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

Friedrich Flick et al.

(Case V)

March 3, 1947—

December 22, 1947



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War Crimes Records

Record Group 238

RECORDS OF THE UNITED STATES NUERNBERG WAR CRIMES TRIALS
UNITED STATES OF AMERICA V. FRIEDRICH FLICK ET AL.
(CASE V), MARCH 3, 1947-DECEMBER 22, 1947

On the 42 rolls of this microfilm publication are reproduced the records of Case V (*United States of America v. Friedrich Flick et al.*, or the "Flick" 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 held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution briefs and statements, 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 book, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 31 bound volumes (1 set in English and 1 in German), are the recorded daily trial proceedings. The prosecution 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 1-869, are those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of 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 two bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment book and clemency petitions, in one bound volume, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers and clemency petitions of the defendants directed to the military governor and the Judge Advocate General. The finding aids summarize transcripts, exhibits, and the official court file.

Case V was heard by U.S. Military Tribunal IV from February 8, 1947, to April 6, 1948. The records of this case, as the records of the other Nuernberg and Far East (IMTPE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Flick 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>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the International Military Tribunal 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 Charter of the International Military Tribunal.

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 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 International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

In the Flick Case six defendants, who were leading officials in the gigantic Flick Concern, were tried for a variety of crimes including war crimes and crimes against humanity.

The term "Flick Concern," as used in this indictment, refers to the business enterprises controlled, influenced, and in substance largely owned by Friedrich Flick, the principal defendant. Many additions and changes occurred during the years 1933-45, both

in the concern's physical plants and in its legal structure. Corporate reorganizations within the concern were almost constantly in progress. However, from 1940 to 1945 the general nature of the corporate structure was not fundamentally altered, although certain changes took place in intercorporate stockholdings and companies were added to operate plants in occupied territories.

The Flick Concern constituted the largest privately owned and controlled enterprise in Germany for the production of iron, steel products, and armaments. It was surpassed in productive capacity in the industry only by the state-owned Hermann Goering Works and by Vereinigte Stahlwerke A.G. (United Steel Works), in which the Government held a substantial interest. The Flick Concern owned and operated soft coal, hard coal, and iron mines; blast furnaces and smelting, coking, and chemical plants, including plants for production of synthetic fuel, rolling mills, and fabricating plants for manufacture of such finished products as ammunition, armor-plate, gun carriages, armored cars and trucks, and other Panzer materials; airplanes and airplane parts; and railroad cars, parts, and locomotives.

From at least 1937 until April 1945, the Flick Concern was largely owned, directly or indirectly, by a parent holding company known as Friedrich Flick Kommanditgesellschaft (FKG), a limited partnership of which Friedrich Flick was at first the sole owner and the only personally liable partner. In form most of the ownership of FKG was subsequently transferred to Flick's sons, but it was in substance treated by Flick as his own property, and, as the only general partner, he was in complete control of FKG at all times from 1937 to 1945. The most important of the companies of the Flick Concern are listed below. Unless otherwise indicated, Flick interests owned a majority of the stock of each company. The designation A.G. or G.m.b.H., which describes limited liability companies, is not exclusive; several of the companies changed from one form to the other.

The Flick Concern comprised, among other interests, the following:

<u>Name and location</u>	<u>Nature of company</u>
AKW (Anhaltische Kohlenwerke) A.G.	Brown coal mines in central Germany
ATG (Allgemeine Transport-anlage) Maschinenbau G.m.b.H., Leipzig	Aircraft
Brandenburger Eisenwerke A.G., Brandenburg, near Berlin	Panzer materials (armored vehicles; e.g., tanks and armored cars)

<u>Name and location (con.)</u>	<u>Nature of company</u>
Chemische Werke Essener Steinkohle A.G., Essen	Chemicals; owned by Essener Steinkohle
Eisenwerk-Gesellschaft Maximilianshuette A.G. (G.m.b.H. after 1944) (abbreviated "Maxhuette")	Iron mines and smelting plants
Essener Steinkohlenbergwerke A.G., Essen	Soft coal mines in the Ruhr
Fella Werk A.G. (G.m.b.H. after 1944), Feucht, near Nuernberg	Agricultural machinery
Friedrich Flick Kommanditgesellschaft (abbreviated FKG or FFKG), Berlin	Limited partnership which was the parent holding company of the Flick Concern; it also directly owned and operated extensive properties, including Brandenburg and Hennigsdorf steel plants
Harpener Bergbau A.G., Dortmund	Soft coal mines in the Ruhr; these properties, together with Essener Steinkohle, comprised the second largest coal group in the Ruhr.
Hochofenwerk Luebeck A.G., Luebeck-Herrenwyk	Blast furnaces
Linke-Hofmann Werke A.G., Breslau	Tractor and truck vehicles and railway cars
Maschinenfabrik Donauwoerth G.m.b.H., Donauwoerth	Machine works
Mitteldeutsche Stahlwerke A.G. (G.m.b.H. after 1943), Riesa a. d. Elbe (abbreviated "Mittelstahl")	Iron and steel plants; largest in Germany outside the Ruhr
Saechsische Gusstahlwerke Doehlen A.G., Doehlen	Iron and steel products; 50 percent owned by state of Saxony but largely operated by the Flick Concern.
Spandauer Stahlindustrie G.m.b.H., Spandau	Steel products

<u>Name and location (con.)</u>	<u>Nature of company</u>
Waggon-und Maschinenfabrik A.G., Bautzen (frequently referred to under its former name of Busch-Bautzen)	Electric locomotives, railway cars, and couplings

The defendants were members of the Board of Reichsvereinigung Eisen and Reichsvereinigung Kohle (official organizations for the regulation of the entire German iron, steel, and coal industries), and they had much control over slave labor, spoliation of foreign countries of their resources, and appropriation of companies in areas occupied by the German Army.

The transcripts of the Flick Case include the indictment of the following six persons:

Friedrich Flick: the principal proprietor of the Flick Concern and member of various official bodies directing the iron, steel, and coal industries in Germany.

Otto Steinbrinck: a leading official in numerous Flick enterprises and Flick's principal assistant in their operation; SS Brigadier General.

Odilo Burkart: a leading official in various Flick enterprises.

Konrad Kaletsch: a leading official in various Flick enterprises.

Hermann Terberger: a leading official in various Flick enterprises.

Bernard Weiss: a leading official in various Flick enterprises.

The indictment consisted of five counts. Count one pertained to war crimes and crimes against humanity consisting of enslavement and deportation on a gigantic scale of members of the civilian population of countries and territories controlled by Germany. Two defendants were found guilty, and four were acquitted of this count. Count two consisted of war crimes and crimes against humanity involving plunder of public and private property in countries and territories occupied by the German Armed Forces. Only one defendant was found guilty of this count, and five were acquitted. Count three of the indictment related to crimes against humanity, such as the Aryanization of properties belonging to Jews.

None of the three defendants charged with count three was found guilty because the court dismissed this count. Count four pertained to war crimes and crimes against humanity including aiding the SS with money through membership in the "Friends of Himmler" circle. The two defendants charged with this count were found guilty. Count five charged and the tribunal found one defendant guilty of membership in a criminal organization.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening statements of defense and prosecution, and the judgment, which found three defendants guilty. Sentences of varying terms were given to defendants Flick (7 years), Steinbrinck (5 years), and Weiss (2 1/2 years). Defendants Burkart, Kaletsch, and Terberger were acquitted.

The English-language transcript volumes are arranged numerically, 1-31, and the pagination is continuous, 1-11026; page 2967 is illegible. The German-language transcript volumes are numbered 1a through 31a and paginated 1-10772. 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).

The prosecution presented 869 documents for evidence. The exhibits draw on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events mentioned are among the prosecution resources.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations. In some instances, such as exhibits 688, 715, and 770, the certificates are missing.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichgesetzblatt* excerpts, photographs, and other items. There are approximately 850 exhibits for the 6 defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available. Several exhibits, such as Weiss 60 and 195, are followed by judicial notices.

The translations in each of the prosecution document books I-XIX are preceded by an index listing document numbers, descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution briefs and defense statements are arranged alphabetically by names of defendants; final pleas follow a similar scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 are filmed key documents from which Tribunal IV derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of names and functions of members of Tribunal IV 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 providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes 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 summarized by the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution in German, which can be found in the transcripts of the proceedings.

The records of the Flick Case are closely related to other microfilmed records in Record Group 238, specifically: prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Brandt case, M887; the Milch Case, M888; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal 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. (Green Series). The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

John Mendelsohn wrote this introduction, drawing on the Green Series, and with the assistance of Harlan Stone prepared the records for microfilming.

CONTENTS

<u>Roll</u>	<u>Description</u>	<u>Inclusive Dates</u>
	<u>Finding Aids</u>	
1	Documents of Authorization	
	List of Tribunal Members	
	Covers of Transcripts	
	Minute Book	
	Prosecution and Defense Exhibit Index	
	Court Docket	
	List of Witnesses	
	<u>Transcript Volumes</u>	
	(English Version)	
2	1 (p. 1-345)	Mar. 15-Apr. 22, 1947
	2 (p. 346-655)	Apr. 23-29, 1947
	3 (p. 656-958)	Apr. 30-May 5, 1947
3	4 (p. 959-1333)	May 6-9, 1947
	5 (p. 1334-1682)	May 12-15, 1947
	6 (p. 1683-2000)	May 16-21, 1947
4	7 (p. 2001-2377)	May 22-28, 1947
	8 (p. 2378-2751)	May 29-June 6, 1947
	9 (p. 2752-3119)	June 9-13, 1947
5	10 (p. 3120-3435)	July 2-9, 1947
	11 (p. 3436-3832)	July 10-16, 1947
	12 (p. 3833-4164)	July 17-22, 1947
6	13 (p. 4165-4521)	July 23-28, 1947
	14 (p. 4522-4843)	July 29-Aug. 1, 1947
	15 (p. 4844-5170)	Aug. 4-7, 1947
7	16 (p. 5171-5512)	Aug. 8-13, 1947
	17 (p. 5513-5840)	Aug. 14-19, 1947
	18 (p. 5841-6195)	Aug. 20-26, 1947
	19 (p. 6196-6541)	Aug. 27-Sept. 2, 1947
8	20 (p. 6542-6905)	Sept. 3-8, 1947
	21 (p. 6905A-7280)	Sept. 9-12, 1947
	22 (p. 7281-7628)	Sept. 15-18, 1947
9	23 (p. 7629-7999)	Sept. 19-24, 1947
	24 (p. 8000-8341)	Sept. 30-Oct. 6, 1947
	25 (p. 8342-8748)	Oct. 7-14, 1947
10	26 (p. 8749-9185)	Oct. 15-21, 1947
	27 (p. 9186-9570)	Oct. 22-28, 1947
	28 (p. 9571-9960)	Oct. 29-Nov. 3, 1947

RollDescription

	<u>Transcript Volumes</u> (English Version)	<u>Inclusive Dates</u>
11	29 (p. 9961-10342A)	Nov. 4-8, 1947
	30 (p. 10343-10713)	Nov. 24-26, 1947
	31 (p. 10714-11026)	Nov. 28-Dec. 22, 1947
	<u>Prosecution Exhibits</u>	
12	1-122	
13	123-322	
14	323-541	
15	542-733	
16	734-869	
	<u>Prosecution Document Books</u>	
17	I-VII	
18	VIII-XIIB	
19	XIIIA-XIX	
	<u>Transcript Volumes</u> (German Version)	
20	1a (p. 1-351)	Mar. 15-Apr. 22, 1947
	2a (p. 352-654)	Apr. 23-29, 1947
	3a (p. 655-933)	Apr. 30-May 5, 1947
	4a (p. 934-1304)	May 6-9, 1947
21	5a (p. 1305-1664)	May 12-15, 1947
	6a (p. 1665-1982)	May 16-21, 1947
	7a (p. 1983-2374)	May 22-28, 1947
22	8a (p. 2375-2749)	May 29-June 6, 1947
	9a (p. 2750-3115)	June 9-13, 1947
	10a (p. 3116-3419)	July 2-9, 1947
23	11a (p. 3420-3793)	July 10-16, 1947
	12a (p. 3794-4124)	July 17-22, 1947
	13a (p. 4125-4498)	July 23-28, 1947
24	14a (p. 4499-4788)	July 29-Aug. 1, 1947
	15a (p. 4789-5088)	Aug. 4-7, 1947
	16a (p. 5089-5407)	Aug. 8-13, 1947
	17a (p. 5408-5702)	Aug. 14-19, 1947
25	18a (p. 5703-6036)	Aug. 20-26, 1947
	19a (p. 6037-6356)	Aug. 27-Sept. 2, 1947
	20a (p. 6357-6691)	Sept. 3-8, 1947
26	21a (p. 6692-7058)	Sept. 9-12, 1947
	22a (p. 7059-7388)	Sept. 15-18, 1947
	23a (p. 7389-7741)	Sept. 19-24, 1947

<u>Roll</u>	<u>Description</u>	
<u>Roll</u>	<u>Transcript Volumes</u>	<u>Inclusive Dates</u>
	(German Version)	
27	24a (p. 7742-8070)	Sept. 30-Oct. 6, 1947
	25a (p. 8071-8473)	Oct. 7-14, 1947
	26a (p. 8474-8883)	Oct. 15-21, 1947
28	27a (p. 8884-9262)	Oct. 22-28, 1947
	28a (p. 9263-9648)	Oct. 29-Nov. 3, 1947
	29a (p. 9649-10023)	Nov. 4-8, 1947
29	30a (p. 10024-10437)	Nov. 24-26, 1947
	31a (p. 10438-10772)	Nov. 28-Dec. 22, 1947
	<u>Defense Exhibits</u>	
30	Burkhart Nos. 1-166	
31	Burkhart No. 167-Steinbrinck No. 65	
32	Steinbrinck No. 66-Weiss No. 104	
33	Weiss Nos. 105-222	
	<u>Defense Document Books</u>	
34	Burkhart I-VIII	
	Flick I-II Appendix	
35	Flick III-VI	
	Kaletsch I-II	
	Steinbrinck I-V	
	Terberger I-VII Supplement	
	Weiss I-III	
36	Weiss IV-VIII	
	<u>Other Items</u>	
37	Prosecution Opening Statements, Briefs, Memorandums, Closing Briefs, and Statements (English Version)	
38	Prosecution Briefs and Closing Statements (German Version) Defense Opening Statements (English and German Versions)	
39	Final Pleas of Defendants (English Version)	
40	Final Pleas of Defendants (German Version)	

Roll

Description

- Other Items
- 41 Minute Book, Vol. 32
Official Court File, Vol. 33
- 42 Official Court File, Vol. 34
Order and Judgment Book and
Clemency Petitions, Vol. 35