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**Records of the United States
Nuernberg War Crimes Trials
United States of America v.**

Alfried Krupp et al.

(Case X)

August 16, 1947-July 31, 1948



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War Crimes Records

Record Group 238

RECORDS OF THE UNITED STATES NUERNBERG WAR CRIMES TRIALS
UNITED STATES OF AMERICA V. ALFRIED KRUPP ET AL.
(CASE X) AUGUST 16, 1947-JULY 31, 1948

On the 69 rolls of this microfilm publication are reproduced the records of Case X, *United States of America v. Alfried Krupp et al.* (or the Krupp Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 34 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Most of the prosecution and defense statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-1616, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The unbound defense exhibits, numbered 1-3147, are predominantly affidavits by various persons. Both prosecution and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they often show the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in five bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications for defense counsel and defense witnesses and prosecution comments thereto; defendants' applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in three bound volumes, were directed to the military governor. The finding aids summarize transcripts, exhibits, and the official court file.

Case X was heard by U.S. Military Tribunal IIIA from August 16, 1947, to July 31, 1948. The records of this case and of other Nuernberg and Far East (IMTFE) war crimes trials are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Krupp Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
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VIII	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
IX	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
X	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
XI	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
XII	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The history of the Krupp family and their production of guns and armaments dates at least from the Thirty Years War, 1618-48. In the early 19th century during the Napoleonic Wars

in Europe and their aftermath, the family rose to prominence in arms manufacture after Friedrich Krupp had founded the family cast steel factory in 1811. Cannon construction by the Krupp family began in 1844, and within 3 years Prussia received the first steel cannon made by Krupp. In addition to armaments, the Krupp family produced table cutlery and plated sheets at the Bernsdorf plant in Austria, and in the 1840's they entered the railway business. Krupp guns were used on a large scale in the Franco-Prussian War, 1870-71, and during the economic boom following the war the Krupp works expanded greatly and acquired iron mines. The Krupp Germania Shipyard constructed cruisers, battleships, destroyers, and submarines during the first 30 years of the 20th century. Most of Germany's armament for World War I was produced by the Krupp works, including the famed "Big Bertha" gun, and in World War II the Krupp works produced the "Big Gustav" gun that was used to shell Sevastopol.

In 1945 Gustav Krupp von Bohlen und Halbach was indicted before the IMT. As he was unable to stand trial because of severe arteriosclerosis accompanied by senility and other ailments, the tribunal ordered the proceedings against him postponed until his state of health improved. This meant in effect that the proceedings against Gustav Krupp had been dropped because his condition was not likely to improve. An application by the prosecution staffs of the United States, France, and the Soviet Union, requesting that Gustav's son Alfried be prosecuted in his place was denied by the president of the IMT, Lord Justice Lawrence. Subsequently, however, Alfried and 11 of his associates were tried in the Krupp Case. The crimes charged in this case were set down in a four-count indictment that included count I, crimes against the peace charged mainly because Krupp, as the principal maker of large caliber artillery and other high quality armaments, contributed substantially to the ability of the Third Reich to launch its invasions; count II, plunder and spoliation of occupied countries by unlawfully obtaining sponsorships (Patenschaften) over many firms in these occupied countries, particularly in France; count III, deportation, exploitation, and abuse of slave labor; and count IV, a common plan and conspiracy to commit crimes against the peace.

The indictment lists the following 12 defendants and their principal functions and titles:

FRIEDRICH VON BUELOW, an official of Krupp, concerned particularly with confidential, intelligence, and public relations matters; head of the Berlin office, 1932-36; Hauptabwehrbeauftragter (military and political chief of counter-intelligence) at Krupp, Essen, and direct representative of Krupp with Nazi officials, the Gestapo, and SS; and Werkschutz (chief of the plant police), Gusstahlfabrik, Essen.

KARL ADOLF FERDINAND EBERHARDT, deputy member of Krupp Direktorium (directory), and Vorstand (board of directors), successor to Karl Pfirsch as head of the war material and machine sales departments; and member of the Nationalsozialistische Deutsche Arbeiter Partei (Nazi Party), hereinafter referred to as the NSDAP.

EDUARD HOUDERMONT, member of the Krupp Direktorium and deputy member of the Vorstand, head of the metallurgical, steel, and machine departments; Fuehrer des Betriebes (plant leader), Gusstahlfabrik (cast steel plant), Essen; Wehrwirtschaftsfuehrer (military economy leader); special Sonderbeauftragter fuer Metallumstellung (commissioner for metal substitutes) in Reich Ministry for Armament and War Production and the Reichswirtschaftsministerium (Ministry of Economics); advisor to the administrators of the 4-Year Plan; and member of the NSDAP.

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

FRIEDRICH WILHELM JANSSEN, member of Krupp Direktorium and deputy member of the Vorstand; successor to Ewald Loeser as head of the administrative and finance departments; head of the Berlin office, 1937-43; Wehrwirtschaftsfuehrer; member of the NSDAP; and sponsoring member of the SS.

HEINRICH LEO KORSCHAN, deputy member of Krupp Vorstand; head of the department of steel plants and deputy head of the metallurgical department; trustee and administrator of Krupp wartime enterprises in eastern and southeastern Europe; managing director of Krupp Bertha Werk, Breslau; and member of the NSDAP.

ALFRIED FELIX ALWYN KRUPP VON BOHLEN UND HALBACH, sole owner, proprietor, and director of Friedrich Krupp works, Essen; Wehrwirtschaftsfuehrer; deputy chairman of the Reichsvereinigung Eisen (Reich Association Iron) and member of the Praesidium of the Reichsvereinigung Kohle (Reich Association Coal), referred to as the RVE and RVK, respectively; member of the Verwaltungsrat of the Berg- und Huettenwerksgesellschaft Ost G.m.b.H. (East Mining and Foundry Association, Ltd.), referred to as the BHO; member of the Ruestungsrat (Armament Commission) in the office of the Reichminister fuer Ruestung und Kriegsproduktion (Reich Minister for Armament and War Production); member of the NSDAP; sponsoring member of the SS; and Standartenfuehrer (colonel) of the Nationalsozialistisches Flieger Korps (National Socialist Flying Corps), referred to as the NSFK.

HANS ALBERT GUSTAV KUPKE, an official of Krupp, head of experimental firing ranges at Essen; Oberlagerfuehrer (head of the foreign workers camps); previously an official of the Heereswaffenamt (army ordnance office); and member of the NSDAP.

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

EWALD OSKAR LUDWIG LOESER, member of the Vorstand and head of the administrative and finance departments of Friedrich Krupp A.G., until March 1943; Wehrwirtschaftsfuehrer; Krupp representative in the Kleiner Kreis (Small Circle), a group which exercised great influence over the coal, iron, and steel industries; and Reich trustee for Philips Radio, Eindhoven, Netherlands, in 1944.

ERICH MUELLER, member of Krupp Vorstand and Direktorium, head of the artillery designing and machine construction departments and coordinator of artillery construction; Wehrwirtschaftsfuehrer; armaments advisor to Hitler; advisor to the War Ministry; head of the Waffenausschuss (Armament Committee) in the office of the Reich Minister for Armament and Munitions; chairman of the Entwicklungskommission der Waffen (Weapons Development Committee) of the Ministry for Armament and War Production; and member of the NSDAP.

KARL HEINRICH PFIRSCH, deputy member of Krupp Direktorium and Vorstand and head of the war material and machine sales departments; head of the Berlin office, 1943-45; Wehrwirtschaftsfuehrer; and member of the NSDAP.

Appendix A of this indictment gives a fuller statement of the positions and activities of each of the defendants.

Following a joint defense motion, the tribunal ruled (over prosecution objection) to dismiss count I, crimes against the peace, and count IV, a common plan and conspiracy to commit crimes against the peace. The tribunal, however, rejected the defense argument that the necessity to meet fixed production quotas could only be accomplished by spoliation and the use of slave labor. The defendants Eberhardt, Houdremont, Janssen, Krupp, Loeser, and Mueller were found guilty of count II of the indictment, plunder and spoliation (defendants Lehmann and Kupke were not charged), and all defendants except Pfirsch were found guilty of count III, exploitation and abuse of slave labor.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, in which the tribunal acquitted defendant Pfirsch.

Defendants Krupp, Mueller, and von Buelow were sentenced to 12 years imprisonment; Houdremont and Janssen received prison terms of 10 years, Ihn and Eberhardt 9 years, Loeser 7 years, Korschan and Lehmann 6 years, and Kupke 2 years. In addition, Krupp was sentenced to forfeit all of his property. Gen. Lucius D. Clay, the Military Governor of Germany, confirmed these sentences in April 1949 except that he modified the forfeiture of property provision, leaving the execution of this provision to the zone commanders in their respective zones of occupation. On January 31, 1951, the High Commissioner for Germany, John J. McCloy, struck the property forfeiture clause completely and also the remainder of the sentences of the 10 defendants by pointing out: "I have come to the conclusion that whatever guilt these defendants may have shared for having taken a consenting part in either offense, it was no greater in these cases than that involved in the Farben and Flick cases. I have accordingly reduced the sentences in Case No. 10 so that the terms served will conform approximately to the sentences in similar cases."

The English-language transcript volumes are arranged numerically, 1-34; pagination is continuous, 1-13454. The German-language transcript volumes are numbered 1a-34a and paginated 1-13872. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). A number of pages were given number and letter designations.

Of the many documents assembled for possible prosecution use, 1,616 were chosen for presentation as evidence before the tribunal. These include business records, organizational charts of the various Krupp enterprises, correspondence, reports, texts of several of Hitler's speeches, and affidavits of various individuals. Several pages of a number of exhibits are of poor legibility. The first item in the arrangement of the prosecution exhibits is usually a certificate providing such information as the document number, a short description of the exhibit, and a statement about the location of the original document of the exhibit. The certificate is followed by the document, which is the actual prosecution exhibit (most documents are photo-stats, but a few are mimeographed documents). In rare cases the exhibits are followed by translations or additional certificates. Several prosecution exhibits have no certificates, as for example Exhibit 16 (Document NIK 9531). Exhibit 1616 is followed by Tribunal Exhibit 1.

Other than affidavits, the defense exhibits consist of decrees, newspaper clippings, correspondence, judicial notices, telegrams, reports, circulars, excerpts from gazettes, journals, personnel records, war diary entries, and other items. The defense exhibits are numbered consecutively from 1 to 3147. There are several groups of exhibits for each defendant. For example, there are five clusters of exhibits for defendant Ihn numbered 11 through 14, 26 through 44, 121 and 122, 127 through 130, and 133 through 136. Like the prosecution exhibits, individual defense exhibits are often preceded by a certificate.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal and are arranged numerically from 1 to 61 followed by an unnumbered book with loose copies. Document Books 28-30 and 45-50 were never assembled. In book 41, pages 16-19, 31-34, and 73-78 are missing.

The defense document books are arranged by name of the defendant and thereunder numerically. Each book is preceded by an index giving document number, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Defense opening statements and final pleas are arranged alphabetically by name of defendant. Prosecution statements pertain to all defendants. Pagination is consecutive, but there are many pages where the letter "a" or "b" has been added to the numeral.

Key documents from which the tribunal derived its jurisdiction are filmed at the beginning of roll 1: The Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances Nos. 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents is a list of the names and functions of the members of the tribunal and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes the type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed in this publication are such records as German-language document books because they largely duplicate court exhibits.

The records of the Krupp case are closely related to other microfilmed records in Record Group 238, specifically:
Prosecution Exhibits Submitted to the International Military Tribunal, T988;
Records of the Office of the United States Chief of Counsel for War Crimes, Nuernberg, Military Tribunals, Relating to Nazi Industrialists, T301;
Records of the United States Nuernberg War Crimes Trials:
NOKW Series, 1933-1947, T1119;
NG Series, 1933-1948, T1139;
NM Series, 1874-1946, M936;
NP Series, 1934-1946, M942;
WA Series, 1940-1945, M946;
Guertner Diaries, October 5, 1934-December 24, 1938, M978;
Records of the United States Nuernberg War Crimes Trials, United States of America v.:
Karl Brandt et al. (Case I), November 21, 1946-August 20, 1947, M887;
Erhard Milch (Case II), November 13, 1946-April 17, 1947, M888;
Josef Altstoetter et al. (Case III), February 17, 1947-December 4, 1947, M889;
Oswald Pohl et al. (Case IV), January 13, 1947-August 11, 1948, M890;
Friedrich Flick et al. (Case V), March 3, 1947-December 22, 1947, M891;
Wilhelm List et al. (Case VII), July 8, 1947-February 19, 1948, M893;
Ulrich Greifelt et al. (Case VIII), October 10, 1947-March 10, 1948, M894;
Otto Ohlendorf et al. (Case IX), September 15, 1947-April 10, 1948, M895.

In addition, the record of the IMT at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal (Nuernberg, 1947)*, 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office), 15 vols. The National Archives and Records Service holds motion pictures and photographs of many sessions of the IMT and of the 12 U.S. proceedings, and sound recordings of the IMT proceedings only.

Donald E. Spencer and Gary Lane arranged the case records for microfilming, and John Mendelsohn wrote these introductory remarks.

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