday, it is proposed to initiate a collection in the most far-reaching circles of German industry, including agriculture and the banking world, which is to be put at the disposal of the Fuehrer of the NSDAP in the name of 'The Hitler Fund', which would replace collections in many cases separately organized of the various NSDAP organisations and the Stahlhelm. It has been decided to appoint a management council for this central collection; I have accepted the chairmanship of the management council at the unanimous request of the principal federations, inspired by the wish to collaborate with my full strength in this task which is to be a symbol of gratitude to the Fuehrer of the nation." D 151a, Carbon copy of letter from KRUPP to SCHACHT dated 30 May 1933.

b. A circular written by co-conspirator Hess in August, 1933, which was found among Krupp's files, specifically states that one of the purposes of the Hitler Fund is "to put at the disposal of the Reich leadership the funds required for the unified execution of the tasks which fall to the lot of the SA, SS, ST, HJ, political organizations etc." D 151b, Circular of HESS re use of Hitler Fund.

In a letter dated 15 August 1934, from Lutze, Chief of Staff of the SA, which was found among Krupp's papers, authority was granted, with the approval of the Deputy Fuehrer, to Gauleiter Terboven to use a special part of the year's Hitler Fund in the interest of the SA in the Ruhr district. D 368, Letter from LUTZE re use of Hitler Fund.

c. From the inception of the Hitler Fund until the collapse of Germany, the Fried. Krupp Cast Steel Works in Essen (main company in the Krupp organization) alone contributed 4,738,446 marks to that fund. D 325, Chart showing payments of Fried. Krupp Cast Steel Works to the Party and Party Organizations. This assistance to the Hitler Fund was supplemented by large contributions made by the other Krupp companies. D 326, Chart entitled "Money Paid to the Adolf Hitler Fund" (during period 1941-1945).

3. Defendant Krupp, both privately and through the Krupp firm, made substantial contributions to the Nazi Party and affiliated organizations.

a. For contributions by Fried. Krupp Cast Steel Works in Essen, see D 325, Chart showing payments of Fried. Krupp Cast Steel Works to the Party and Party Organizations, supra.

b. In June 1935, Krupp contributed 100,000 marks to the Nazi Party out of his personal account. D 332, Carbon copy of letter from JANSSEN to NSDAP dated 27 June 1935; letter from TERBOVEN to KRUPP dated 24 June 1935, thanking Krupp for contributions. D 373 For identification of Janssen, see D 399b.

4. In numerous public addresses, defendant Krupp supported the measures adopted by the conspirators in the execution of their program.

a. In a speech urging every German to approve Germany's withdrawal from the disarmament conference and the League of Nations, Krupp said:

" * * * Just as the 5th of March brought about the change from chaos to order, from disgrace to honour in domestic policy so, on November 12, the unanimous "YES" of the German people concerning the foreign policy of the Reich Government, shall and must give ample proof to the entire world that every citizen who is worthy of the German name, stands un-

conditionally behind the Reich government as led by the Reich Chancellor, and its foreign policy which is dictated by the commandment of self-respect."

* * *

" * * * when the radio broadcasts the results of the People's Election on the evening of November 12, the entire world must know that:

Germany stands in the camp of Adolf Hitler."
D 393, Original of speech by KRUPP entitled, "The Day of Fate of the German People."

b. In a speech delivered on 26 January 1934, Krupp expressed approval of the leadership principle in industrial relations; under which the entrepreneur became the leader and the workers became his followers. In the course of this speech he said:

"National-Socialism has liberated the German worker from the clutches of a doctrine which was basically hostile both for employer and employee. Adolf Hitler has returned the worker to his nation; he has made of him a disciplined soldier of labour and therefore our comrade. When, on the other hand, the new State awards to the enterpriser the role of leader in economy and labour, then we know that: Leadership has obligation!

"The enterpriser and his leading officers are the trustees for the material welfare of our people." D 392, Original of speech by KRUPP dated 26 January 1934.

c. In a speech delivered on 10 August 1934, in connection with the plebiscite to approve Hitler's dual appointment as president and chancellor after Hindenburg's death, Krupp said:

"Let us all follow him now also, our Leader, our Reich - and People's Chancellor.

"In an exceptionally short time he has eliminated the quarrel between parties, has guaranteed unity to the Reich and has assured to every German pride to work, has brought the opportunity for work to the near future. On 19 August all our votes borne of deep trust and proven confidence shall go to the man acclaimed by those hearts of many thousands and millions who cannot, because of their age, go to the polls but who daily join us, who are permitted to vote, in the Cry:

Heil Hitler! "
D 386, Original of speech by KRUPP on election, after death of Hindenburg.

d. In a speech dated 27 October 1935, Krupp stated:

* * *

"Our thoughts fly therefore by themselves in this festive hour of our plant community, to the man whom we thank for the resurrection of our Nation: Adolf Hitler, the patron of German labour and German art. Unanimously we will confess and pledge ourselves to stand behind the Führer and his movement today and forever and thereby to be of service to the idea of eternal Germany." D 385, Original of speech by KRUPP at first showing of the Krupp film on 27 October 1935.

e. In a speech dated 1 May 1936, after the Nazis had reoccupied and fortified the Rhineland, Krupp stated:

"No greater recognition, no greater incentive to further common work accomplishment could have been given us than was done through the visit of our Führer on March 27th of this year to our works and through his addresses from here. * * * "

"Never has a statesman fought for the soul of his people and for its wellbeing with such faith, such ardor, such endurance. We shall never forget how deeply we are indebted to him. * * * I only mention here the abolition of the parties and the unification of the people, the regaining of the sovereignty in the Rhineland, the extensive abolition of unemployment, the accomplishments of the labour service, the magnificent public buildings, the roads, bridges and canals. * * * "

* * *

"The world will have to get used to the fact that the voice of the Führer is the voice of the whole German people. * * * "

"Jubileers and co-workers! We shall be thankful to fate that we were and are permitted to be eye and action witnesses of the great turning point in our German history, and we shall thank especially the divine destiny that it has presented us with a man like Adolf Hitler. Let us then combine all that which moves our hearts upon mention of this name into the cry: Our people and fatherland and its great Führer Adolf Hitler

Sieg - Heil! "

D 291, Original of speech by KRUPP on 1 May 1936.

C. UNDER DEFENDANT KRUPP'S DIRECTION, THE KRUPP FIRM, BY DEVELOPING NEW INSTRUMENTS OF WAR AND PRODUCING HUGE QUANTITIES OF WAR MATERIALS, FURTHERED THE CONSPIRATORS' PROGRAM TO CREATE A POWERFUL MILITARY POTENTIAL.

1. In a speech prepared in January 1944, for delivery at the University of Berlin, defendant Krupp stated:

" * * * I don't see why this thought still flutters in many a head occasionally, - that the production of war materials should be a sinister trade! No: war material is life-saving for one's own people and whoever works and performs in these spheres can be proud of it; here enterprise as a whole finds its highest justification of existence. This justification - I may inject this here - crystallised especially during that time of the 'Interregnum', between 1919 and 1933, when GERMANY was lying-down disarmed. * * * It is the one great merit of the entire GERMAN war economy that it did not remain idle during those bad years, even though its activity could not be brought to light for obvious reasons. Through years of secret work, scientific and basic ground work 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."

* * *

"Only through this secret activity of GERMAN enterprise, together with the experience gained meanwhile through production of peace time goods was it possible, after 1933, to fall into step with the new tasks arrived at restoring GERMANY'S military power, (only through all that) could the entirely new and various problems, brought up by the FUHRER'S FOUR YEAR'S PLAN for GERMAN enterprise, be mastered. * * *" (Underscoring supplied)
D 317, Original of speech entitled "Thoughts about the Industrial Enterpriser" written by KRUPP on occasion of invitation to University of Berlin during January 1944.

2. Defendant Krupp played a leading role in the design and production of new weapons for the German armed forces.

a. In a memorandum concerning a conference held at the Federal Ministry for National Defense in Vienna on 25 September 1936, Pfirsch, a Krupp official, wrote:

" * * * in spite of the obstacles put in our way by the Treaty of Versailles, we had never been inactive throughout the postwar period, but had drawn upon the experience of the war in the creation of new types, and that we had won the prizes for almost every type in the competitions organised by our War Ministry for the construction of new artillery

weapons, so much so that the guns introduced into the German Army of to-day, such as the 8.8. cm anti-aircraft, the 10.5 cm field gun, the heavy field howitzer and beyond them the larger calibres have been made according to our pattern." D 152, Memorandum by PFIRSCH, 28 September 1935. For identification of Pfirsch, see 399c.

b. In a memorandum dated 21 February 1944, Woelfert, a department chief in the Krupp concern, wrote:

"First a few facts about the development of tanks by Krupp. We are manufacturing tanks since 1928, which means before rearmament. We started studying on heavy tractors. KRUPP built the first mass production tank, the PANZER I, which is also known as LaS. It was shown in public in 1935, the year when rearmament started, and made a great impression. We also originated the PANZER IV, or better the BW, which was especially at the beginning of the war one of the prime factors in our rapid advances into enemy country, so that today we are fighting on the Atlantic coast, in the South, and east and not on German soil. Even today we use the BW-base for many self-propelled guns, assault-guns, anti-aircraft guns etc." D 96, Memorandum on Establishment of an Experimental tank factory by the Grusonwerk. For identification of Woelfert, see D 399d.

c. In a letter to Hitler dated 24 July 1942, Krupp wrote:

"My Führer!

"The big weapon, whose manufacturing is to be thanked to your command, has now proved its effectiveness. * * * "

"True to an example set by Alfried KRUPP in 1870, my wife and myself ask the favour that the Krupp works refrain from charging for this first finished product.

"To express my thanks to you, my Führer, for the confidence shown in our plants and in us personally by entrusting such an order with us, is a pleasant duty for my wife and myself.

Sieg Heil! "

D 375, Carbon copy of letter from KRUPP to HITLER, dated 24 July 1942.

d. Krupp likewise made significant contributions to the production of Navy weapons and U-Boats.

D 88 , Carbon copy of letter from KRUPP to RAEDER, dated 10 August 1935; D 287 , Carbon copy of letter from KRUPP to RAEDER, dated 30 October 1942.

3. The rapid and progressive expansion in armament production by defendant Krupp after the conspirators' accession to power is plainly shown by a chart prepared by Krupp officials concerning the production of war materials at the Krupp Gustahlfabrik in Essen (only one of the many companies in the Krupp organization). This chart shows that the production of war materials at that particular factory during the fiscal year, 1 October 1933 to 30 September 1934, was more than twice that of any previous year since 1929; that such production during the fiscal year, 1 October 1934 to 30 September 1935 was almost twice as great as the previous year; and that production of war materials continued thereafter at an accelerated rate with the result that during the fiscal year, 1 October 1938 to 30 September 1939, it was more than 10 times as great as it was during the period 1 October 1932 to 30 September 1933. D 299 , Chart entitled, "Fried. Krupp Gustahlfabrik Essen, Turnover in War Material." It should be noted that this chart shows only direct sales by the Essen factory of war materials to the German Armed Forces Ordnance Supply Department and sales to foreign countries of war materials easily recognizable as such. It does not cover "indirect sales", viz: the sale of products to other concerns which, in turn, used them to produce materials of war. See D 342 , Chart entitled "Fried. Krupp and Branch Establishments, Inland Turnover" for figures which include "indirect" sales of war materials by certain Krupp companies.

D. DEFENDANT KRUPP GOVERNED THE EXPORTS OF HIS FIRM IN THE LIGHT OF THE MILITARY REQUIREMENTS OF THE NAZI CONSPIRATORS AND HE ACCEPTED AND DISCHARGED IMPORTANT ADMINISTRATIVE RESPONSIBILITIES IN FURTHERANCE OF THE CONSPIRATORS' PROGRAM OF ECONOMIC MOBILIZATION FOR W.R.

1. In a "strictly confidential" memorandum dated 25 March 1941, the following was reported:

" * * * The liberation of the Reich from the shackles of Versailles enabled Krupp to recommence the export of armaments. The German Government had, in fact, pressed for the matter. Military-political and Military-economic reasons were the cause. Krupp desired to come into the closest contact with the armament exports, so as to further the development of arms * * * "

* * *

" * * * By using all the forces at his (Krupp's) disposal and regardless of effort, costs and risk, considerable export contracts were secured, which served to obtain foreign currency or raw materials, and were, at the same time, politically desirable. * * * " D 191, Confidential memorandum from file No. 6/3-1 headed "Experiences in Foreign Trade, Concerning Post-War Reconstruction of Armament Exports".

In a memorandum dated 23 June 1937, concerning a Bulgarian order for armour plating which was discussed with German Army representatives, Mr. Reiff, a Krupp official, wrote:

"Major Olbrich showed himself aware quite evidently of the deeper reasons existing why Germany was anxious that this order should be booked " D 154, Memorandum in file of FKAG re order for armour plating from Bulgaria. For identification of Reiff, see D 399e.

2. At the request of the Inspector of War Production, Krupp became a Leader of War Production in 1937, and was charged with the responsibility of preparing and carrying out the mobilization of the armament industry and of directing it in time of war.

a. In a "strictly confidential" letter dated 21 January 1937, the Inspector of War Production wrote to Krupp:

"The Reich Minister for War and the Supreme Commander of the Armed Forces has ordered that a Corps of Economic Leaders of War Production be recruited with immediate effect.

"The Economic Leaders of War Production in collaboration with the Armed Forces, are to be responsible for the preparing and carrying out of the mobilization of the armament industry and for directing it in time of war.

* * *

"A selected small circle of these persons is to act in an advisory capacity to the Armed Forces in all important economic questions both during peace and war.

"Subject to your approval, I intend to propose to the Reich Minister for War that you should be nominated as Economic Leader for War Production." D 62, Letter dated 21 January, 1937, from Inspector of War Production to KRUPP.

b. In connection with his acceptance of the position of Leader of War Production, Krupp submitted a "secret" document entitled, "Declaration of Political Attitude", dated 6 February 1937, in which he stated:

"I herewith declare that I stand by the National Socialist conception of the State without reserve and that I have not been active in any way against the interests of the people.

* * *

"I am aware that should I say or do anything which constitutes an attack against the National Socialist conception of the State, I must expect, in addition to legal proceedings, my dismissal from the post of Economic Leader of War Production." D 63, Declaration of political attitude by KRUPP.

E. DEFENDANT KRUPP SUPPORTED THE CONSPIRATORS' PROPAGANDA PROGRAM; LENT HIS ORGANIZATION TO THE DISSEMINATION OF NAZI PROPAGANDA ABROAD; AND USED HIS EMPLOYEES IN ESPIONAGE ACTIVITIES IN FURTHERANCE OF THE AIMS AND PURPOSES OF THE NAZI CONSPIRACY.

1. In April 1933, defendant Krupp contributed 20,000 marks to co-conspirator Rosenberg for the purpose of counteracting anti-Nazi propaganda abroad. In a letter to Krupp dated 26 April 1933, Rosenberg said:

"Once more my most cordial thanks for not having shunned the inconvenience of the journey in order to participate at yesterday's intimate conference. I am glad to determine, on the basis of

our discussion, that you too welcome the organization of an active counter-action abroad, in the interest of State and Economy, and express to you the highest thanks for the support of a monetary kind as well, which you have subscribed to our work. Very shortly a quantity of material will be sent to you promptly and will subsequently be distributed throughout the world in a comprehensive compilation." D 158, Original letter from Alfred ROSENBERG to Gustav KRUPP. See also D 208, Carbon copy of letter from KRUPP to SPRINGORUM dated 26 April 1933 and D 242, Original letter from SPRINGORUM to KRUPP re contribution of 20,000 marks to Rosenberg.

2. In a memorandum dated 12 October 1939, entitled "Distribution of Official Propaganda Literature Abroad with the Help of our Foreign Connections", concerning a visit by a Mr. Lackmann of Ribbentrop's private foreign office, Von Raussendorff, a Krupp official, wrote:

"I informed Mr. L. that our Firm had put itself years ago at the disposal of official Bureaus for purposes of foreign propaganda and that we had supported all requests addressed to us to the utmost. * * * Only by personal handling can our connections abroad be used and kept receptive to effective propaganda. With the present lively activity of the 'Secret Service' it must be avoided, not only in the interest of our Firm but also in the interest of Germany as a whole, that our agents in neutral foreign countries would come through improper handling to the attention of the 'Secret Service' and economically ruined by it within a short time."

"* * * If additional distributions of propaganda literature were desired, a propaganda-leaflet should be sent to us, and after examining it, we would advise the official Bureau what quantity of such printed matter could be mailed abroad through us, at our expense, as heretofore." (under-scoring added) D 206, Memorandum on distribution of propaganda abroad through foreign connections of the Krupp firm. For identification of Von Raussendorff, see D399f.

3. In a memorandum dated 14 October 1937, concerning a visit by Menzel of the Intelligence Office of the Combined Services Ministry, Sonnenberg, a Krupp official, wrote:

* * *

"MENZEL asked for intelligence on foreign armaments (but not including matters published in newspapers) received by KRUPP from their agents abroad and through other channels to be passed on a Combined Services Intelligence (Abwehrabteilung des R.K.M.). * * *"

"On our part we undertook to supply information to the Combined Ministry (R.K.M.) as required. (underscoring added) D 167a, Memorandum of SONNENBERG dated 14 October 1937 re exchange of intelligence. For identification of Sonnenberg, see D 399g.

The results of a later visit by Menzel, in the company of Kapitaeln zur See Globig, of the Information Department, Naval Armaments Branch, are reported in a memorandum dated 25 June 1939 by Dr. Conn, a Krupp official. In the course of this memorandum, which is entitled "Intelligence and Information", Dr. Conn stated:

"1) Kapitaeln zur See GLOBIG whom I had known for a long time, spoke to me quite frankly and openly. It is therefore impossible to embody parts of our discussion in this report."

* * *

"Similarly to Kapitaeln zur See GLOBIG he (Menzel) stressed the point that in view of the progressive disappearance of public and easily accessible sources of information, the information obtained through our representatives, abroad was of increasing value. This method of obtaining intelligence would have to be followed up much more drastically than in the past."

* * *

"His (Menzel's) third point was a request to utilize foreign visitors for obtaining intelligence. I replied that this was being done already, but that it was necessary to proceed very carefully, to avoid arousing suspicion on the part of the visitors. * * *"

"I gave him to understand that we were slightly disappointed with the collaboration with Intelligence (Abwehr abteilung) since we had supplied information, but had received none in return. MENZEL explained that Intelligence was only a collating centre and that they were merely passing on information, the value of which they were unable to judge by themselves, to the departments concerned; any information for us would therefore have to come from those departments only. Exceptions were only made in the case of intelligence of universal importance such as e.g. the long range gun (Ferngeschuetz) some time ago."

"This remark is important concerning the way in which we should present our information at BERLIN. The departments receiving the information through Intelligence, must be able to see that it originates from KRUPP, so that they might feel themselves under obligation to let us have some information in return." (underscoring supplied) D 167b, Memorandum by Dr. CONN dated 25 June 1939 entitled "Intelligence and Information". For identification of Dr. Conn, see D 399h.

In a memorandum marked "secret", relating to foreign anti-aircraft guns, Sonnenberg wrote on 6 May 1939:

"I have gained the impression that from no other side do the respective Army departments get such far reaching support in their investigation of foreign armaments as from Fr. KRUPP." (underscoring supplied) D 170, Notes by SONNENBERG on conference in Berlin re foreign anti-aircraft guns.

F. KRUPP PUBLICLY APPROVED THE SUCCESSIVE CRIMES AGAINST THE PEACE PERPETRATED BY THE NAZI CONSPIRATORS.

1. In a speech dated 6 April 1938, shortly after von Schuschnigg had been compelled to capitulate to the Nazi conspirators' threat of force, defendant Krupp stated:

"At our family party, today as well, our first thought, our first glass, is raised in deep appreciation to our Führer. We are still under the lasting impression of the mighty happenings of the last four weeks; so are those of us who until a short time ago were forced to wait impatiently for these developments outside our State frontiers. To the fulfillment of century-old dreams consciously arrived at, to the fulfillment of the life-long wish of Adolf HITLER - thanks to his faith, thanks to his determination, thanks to his heart, to him, our Führer, a threefold, deeply thankful,

Sieg Heil."

D 391, Original of speech by KRUPP, 6 April 1938.

2. In a speech dated 7 April 1938, defendant Krupp, in urging all Germans in the impending election of 10 April, to approve Hitler's invasion of Austria, stated:

"Three more days separate us from the day of the Plebiscite to which our Führer calls us, from the Plebiscite concerning GREATER GERMANY, at the same time a Plebiscite in which the proof of faith in our Führer concerns every individual's conscience.

"Full with thanks for what ADOLF HITLER has bestowed and secured for the GERMAN people in little more than five years' leadership through internal and external peace he is worthy of the deepest felt "Yes" from everyone of us!

"To him, our FÜHRER and CHANCELLOR a threefold

Sieg Heil! "

D 387, Original of speech by KRUPP dated 7 April 1938.

3. In a speech delivered on 13 October 1938, on the occasion of Hitler's visit to the Krupp works, after the Nazi occupation of the Sudetenland, defendant Krupp said:

"My FÜHRER,

To be able to greet you at the KRUPP Works, in our home, in the name of my wife and my own, as well as in the name of those close to me and also in that of the greater plant family, so shortly after the world-shaking events of the last weeks, is a great honour and a heart-felt joy to me.

"Perhaps no plant and no home can feel more deeply and more gratefully than ours the changes in the last decades, none can be more proudly conscious to be allowed to participate in the mighty tasks set by you.

"Before us stands now the basic and undeniable world-encircling success, in its total extent perhaps not fully grasped, which your faith and strong will, your nerves and your initiative have achieved.

"May no German ever forget how deeply gratitude therefore put us under obligation, how proud we may be to be recognised once more in the world as a free, equal, great German People.

"With the thanks of my family, of our plants, of our entire Ruhr District filled with the urge to work, I must express united gratitude, springing from a full warm heart, from the SUDETEN District which is now a part of the German Reich.

* * *

"Heil to Thee, my FÜHRER." D 304, Original of KRUPP speech of 13 October 1938.

4. Shortly after the conspirators launched their aggression against Poland, defendant Krupp stated to the workers in his plant:

"The Führer has made his decision, not lightly but in the consciousness of responsibility to his people, to the entire future of the German Nation - we have all heard that in his Reichstag speech last Friday.

* * *

"A hard struggle, perhaps hardly appreciated to its fullest extent, lies before us. The entire German Nation must face this test of fire in unshakable unity, young or old, man or woman, everyone must and will do his duty at his post, do more than just what his duty demands and devote his entire strength to the task assigned to him. Therefore let us also, as KRUPP MEMBERS remain determined. May God protect our Führer and our people!" D 363, Original of KRUPP speech, 4 September 1939.

5. In a speech dated 6 May 1941, commemorating the successes of the Nazi aggression in the West, defendant Krupp stated:

"The one who, like myself, had the chance to visit and thoroughly inspect during the last weeks the fields where our superb troops made the breakthrough in the West -

"who could hear on that occasion the roar of our Airforce against England -

"who witnessed how our U-boats and speedboats distinguished themselves against the remains of England's sea-might -

"such a person is bound to be thankfully proud to be able to contribute through his labours to assure to our fighters the weapons which they need for their battle -

"such a person is and remains devotedly and respectfully conscious that the nicest machines, the most effective instruments mean little, no, nothing, without the complete unselfish and trusting share of the individual, whose trust is assured through his knowledge of, and his faith in, the genius of his Führer, who embodies the worth of the German people, their honour and might. To him, our Führer, we direct also in this hour in the Spring month of May our thoughts, renew our solemn oath, present our heartiest wishes and give thanks to him.

Adolf Hitler - Sieg Heil! "

D 390 , Original of KRUPP speech to jubilees of plant on 6 May 1941.

G. AS HEAD OF THE KRUPP CONCERN, DEFENDANT KRUPP, IN FURTHERANCE OF THE COMMON PLAN TO EXPLOIT THE PEOPLE OF OCCUPIED COUNTRIES AND PRISONERS OF WAR, WAS RESPONSIBLE FOR COMPELLING PERSONS FORCIBLY DEPORTED FROM OCCUPIED COUNTRIES AND PRISONERS OF WAR TO WORK AGAINST THEIR WILL AND WITHOUT THEIR CONSENT IN THE MANUFACTURE OF ARMS AND MUNITIONS. THESE ACTS AND PRACTICES WERE CONTRARY TO ARTICLES 6 AND 52 OF THE HAGUE REGULATIONS, 1907, TO ARTICLE 31 OF THE PRISONERS OF WAR CONVENTION (GENEVA 1929), THE LAWS AND CUSTOMS OF WAR, AND TO ARTICLES 6(b) AND 6(c) OF THE CHARTER.

1. Charts marked "secret" have been found which show the number and nationalities of prisoners of war and foreign workers employed in each of the workshops in the Fried. Krupp Cast Steel Works at Essen, for the period from December 1940 to 1 February 1945. These charts, when read in conjunction with an affidavit by a Krupp official concerning the materials produced in the

various Essen workshops, reveal that French and Russian prisoners of war and slave laborers from virtually every country occupied by Germany were used in the production of arms and munitions. Thus, they were compelled to work in departments engaged in the construction of turrets for tanks and carriages for heavy army and navy guns; the assembling of marine gun turrets, 10.5 cm marine guns, and 15 cm. torpedo-boat guns; the manufacture of crankshafts for S-boats and aeroplanes, etc. D 328 , Charts and affidavit relating to production in the workshops of Fried. Krupp Cast Steel Works by prisoners of war and foreign workers. Affidavits of workers in the Krupp workshops afford added proof that prisoners of war and foreign laborers were used by Krupp in the manufacture of arms and munitions. See D253 , Affidavit of Peter GUTERSOHN, 3 October 1945; D 265 , Affidavit of Heinrich RUHNAU, 3 October 1945; D 279 , Affidavit of Alexander HAVERKATER, 1 October 1945.

2. The prisoners of war and foreign workers at the Krupp factories did not voluntarily engage in the manufacture of arms and munitions; they were forced to do so. This fact is clearly shown by the following:

a. Workers were brought to Essen from Poland and Russia in grossly overcrowded, unheated, and unsanitary cattle cars and upon debarking, were beaten, kicked, and otherwise inhumanely treated. An employee of the Reich Railway at Essen has described these conditions as follows:

" * * * In the middle of 1941 the first workers arrived from Poland, Galicia and Polish Ukraine. They came to Essen in goods waggon in which potatoes, building materials and also cattle have been transported; they were brought to perform work at Krupp. The cars were jammed full with people. * * * The people were squashed closely together and they had no room for free movement. The Krupp overseers

laid special value on the speed the slave workers got in and out of the train. * * * the people were beaten and kicked and generally maltreated in a brutal manner. * * * I could see with my own eyes that sick people who could scarcely walk * * * were taken to work. One could see that it was sometimes difficult for them to move themselves. The same can be said for the Eastern workers and Ps.W. who came to Essen in the middle of 1942." D 321, Affidavit of Adam SCHMIDT, 12 October 1945. See also D 367, Affidavit of Heinrich FRAUENRATH, 12 October 1945.

b. Foreign workers were compelled to go to work under guard and were closely watched. In a memorandum dated 7 April 1942, entitled "employment of foreign workers", from the Ignitor workshop of the Krupp Essen plant, it is stated:

"In the course of last week, due to the fact that the foreign workers, especially Poles, could not be relied upon to appear at work, there was an extraordinary decrease in production; loss of money and fines did not obtain the desired results.

"Especially during short (bank) holidays we were not able to find a responsible person in the camp Seumannstrasse, to whom we could have referred. We ourselves are short of guards to fetch the Poles from their camp, and to guard them overnight." (underscoring supplied) D 270, Memorandum dated 7 April 1942, re employment of foreign workers. Re compulsion exerted by guards in marching foreign workers to work, see also D 253, Affidavit of Peter GUTERSOHN, 3 October 1945, supra; Affidavit of Heinrich RUHNAU, 3 October 1945, supra. See infra for beatings of workers while at work and punitive measures generally employed.

c. After working hours, foreign workers were confined in camps under barbed wire enclosures and were carefully guarded. Dr. Jaeger, senior camp doctor in Krupp's workers' camps, has stated in an affidavit:

"The eastern workers and Poles who laboured in the Krupp works at Essen were kept at camps at SEUMANNSTRASSE, SPENLESTRASSE, GRIEPERSTRASSE, HEEGSTRASSE, GERMANIASTRASSE, KAPITAN - LEHMANNSTRASSE, DECHTNSCHULE, and KRAMERPLATZ. * * * All of these camps were surrounded by barbed wire and were closely guarded." D 288, Affidavit of Dr. Wilhelm JAEGER, 15 October 1945.

H. CONTRARY TO ARTICLES 4, 6, 7, AND 46 OF THE HAGUE REGULATIONS, 1907, TO ARTICLES 2 AND 3 OF THE PRISONERS OF WAR CONVENTION (GENEVA 1929), THE LAWS AND CUSTOMS OF WAR, AND ARTICLES 6(b) AND 6(c) OF THE CHARTER, DEFENDANT KRUPP, AS HEAD OF THE KRUPP CONCERN, WAS RESPONSIBLE FOR DENYING ADEQUATE FOOD, SHELTER, CLOTHING, AND MEDICAL CARE AND ATTENTION TO PRISONERS OF WAR AND WORKERS FORCIBLY DEPORTED FROM OCCUPIED COUNTRIES, FOR FORCING THEM TO WORK UNDER INHUMANE CONDITIONS, AND FOR TORTURING THEM AND SUBJECTING THEM TO INDIGNITIES.

1. The prisoners of war and foreign laborers at the Krupp works were undernourished and forced to work on a virtual starvation diet.

a. In a memorandum upon Krupp stationery to Mr. Hupe, Director of the Krupp locomotive factory in Essen, dated 14 March 1942 and entitled "Employment of Russians", it was said:

"During the last few days we have established that the food for the Russians employed here is so miserable, that the people are getting weaker from day to day.

"Investigations showed that single Russians are not able to place a piece of metal for turning into position for instance, because of lack of physical strength. The same conditions exist at all places of work where Russians are employed." D 316, Memorandum to Mr. HUPE re employment of Russians, dated 14 March 1942. For identification of Hupe see D 3991.

b. In a memorandum dated 18 March 1942, the following was reported from the Krupp armoured car repair shop:

"I got the food this evening after Mr. BALZ telephoned, but I had quite a struggle with the people responsible in the camp before I got anything at all. They always told me that the people had already received the day's rations and there wasn't any more. What the gentlemen understand under a Day's ration is a complete puzzle to me. The food as a whole was a puzzle too, because they ladled me out

the thinnest of any already watery soup. It was literally water with a handful of turnips and it looked as if it were washing up water.

"Please tell Mr. BALZ again definitely so that the matter is finally cleared up, that it cannot continue having people perish here at work." (underscoring supplied) D 310, Memorandum from GROLLIUS to KOLSCH dated 18 March 1942.

c. In a memorandum dated 20 March 1942, to Mr. Ihn, one of the Krupp Directors, Dinkelacker, a Krupp official, wrote:

"The Deputy Works Manager Mr. MUSTIN, who also employs a number of such Russian workers and who is quite satisfied with their performance, went to the camp in KRAMERPLATZ on my inducement and had a talk with Mr. WELBERG, the Camp Commandant. Mr. HASSEL from the Works Police who was present at the time, butted in and declared that one should not believe what the people said. Also that one was dealing with Bolsheviks and they ought to have beatings substituted for food." (underscoring supplied) D 318, Memorandum from DINKELACKER to IHN dated 20 March 1942. For identification of Dinkelacker see D 399j.

d. In a memorandum dated 26 March 1942, to Mr. Hupe concerning the use of Russian prisoners of war and civilian workers, it was reported:

"The reason why the Russians are not capable of production is, in my opinion, that the food which they are given will never give them the strength for working which you hope for. The food one day, for instance, consisted of a watery soup with cabbage leaves and a few pieces of turnip. The punctual appearance of the food leaves a good deal to be desired too." (underscoring added) D 297, Memorandum to HUPE from THIELE dated 26 March 1942 re employment of Russian PWs and civilians.

e. In a memorandum dated 8 December 1942, Haller, a Krupp official, wrote:

"The complaints from our foreign workers about insufficient food have increased lately.
* * *"

"We experienced a very forcible confirmation of these complaints the other day when we drew the food for the Eastern workers from the kitchen in KRAMERPLATZ. On 5.12.42 the midday meal contained unpeeled, whole potatoes which were not even properly cooked; on 7.12.42, there

was soup on which cabbage leaves floated, the sight of which made me feel sick." D 366, Memorandum from HALLER to SCHURMEYER dated 8 December 1942. For identification of Haller see D 399k.

f. In a memorandum dated 20 March 1942, Heimer, a Krupp official, wrote:

"This food is not suitable for keeping the Russians strong. For instance, on the 18th of March a Russian had to be sent back to the camp, as he was not able to tighten up a piece of work material into position on the machine in spite of an extension on his spanner, whilst one of the German work comrades did it easily and without a spanner extension. People had to be taken off big machines and put on smaller ones because they had not the strength to tighten up work material on the big machines." D 384, Memorandum from HEIMER to HUPE dated 20 March 1942 re Russian civilian workers. For identification of Heimer, see D 399l.

g. Dr. Jaeger, senior camp doctor in the Krupp workers' camps has stated, under oath, that not only did the plan for food distribution to foreign workers call for a very small quantity of meat every week, but also that they received ^{only} contaminated meats, rejected by the health authorities, such as horse or tuberculin infested meat. D 288, Affidavit of Dr. Wilhelm JAEGER, 15 October 1945.

2. The prisoners of war and foreign workers at the Krupp factories were forced to live in grossly overcrowded huttled camps and otherwise were denied adequate shelter.

a. In a sworn statement, Dr. Jaeger, senior camp doctor of the Krupp workers' camps, has stated with respect to the Krupp camps at which the eastern workers and Poles were kept:

"Conditions in all of these camps were extremely bad. The camps were greatly overcrowded. In some camps there were over twice as many people in a barrack as health conditions permitted.

* * *

"Sanitary conditions were exceedingly bad. At KRAMERPLATZ, where approximately 1,200 eastern workers were crowded into the rooms of an old school, the sanitary conditions were atrocious in the extreme. Only 10 childrens' toilets were available for the 1,200 inhabitants. At DECHENSCHULE, 15 childrens' toilets were available for the 400-500 eastern workers. Excretion contaminated the entire floors of these lavatories. There were also very few facilities for washing." D288, Affidavit of Dr. Wilhelm JAEGER, 15 October 1945, supra.

b. Statistics upon the Krupp camps compiled by Krupp officials in 1942 for the Essen health authorities show that in the Krupp Scumannstrasse camp, 1784 beds were compressed into a surface area of 7844 square meters in the Krupp Bottroperstr. camp 874 beds were crowded into a surface area of 3585 square meters and that in other Krupp camps the congestion was even greater. D 143, Graph showing list of barracks and beds provided in various workers hostels and prisoner of war camps of Fried. Krupp A.G., as of 1 December 1942.

c. In a memorandum dated 12 June 1944, Dr. Stinnesbeck, a doctor retained by the Krupp works, reported, with respect to the Krupp prisoner of war camp at Noggerathstrasse that:

"315 Prisoners are still accommodated in the camp. 170 of these are no longer in barracks but in the tunnel in GRUNERSTRASSE under the Essen-Mulheim railway line. This tunnel is damp and is not suitable for continued accommodation of human beings. The rest of the prisoners are accommodated in 10 different factories in Krupps works." D 335, Original of memorandum dated 12 June 1944 from STINNESBECK to JAEGER.

d. In a special medical report marked "strictly confidential", dated 2 September 1944, concerning the same prisoner of war camp, Dr. Jaeger wrote:

"The P.O.W. camp in the NOGGERATHSTRASSE is in a frightful condition. The people live in ash bins, dog kennels, old baking ovens and in self made huts." D 339, Original of special medical report by Dr. JAEGER re conditions in P.O.W. camp at Noggerathstrasse.

3. The prisoners of war and foreign workers at the Krupp factories were denied adequate clothing.

a. Dr. Jaeger, senior camp doctor in Krupps' workers' camps, has stated under oath:

"The clothing of the eastern workers was likewise completely inadequate. They worked and slept in the same clothing in which they had arrived from the east. Virtually all of them had no overcoats and were compelled, therefore, to use their blankets as coats in cold and rainy weather. In view of the shortage of shoes, many workers were forced to go to work in their bare feet, even in the winter. Wooden shoes were given to some of the workers, but their quality was such as to give the workers sore feet. Many workers preferred to go to work in their bare feet rather than endure the suffering caused by the wooden shoes. Apart from the wooden shoes, no clothing of any kind was issued to the workers until the latter part of 1944, when a single blue work suit was issued to some of them. To my knowledge, this represented the sole issue of clothing to the workers from the time of their arrival until the American forces entered Essen." D 288, Affidavit of Dr. Wilhelm JAEGER, 15 October 1945, supra. 3/

b. In a memorandum to Mr. Ihn, a Krupp director, dated 20 October 1942, Dr. Wiehle, head of the Krupp hospital in Essen, wrote:

"It has already been pointed out several times at conferences that the clothing for Eastern workers, men and women, is not sufficient. With regard to the cold weather, the camp physician today called our attention to the fact that the number of colds is going up because of the question of insufficient clothing.

"Many of the men and women still have to go barefooted. They have no underwear and it often happens that people who wear foot bandages because of injuries walk barefooted on these bandages." D 271, Memorandum dated 20 October 1942 from WIEHLE to IHN. For identification of Wiehle see D 3990. See also D 355, Affidavit of Walter THONE, 8 October 1945, supra; D 312, Affidavit of Karl SEHNBRUCH, 11 October 1945, supra.

4., Prisoners of war and foreign laborers at the Krupp works were denied adequate medical care and treatment, and as a consequence, suffered severely from a multitude of diseases and ailments.

a. In the above mentioned affidavit, Dr. Jaeger has stated:

"The percentage of eastern workers who were ill was twice as great as among the Germans. Tuberculosis was particularly widespread among the eastern workers. The T.B. rate among them was 4 times the normal rate (2% eastern workers, Germans .5%). At DECHENSCHULE approximately 2½% of the workers suffered from open T.B. These were all active T.B. cases. The Tartars and Kirghiz suffered most; as soon as they were overcome by this disease they collapsed like flies. The cause was bad housing, the poor quality and insufficient quantity of food, overwork, and insufficient rest.

"These workers were likewise afflicted with spotted fever. Lice the carrier of this disease, together with countless fleas, bugs and other vermin, tortured the inhabitants of these camps. As a result of the filthy conditions of the camps nearly all eastern workers were afflicted with skin disease. The shortage of food also caused many cases of Hunger-Odem, Nephritis and Shig-hakruse.

"It was the general rule that workers were compelled to go to work unless a camp doctor had prescribed that they were unfit for work. At SEUMANNSTRASSE, GRIEPERSTRASSE, GERMANIASTRASSE, KAPITAN-LEHMANSTRASSE, and DECHENSCHULE, there was no daily sick call. At these camps, the doctors did not appear for two or three days. As a consequence, workers were forced to go to work despite illnesses."

* * *

"At the end of 1943, or the beginning of 1944, - I am not completely sure of the exact date - I obtained permission for the first time to visit the prisoner of war camps. My inspection revealed that conditions at these camps were even worse than those I had found at the camps of the eastern workers in 1942. Medical supplies at such camps were virtually non-existent. In an effort to cure this intolerable situation, I contacted the WEHRMACHT authorities whose duty it was to provide medical care for the prisoners of war. My persistent efforts came to nothing. After visiting and pressing them over a period of two weeks, I was given a total of 100 aspirin tablets for over 3,000 prisoners of war." D 288, Affidavit of Dr. Wilhelm J. EGER, 15 October 1945, supra.

b. In a memorandum dated 7 May 1943, prepared at the Krupp hospital, entitled "Deaths of Eastern Workers", report was made of the death of 54 "eastern workers". Of this number, 38 died of tuberculosis, 2 of undernourishment, and 2 of intestinal disease. D283, Report by Krupp hospitals, 7 May 1943, re Deaths of Eastern Workers.

c. In his "strictly confidential" report concerning the prisoner of war camp at Noggerathstrasse, Dr. Jaeger reported:

"The food is barely sufficient. Krupp is responsible for housing and feeding. The supply of medicine and bandages is so extremely bad that proper medical treatment was not possible in many cases. This fact is detrimental to the P.W. camp. It is astonishing that the number of sick is not higher than it is and it moves between 9 and 10 percent." D 339, Original of special medical report by Dr. Jaeger. See also D313, Affidavit by Dr. Apolinary GOTOWICKI, 13 October 1945.

d. In a special medical report dated 28 July 1944, Dr. Jaeger wrote:

"The sick barrack in Camp RABENHORST is in such a bad condition, one cannot speak of a sick barrack anymore. The rain leaks through in every corner. The housing of the ill is therefore impossible. The necessary labour for production is in danger because those persons who are ill cannot recover. * * *" D 338, Special Medical Report by Dr. JAEGER dated 28 July 1944.

5. Russian juveniles were compelled to work at the Krupp factories, and prisoners of war and foreign workers were generally forced to work long hours, to and beyond the point of exhaustion.

a. In a memorandum marked "secret", dated 14 August 1942, Reiff, a Krupp official, wrote:

" * * * I am under the impression that the better Russian workers are first of all chosen for the works in Central and Eastern Germany. We really get the bad remainders only. Just now 600 RUSSIANS, consisting of 450 women and 150 juveniles, 14 years of age, arrived." (underscoring supplied) D 348, Memorandum by REIFF marked "secret" re conference in Berlin on 14-8-42. For identification of Reiff, see D 399e, supra. Similar proof is

contained in D 281, Memorandum by WEINHOLD, dated 13 July 1942 re urgent production A.Z. For identification c Weinhold, see D 399k.

b. In a memorandum from the Chief of the Krupp Camp Catering Department, it is stated:

" * * * It is to be considered that foreigners must work 12 hours on principle out of which, 1 hour counts as a break and consequently will not be paid." D 233, Memorandum from Krupp Oberlagerfuehrung re working hours for foreign workers. For evidence concerning complete exhaustion of foreign workers and prisoners of war, see D 313, Affidavit by Dr. Apolinary GOTOWICKI, 13 October 1945, *supra*; Affidavit by Heinrich BUSCHHAUER, 5 October 1945; Affidavit by Walter THÖNE, 8 October 1945, *infra*.

6. The prisoners of war and foreign laborers used at the Krupp works were beaten, tortured, and subjected to inhuman indignities.

a. In a sworn statement, Heinrich Buschhauer, stated:

" * * * I admit that I hit Russians. The Russians were very willing and attentive. The clothing of the Russians was very bad and torn. Their feet were wrapped in rags. The appearance of the people was bad, they were thin and pale. Their cheeks had fallen in completely. In spite of this, I was forced to ill-treat the people on the orders of works manager THEILE. I have boxed the people's ears and beaten them with a 3/4 Rubber tube and a wooden stick. * * * The more energetic I went against these people, the more the Works Manager liked it. I * * * had to drive and beat the Russians in order to get increased production from them. At times, I had up to two thousand foreigners under me. The Russians could not possibly work more than they did, because the food was too bad and too little. The Works management, however, wanted to get still higher performance from them. It often happened that the Russians, so utterly weakened, collapsed. * * * "

* * *

"The conditions which I have described above, continued the whole of the years I was in the boiler making department. On 20th February 1943, I was transferred from the boiler making shop to WIDIA." D 305, Affidavit of Heinrich BUSCHHAUER, 5 October 1945.

b. Walter Thone, a Krupp employee, likewise admitted in a sworn statement that he constantly beat foreign workers. He stated:

"I admit that I punched and beat Hungarian Jewesses who I had to supervise in No. 3 Steel Moulding Shop. I did not do this of my own free will but was ordered to do so by my works manager REIF, who was a Party Member like I was. Almost every day this unscrupulous man held me to it in no mistakable manner to driving on these Jewesses and getting better performances from them. He also always emphasized that I should not be trivial in the choice of means, and if necessary, hit them like hitting a piece of cold iron. As soon as I saw that these women were standing near the ovens, I had to drive them back to their work." D 355, Affidavit of Walter THONE, 8 October 1945. Comparable admissions were made by August Kleinschmidt, another Krupp employee. D306, Affidavit of August KLEIN-SCHMIDT, 11 October 1945.

c. Dr. Apolinary Gotowicki, a doctor in the Polish Army, who was taken a prisoner of war and in that capacity attended some Russian, Polish and French prisoners of war at the Krupp factories, has stated under oath:

" * * * Every day, at least 10 people were brought to me whose bodies were covered with bruises on account of the continual beatings with rubber tubes, steel switches or sticks. The people were often writhing with agony and it was impossible for me to give them even a little medical aid. * * * I could notice people daily who on account of hunger or ill-treatment, were slowly dying. Dead people often lay for 2 or 3 days on the paillias until their bodies stank so badly that fellow prisoners took them outside and buried them somewhere. * * * I have seen with my own eyes, the prisoners coming back from Krupps and how they collapsed on the march and had to be wheeled back on barrows or carried by their comrades. * * * The work which they had to perform was very heavy and dangerous and many cases happened where people had cut their fingers, hands or legs. These accidents were very serious and the people came to me and asked me for medical help. But it wasn't even possible for me to keep them from work for a day or two, although I had been to the Krupp directorate and asked for permission to do so. At the end of 1941, 2 people died daily and in 1942 the deaths increased to 3-4 per day". D313, Affidavit of Dr. Apolinary GOTOWICKI, 13 October 1945, supra.

d. A particular form of torture which was inflicted upon Russian workers was a steel cabinet specially manufactured by Krupp, into which workers were thrown after beatings. The cabinets are shown in photographs attached to a sworn statement wherein it is stated:

"Photograph 'A' shows an iron cupboard which was specially manufactured by the Firm of KRUPP to torture Russian civilian workers to such an extent that it is impossible to describe. Men and women were often locked in one compartment of the cupboard, in which a man could scarcely stand, for long periods. The measurements of this compartment are height 1.52 meters, breadth and depth 40 to 50 cm. each. In fact, people were often kicked and pressed into one compartment in pairs. At the top of the cupboard, there were sieve-like air holes through which cold water was poured on the unfortunate victims during the ice-cold winter." D 382, Affidavit of Raimund PECKER, Aloys HÜFER, Josef DAHM, dated 4 October 1945. For further evidence of constant beatings of foreign workers, see D 253, affidavit of Peter GUTERSOHN, supra; D 275, affidavit of Stephan SCHADE and Karl DIENST, 4 October 1945; D 312, affidavit of Karl SEHNBRUCH, 11 October 1945; D 354, affidavit of Paul LENZ, Wilhelm SILL, Hermann ROSSKOTHEN, Fritz SCHINK, Karl FORTKAMP, Wilhelm PIEGELER, 5 October 1945; D 267, affidavit of Heinrich TIEDTKE, Karl HANKE, Johann BEREK, 27 September 1945.

e. Records found in the Krupp files plainly indicate that the practice of beating and torturing prisoners of war and foreign workers was deliberately prescribed by Krupp officials. Steel switches which were used to beat the workers were distributed pursuant to the instructions of Kupke, head of the Krupp camps for foreign workers. D 230, Instruction for issuance of steel switches to Krupp camps. For identification of Kupke, see D 399q. In a memorandum dated 19 March 1942, from the Krupp Works Catering Department, it was said:

* * *

"With regards to the times ahead it seems desirable to us, to draw attention to the authorities concerned, with the necessary pressure, to the fact that only severest treatment of the French prisoners of war will ensure that they maintain their performance even with the present food position, which is the same for German workers." (underscoring supplied) D 278, Memorandum dated 19 March 1942 from Works Catering Dept. to Dr. LEHMAN.

As previously shown, Hassel, an official in the Krupp works police, stated that the Russians "ought to have beatings substituted for food". D 318, Memorandum from DINKELACKER to IHN dated 20 March 1942.

7. The Krupp companies specifically requested and actively sought out the employment of prisoners of war and foreign laborers.

a. In a memorandum dated 13 July 1942 by Weinhold, a Krupp official, complaint was registered over the fact that "the foreign laborers are only available two to three months after they have been asked for by us." (underscoring supplied) D 281, Memorandum by WEINHOLD dated 13 July 1942 re urgent production A.Z., supra.

b. In a letter to the Krupp firm dated 27 August 1942, Colonel Zimmermann of the Oberkommando des Heeres, said:

"According to our estimate, there ought to be enough workers in your ignitor workshops to reach the demanded production figure. This especially, as the 105 Russians, demanded by your firm at the Conference of the special committee M 111 on the 24.4.42, were assigned to your works at the beginning of June re-letter from Wa J Ru (Mun. 2). * * *

"Unfortunately, I found out at the sitting of the special committee M 111 on the 26.8.42 that the firm of Krupp asks for another 55 workers, including 25 skilled labourers, without having a corresponding raise in the production figures. I cannot judge from here, what the reasons for this are." (underscoring supplied). D 345, Letter from Col. ZIMMERMANN to KRUPP firm dated 27 August 1942.

c. In a memorandum dated 21 December 1942, concerning the possibility of the Krupp works obtaining additional conscripted French workers, Dr. Lehmann, a Krupp official, stated:

" * * * We discussed how far it would be possible for complete shifts of workers conscripted from French factories to be transferred to ESSEN. We are to collaborate as far as practicable in the splitting up of our requirements amongst individual military government offices and military police posts. So far as possible one of our representatives is to assist in the selection from amongst the conscripts." (underscoring supplied) D 196, Memorandum by Dr. LEHMAN re recruiting of French workers, dated 21 December 1942. See also D 280, Memorandum marked "secret", dated 17 June 1942 re need for and obtaining of workers for cast steel works.

8. Concentration camp laborers, who were brought to the Krupp works at the request of Krupp officials, were subjected to persecution, degradation, despoilment, and torture in a manner similar to that of prisoners of war and slave laborers.

a. Mr. Ihn, a director of the Krupp firm, has stated in a signed but unsworn statement, that the Krupp firm first asked for concentration camp labor on 22 September 1942, and that the first group of them arrived "in the summer or autumn of 1944". D 274, Statement by Ihn dated 1 October 1945. For identification of Ihn see D 399r.

b. The fact that concentration camp labor was requested by the Krupp works; that such persons were to be confined behind barbed wire enclosures; and that they were to be closely guarded by SS personnel is further shown in a memorandum entitled "Visit of the Director of Distribution of Workers of the Weimar-Buchenwald Concentration Camp; SS Hauptsturmführer SCHWARZ on 26-7-44", written by Trockel, a Krupp official. In the course of this memorandum, Trockel stated:

"Herr SCHWARZ came on behalf of his Commandant SS STANDARTENFUHRER PISTER to talk over with us, the question of employment of K1 detainees. He pointed out that the employment of men could not be reckoned with for a considerable period. Our last request was for 700 women.

* * *

"As not less than 500 women would be assigned, we agreed that the figure should remain at 500 women in order that the assignment must should not be endangered. * * *

* * *

" * * * The main things are the erection of a barbed wire fence in front of the hall which allows a small exit and the erection of a small barracks for the Commander of the guard and his duty office and for the German female guard personnel. * * *

* * *

"The SS are providing a guard consisting of guard commander and 10 men. For 520 women we have to name approx. 45 German women who will be sworn in to the SS, given 3 weeks training in the womens camp at RAVENSBRUCK and then given full official supervision duties by the SS. ** " (underscoring supplied) D 238, Memorandum of Trockel dated 28 July 1944 re visit of Schwarz from Buchenwald. For identification of Trockel see D399s.

c. Dr. Jaeger, senior camp doctor in the Krupp camps, has described conditions at the camp which the Krupp works maintained for concentration camp labor as follows:

"Camp Humboldtstrasse had been inhabited by Italian prisoners of war. After it had been destroyed by an air raid, the Italians were removed and 600 Jewish females from Buchenwald Concentration Camp were brought in to work at the Krupp factories. Upon my first visit at Camp Humboldtstrasse, I found these females suffering from open festering wounds and other diseases.

"I was the first doctor they had seen for at least a fortnight. There was no doctor in attendance at the camp. There were no medical supplies in the camp. They had no shoes and went about in their bare feet. The sole clothing of each consisted of a sack with holes for their arms and head. Their hair was shorn. The camp was surrounded by barbed wire and closely guarded by SS guards.

"The amount of food in the camp was extremely meagre and of very poor quality. The houses in which they lived consisted of the ruins of former barracks and they afforded no shelter against rain and other weather conditions. I reported to my superiors that the guards lived and slept outside their barracks as one could not enter them without being attacked by 10, 20 and up to 30 fleas. One camp doctor employed by me refused to enter the camp again after he had been bitten very badly. I visited this camp with a Mr. Grono on two occasions and both times we left the camp badly bitten. We had great difficulty in getting rid of the fleas and insects which had attacked us. As a result of this attack by insects of this camp, I got large boils on my arms and the rest of my body. I asked my superiors at the Krupp works to undertake the necessary steps to de-louse the camp so as to put an end to this unbearable, vermin-infested condition. Despite this report, I did not find any improvement in sanitary conditions at the camp on my second visit a fortnight later." D288, Affidavit by Dr. Wilhelm JAEGER, 15 October 1945 supra.

d. The horrible conditions under which the concentration camp workers existed at the Krupp camps and factories and the indignities and barbarities to which they were subjected are vividly described in affidavits by such workers. D 256, Affidavit of Rene KÖNIGSBERG and Agnes KONIGSBERG, 20 September 1945; D 277, Affidavit of Rosa KATZ, 21 September 1945; D272, Affidavit of Elizabeth ROTH, 21 September 1945. In general, the affidavits disclose that these concentration camp laborers slept on bare floors of damp, windowless and lightless cellars; that they had no water for drinking or cleansing purposes; that they were compelled to do work far beyond their strength; that they were mercilessly beaten; that they were given one wretched meal a day, consisting of a dirty, watery soup with a thin slice of black bread; and that many of them died from starvation, tuberculosis and over-exertion. A chart entitled "Fried. Krupp Berthawerk, Markstädt Breslau, Number of Occupied Foreigners, Prisoners of War and Concentration Camp Inmates" shows

the use of concentration camp labor at that factory, as well as the above mentioned Krupp company in Essen. D 298.

9. Charts prepared by Krupp officials show that in September 1943, the Krupp concerns employed 39,245 foreign workers and 11,224 prisoners of war, and that the number mounted steadily until September 1944 when 54,990 foreign workers and 18,902 prisoners of war were used. D 459, Chart entitled "Foreigners and Prisoners of War of the Krupp Concern"; D 323. Chart entitled "Cast Steel Works, Number of Prisoners of War and Foreigners". The majority of the foreign laborers consisted of Russians, French, Poles, and Dutch.

I. AS REWARD FOR HIS PARTICIPATION IN THE NAZI CONSPIRATORS' PROGRAM, DEFENDANT KRUPP REaped LARGE PROFITS, WAS PERMITTED TO EXPAND HIS INDUSTRIAL EMPIRE, AND RECEIVED HIGH HONORS AND SPECIAL PRIVILEGES FROM THE NAZI GOVERNMENT.

1. Although the Krupp companies operated at a substantial loss in the years immediately preceding Hitler's accession to power, the huge orders from the Nazi state enabled them to derive vast profits thereafter. In the fiscal year, 1 October 1934 to 30 September 1935, the net profits of Fried. Krupp and subsidiaries after the deduction of taxes, gifts and reserves recognized by the tax authorities amounted to 57,216,392 marks. In the fiscal year 1937 to 1938, these net profits rose to 97,071,632 marks, and in the fiscal year 1941, they amounted to 111,555,216 marks. D 303, Chart entitled "Income and Loss of the Fried. Krupp Combine". See also D 300, Graph entitled "Profits or Losses of Fried. Krupp and Subsidiaries as Reported to Tax Authorities".

2. Krupp was permitted, with the approval and, at times, connivance of Nazi officials, to extend in great measure his participation in other companies, both within and without Germany.

a. On 1 October 1933, the participations of Fried. Krupp in other concerns had a book value of 75,962,000 marks. By 30 September 1942, the book value of the participations had grown to 132,944,000 marks. On 1 October 1942, the participation account was revalued and carried at a new figure of 187,924,621 marks. In the following year, new acquisitions were made in the amount of 50,224,707 marks, so that the book value of the participations as of 1 October 1943, was 237,316,093 marks. Even this figure contains many going concerns in occupied countries which were arbitrarily assigned a book value of only 1 mark. Leaving out of account the revaluation of 1 October 1942, the participation account as of 1 October 1943 would have been 182,952,000 marks. The increment in the participation account is shown in a chart entitled, "Fried. Krupp Participations". D 341. The expansion of the Krupp concern under the Nazi regime is likewise revealed by a comparison of charts showing the companies in the Krupp concern as of 30 September 1935 and 31 January 1944. D 527.

b. Complete records of all acquisitions by Krupp have not been obtained because, according to Krupp officials, many records were lost or destroyed in air raids. Enough appears, however, to indicate that the Krupp firm did, in fact, call upon the Nazi authorities to facilitate, or make possible, the acquisition of property interests in occupied countries.

Thus, when Mr. Erhard, the French custodian of Jewish property in France, resisted Krupp's attempts to acquire a lease of a plant at Liancourt, France, the Krupp concern enlisted the support of the Army to gain its objective. Under threat of replacement by a German official, the French custodian of Jewish property acceded to Krupp's demands. In a memorandum dated 29 July 1942, found in the Krupp files, it is stated:

" * * * M. ERHARD delayed the negotiations to such an extent that finally the appropriate military authorities in Paris urged a settlement. This authority declared that if Mr. ERHARD could not make up his mind to sell, at least he would have to give a three years' lease to KRUPP.

"The custodianship would be taken away from Mr. ERHARD and a German Commissar would be appointed unless the lease were granted in a very short time." (underscoring supplied) D 526, Original of file memorandum re acquisition of Liancourt lease.

3. In recognition of his services to the Nazi State, Krupp was awarded the "Shield of the Eagle of the German Reich" with the inscription "To the German leader of Industry D66, Presentation certificate re granting to Krupp of the "Adler Schild".

4. Because of his unique service to the military power of the Nazi State, Krupp was authorized by special decree of Hitler, to transform Fried. Krupp A.G. into a private family concern in order to perpetuate control of the firm by a single member of the Krupp family.

a. In a letter dated 11 November 1942 to Bormann, Krupp stated:

" * * * You have asked me to make proposals to you which would secure the future of the unified existence of the Krupp works more than this is feasible today. * * * On considering this question we have ascertained that under the present laws the principal solution of the question cannot be carried out. We had to find an entirely new way, therefore, which, just as the law regarding heritage of agricultural property

creates entirely new legislation." D 99, Letter from Krupp to BORMANN dated 11 November 1942.

b. In reply to the above letter, Bormann wrote to Krupp that:

"I have reported the contents of your letters of the 11/11 to the Führer today. He instructed me to inform you that he would be readily prepared to arrange for any possible safeguarding for the continued existence of the works as a family enterprise; it would be the simplest to issue a 'Lex Krupp' to start with". D 101, Letter from BORMANN to KRUPP dated 21 November 1942.

c. Krupp's recognition of the unusual character of his proposal is indicated in his letter of 24 February 1943 to Lammers, wherein he said:

"Without doubt, the matter, which is without precedent in economic life, will have to be discussed with the Reichs Minister of Justice and the Reichs Minister of Finance also. * * * " D 106, Letter from KRUPP to LAMMERS dated 24 February 1943.

d. On 12 November 1943, Hitler signed the decree making possible the preservation of the Krupp firm as a family enterprise in recognition of the fact that "for 132 years the firm of Fried. Krupp, as a family enterprise has achieved outstanding and unique merits for the armed strength of the German people." See D 120, Führer decree on the family enterprise of the firm Fried. Krupp. In a letter dated 16 November 1943, Lammers wrote to Krupp:

"On 12 November the Führer signed the decree regarding the family enterprise of the firm Fried. Krupp. * * * May I express my heartiest congratulations to you, your wife and the firm Fried. Krupp on the great honor which has been conferred on the merits of the firm Fried. Krupp with this recognition by the Führer." D 124, Letter from LAMMERS to KRUPP dated 16 November 1943.

e. As the final step in the proceeding, Hitler approved "the statute of the family enterprise Fried. Krupp" which gave effect to his decree of 12 November 1943. D 131, HITLER decree of 21 December 1943.

f. In a letter of gratitude to Hitler dated
29 December 1943, Krupp stated:

" * * * By this, you have made a wish come true, which my wife and I had had for years, and thus relieved our hearts of great worry over the future of the Krupp works."

* * *

"My wife and I, as well as the whole family, are deeply grateful to you for this proof of your confidence, **** "

"Our special thanks go to you, Mein Führer also for the great honour and recognition which you have awarded, in the introduction to your decree, to 130 years of the work of Krupps, the work of Krupps done by many generations of faithful followers, and steered and directed by 4 generations of the family Krupp." D 135, Letter from KRUPP to HITLER dated 29 December 1943.