MILITARY TRIBUNALS

CASE No. 5

THE UNITED STATES OF AMERICA

— against —

FRIEDRICH FLICK, OTTO STEINBRINCK, ODILO BURKART, KONRAD KALETSCH, BERNHARD WEISS and HERMANN TERBERGER

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1947

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, deportation, enslavement, plunder of public and private property, persecutions, and other inhumane acts as set forth in Counts One, Two, Three, and Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

FRIEDRICH FLICK — The principal proprietor, dominating influence, and active head of a large group of industrial enterprises (the most important of which are described in Appendix A hereof) including coal and iron mines and steel producing and fabricating plants, sometimes collectively referred to herein as the "Flick Concern"; member of the Aufsichtsrat (supervisory board) of numerous other large industrial and financial companies; Wehrwirtschaftsfuehrer (military economy leader); member of the Praesidium of Reichsvereinigung Kohle and of Reichsvereinigung Eisen (official bodies for regulation of the coal and iron and steel industries); member of the Kleiner Kreis ("Small Circle"), a small group of leaders of the iron, coal and steel industry which exercised great influence over the industry for many years before and during the war; member of the Verwaltungsrat (supervisory board) of the Berg- und Huettenwerke Ost G. m. b. H. (BHO), a government sponsored company for exploitation of the Russian mining and smelting industries; member of the Beirat (advisory council) of the Wirtschaftsgruppe Eisenschaffende Industrie (Economic Group of the Iron Producing Industry); member of the "Circle of Friends" of Himmler, which gave financial and other support to Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS); member of the Nationalsozialistische Deutsche Arbeiterpartei (Nazi Party, usually abbreviated "NSDAP").

OTTO STEINBRINCK — A leading official of numerous Flick enterprises and Flick's principal assistant in the operation of such enterprises from 1925 until the end of 1939; thereafter a leading official of Vereinigte Stahlwerke A. G. and affiliated companies; member of supervisory and executive boards of several other private and governmental organizations; Wehrwirtschaftsfuehrer; Generalbeauftragter fuer die Stahlindustrie (Plenipotentiary General for the steel industry) in the occupied territories of northern France, Luxembourg, and Belgium; Beauftragter Kohle West (Plenipotentiary for coal in the western occupied territories) including all of France, Holland, Belgium, and Luxembourg; member of the "Circle of Friends" of Himmler; member of the Praesidium of the Reichsvereinigung Kohle; Brigadefuehrer (Brigadier General) in the SS and recipient of several SS decorations.

ODILO BURKART — A leading official of numerous Flick enterprises and a close associate of Flick; an official of Reichsvereinigung Eisen and of the Wirtschaftsgruppe Eisenschaffende Industrie; Wehrwirtschaftsfuehrer.

KONRAD KALETSCH — A leading official of numerous Flick enterprises and a close associate of Flick; Wehrwirtschaftsfuehrer; member of the NSDAP.

BERNHARD WEISS — A leading official of numerous Flick enterprises and a close associate of Flick; Wehrwirtschaftsfuehrer; principal official and owner of Siegener Maschinenbau A. G. (Siemag).

HERMANN TERBERGER — A leading official of numerous Flick enterprises including, particularly, the Eisenwerkgesellschaft Maximilianshuette G. m. b. H., and a close associate of Flick; member of the NSDAP; member of Die Sturmabteilungen der NSDAP (commonly known as the SA).

COUNT ONE

1. Between September 1939 and May 1945 all the defendants committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: enslavement and deportation to slave labor on a gigantic scale of members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, Germany; enslavement of concentration camp inmates including German nationals; and the use of prisoners of war in war operations and work having a direct relation with war operations, including the manufacture and transportation of armaments and munitions. In the course of these activities hundreds of thousands of persons were enslaved, deported, ill treated, terrorized, tortured, and murdered.

2. The acts, conduct, plans, and enterprises charged in Paragraph 1 of this Count were carried out as part of the slave labor program of the Third Reich, in the course of which millions of persons including women and children were subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering and many deaths. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing or sanitary facilities. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy. The resources and needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises as were the family honor and rights of the civilian populations involved. Prisoners of war were assigned to work directly related to war operations, including work in armaments factories. The treatment of slave laborers and prisoners of war was based on the principle that they should be fed, sheltered, and treated in such a way as to exploit them to the greatest prossible extent at the lowest expenditure.

3. During the period from approximately May 1942 to 1945, the defendant Flick was a member of the Praesidium (governing board) of the Reichsvereinigung Eisen (commonly referred to as the RVE), an official organization for the regulation of the entire German iron and steel industry. The defendants Burkart and Terberger also held official positions and exercised important functions in the RVE and assisted and advised Flick with respect to RVE matters. This organization, the Praesidium of which was largely composed of leading industrialists of the iron and steel industries, was given wide powers by the government anti exercised pervasive influence and authority in these industries. The RVE had wide authority and exercised important functions with respect to the procurement, allocation, use, and treatment of slave labor and prisoners of war. The influence and control which this official organization had over a large sector of German industry, in which vast numbers of such laborers were forced to work, made it an important agency in the administration of the slave labor program. Flick attended numerous meetings of the Praesidium of the RVE and otherwise participated in the formulation and execution of repressive and cruel policies designed to enslave, procure and exploit such labor. Flick's influence and control over policies and actions of the RVE were further extended through officials of his companies who also held positions in the RVE and its subsidiary organizations and committees.

In addition, Flick, Burkart and Terberger participated in the slave labor program within the iron and steel industry between September 1939 and April 1945 through their positions in and influence on the Wirtschaftsgruppe Eisenschaffende Industrie (Economic Group of the Iron Producing Industry) and its subsidiary organizations and committees.

Flick also participated in the slave labor program by virtue of his position and activity on the Verwaltungsrat (supervisory board) of Berg- und Huettenwerke Ost G. m. b. H. (commonly referred to as the BHO), a government sponsored company established for the purpose of taking over and exploiting mines and iron and steel plants in the USSR. As part of its activities this company participated in the program for forced recruitment, enslavement, and deportation of Soviet nationals and prisoners of war to work in Germany, the USSR, and elsewhere.

Flick and Burkart also participated in the slave labor program through their association with the Kleiner Kreis ("Small Circle") of the leaders of the Nord-West Gruppe Eisenschaffende Industrie,

a group which unofficially exercised substantial control over, and influence an, the iron and steel industry.

4. During the period from approximately March 1941 until April 1945, the defendants Flick and Steinbrinck were members of the Praesidium (governing board) of the Reichsvereinigung Kohle (commonly referred to as the RVK), an official organization for the regulation of the entire German coal industry. The defendants Burkart and Weiss were also active in RVK matters and assisted and advised Flick and the Flick Concern therein. The functions and authority of the RVK and its Praesidium in the coal industry corresponded generally with those of the RVE and its Praesidium in the iron and steel industry, as set forth above. As members of the Praesidium, Flick and Steinbrinck attended meetings of the Praesidium and otherwise participated in the formulation and execution of repressive and cruel policies in the administration of the slave labor program designed to enslave, procure and exploit such labor. Flick's influence and control over policies and actions of the RVK were further extended through officials of his companies who also held positions in the RVK and its subsidiary organizations and committees.

5. Between September 1939 and April 1945 the defendant Steinbrinck held the position of Beauftragter Kohle West (Plenipotentiary for coal in the occupied western territories) of France, Holland, Belgium and Luxembourg, and the position of Generalbeauftragter fuer die Stahlindustrie (Plenipotentiary General for the steel industry) in northern France, Belgium and Luxembourg. By virtue of these positions, and his activity therein, he exercised wide authority over the procurement, use, treatment, allocation, and transportation of thousands of slave laborers and prisoners of war.

6. Between September 1939 and May 1945, tens of thousands of slave laborers and prisoners of war were sought and utilized by the defendants in the industrial enterprises and establishments owned, controlled, or influenced by them. In the course of this use of forced labor in the enterprises referred to, the workers were exploited under inhumane conditions with respect to their personal liberty, shelter, food, pay, hours of work, and health. Repressive measures were used to force these workers to enter, or remain in, involuntary servitude. Armed guards, watch dogs and barbed wire enclosures were commonly utilized to keep workers from escaping, and the few who did escape were reported to, and dealt with by, the Gestapo. Penalties, including, cruel beatings,

were often inflicted by persons under the supervision and control of the defendants. Food, sanitary measures, and medical assistance were customarily inadequate and as a result many of the workers suffered illness and died. Prisoners of war were used in war operations and work having a direct relation with war operations, including the manufacture and transportation of armaments and munitions.

The defendants Flick, Burkart, Kaletsch, Weiss and Terberger are charged with responsibility for the acts and conduct set forth in this Paragraph insofar as they relate to establishments of the Flick Concern, including those operated directly or indirectly by the companies set forth in Appendix A hereof. Flick and Weiss are also charged with responsibility for the acts and conduct set forth in this Paragraph insofar as they relate to the Siemag Company. The defendant Steinbrinck is charged with responsibility for the acts and conduct set forth in this Paragraph insofar as they relate to Vereinigte Stahlwerke A. G., and affiliated companies.

7. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, particularly of Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46, and 52 of the Hague Regulations, 1907. and of Articles 2, 3, 4, 6, 9-15, 23, 25, 27-34, 46-48, 50, 51, 54, 56, 57, 60, 62, 63, 65-68 and 76 of the Prisoner-of-War Convention (Geneva, 1929), of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT TWO

8. Between September 1939 and May 1945, all the defendants except Terberger committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, plunder of public and private property, spoliation, and other offenses against property in countries and territories which came under the belligerent occupation of Germany in the course of its aggressive wars. These acts bore no relation to the needs of the army of occupation and were out of all proportion to the resources of the occupied territories.

9. In pursuance of deliberate plans and policies, the territories occupied by Germany as a result of its aggressive acts and its aggressive wars were exploited for the German war effort in a most ruthless way beyond the needs of the army of occupation and without consideration of the local economy. These plans and policies were intended not only to strengthen Germany in waging its aggressive wars, but also to secure the permanent economic domination by Germany of the continent of Europe. Public and private property was systematically plundered and pillaged. Agricultural products, raw materials needed by German factories, machine tools, transportation equipment, other finished products, and foreign securities and holdings of foreign exchange were requisitioned and sent to Germany. In addition local industries were placed under German supervision and the distribution of raw materials was rigidly controlled. This supervision of industries ranged from general control provided for by blanket enactments, to the permanent dispossession of rightful owners of specific industrial enterprises. The industries thought to be of value to the German war effort were compelled to continue and most of the rest were closed down altogether.

In Lorraine (France), which, in violation of international law, was annexed by Germany immediately after the German occupation, French private properties were seized by the occupation authorities under the guise of establishing temporary administra-

tion by state commissioners. This artificial creation of German state property was only a temporary measure, and the properties were "reprivatized", by being turned over to German industrial concerns.

Even before the attack on the U,S.S.R. plans had been made for the fullest and most ruthless exploitation of all Soviet economic resources. Concurrently with the invasion it was declared that the restraints of the Annex to Hague Convention IV of 18 October 1907 would not be observed by Germany. The entire Soviet industrial property was declared to be "property marshalled for national economy" (Wirtschafts-Sondervermoegen), belonging to the German state. Representatives of the German civil and military occupation authorities were declared trustes of this property to which Germany purportedly took title. In addition thereto special governmental or semi-governmental companies, Monopolgesellschaften or Ostgesellschaften, were created by the Plenipotentiary of the Four-Year Plan, Hermann Goering, as trustees for the control of certain sectors of Soviet economy. One of these Ostgesellschaften, the Berg- und Huettenwerksgesellschaft Ost m. b. H., usually referred to as the BHO, was trustee with respect to the iron, steel and mining industry of the occupied part of the U.S.S.R. and the main spoliation agency in its field of operations.

10. All the defendants except Terberger participated extensively in the formulation and execution of the foregoing plans and policies of spoliation, by seeking and securing possession, in derogation of the rights of the owners, of valuable properties in the territories occupied by Germany, for themselves, for the Flick Concern, and for other enterprises owned, controlled, or influenced by them; by exploiting all these properties in occupied territories, individually or through enterprises owned, controlled, or influenced by them, for German war purposes to an extent unrelated to the needs of the army of occupation and out of all proportion to the resources of the occupied territories; by abuse, destruction and removal of such property; by taking possession of machinery, equipment, raw materials and other property known by them to have been taken, by themselves or by others, from occupied territories: and by their activities in various official positions. The following instances are cited as examples.

A. IN FRANCE. Effective 1 March 1941 the Friedrich Flick Kommanditgesellschaft (parent holding company in the Flick Concern) secured a "trusteeship" of the plants Rombach and Machern in occupied Lorraine (France), which were the property of a

French company known as Societe Lorraine des Acieries de Rombas. The "trusteeship" was accepted as part of a governmental plan and program, sponsored by defendants and other German industrialists for ultimate transfer to them of legal title to these and other similar properties in France. The Flick Concern was to gain legal title to the plants Rombach and Machern pursuant to this general plan. These properties were operated by the Flick Concern through a company known as Rombacher Huettenwerke, G. m. b. H., from on or about 1 March 1941 until on or about 1 September 1944 in accordance with and in execution of said plan and program. The defendants Flick, Burkart, Kaletsch, and Weiss are charged with responsibility for the foregoing.

B. **IN THE OCCUPIED EAST.** Pursuant to the plans and programs of the Berg- und Huettenwerke Ost, G. m. b. H. (BHO), referred to above, the Flick Concern organized, together with the Reichswerke Hermann Goering, a company called Dnjepr Stahl G. m. b. H. for the purpose of exploiting mining and smelting properties in the U.S.S.R. located near the Dnjepr River. The Flick Concern operated these properties from about January 1943 until the Germans evacuated this region. The defendants Flick, Burkart, Kaletsch, and Weiss are charged with responsibility therefor.

Pursuant to the plans and programs of the BHO, the Siegener Maschinenbau A.G. (Siemag) gained possession of the works Woroshilov at Dnjepropetrowsk in the U.S.S.R. and operated them from about January 1943 until the evacuation of the area in the fall of 1943. Siemag was owned principally by Weiss and was controlled and influenced by Flick and Weiss, both of whom are charged with responsibility therefor.

In accordance with the general plans and programs of the German occupation authorities, the Flick Concern gained possession of the Vairogs railroad car plants in occupied Riga (Rigaer Waggonfabrik "VAIROGS") on or about July 1942. The properties were operated by the Flick Concern until the German retreat from Riga about September 1944. Flick, Burkart, Kaletsch, and Weiss are charged with responsibility therefor.

11. Between 1940 and 1945 the defendants Flick and Steinbrinck participated in plans and programs for spoliation of occupied territories through their positions and membership in, and influence on, various organizations of the iron, steel and coal industries, including Reichsvereinigung Eisen, Reichsvereinigung Kohle, Wirt-

schaftsgruppe Eisenschaffende Industrie, and subsidiary organizations of each, and through membership in, and influence on, the Kleiner Kreis ("Small Circle") of leaders of the Nord-West Gruppe Eisenschaffende Industrie.

Between 1940 and 1945 Steinbrinck participated in the plans and programs for spoliation of western occupied territories by virtue of his positions as Plenipotentiary General for the steel industry in northern France, Luxembourg, and Belgium, and Plenipotentiary for coal in France, Holland, Belgium and Luxembourg.

Between 1941 and 1945 Flick participated in the plans and programs for spoliation of the U.S.S.R. by virtue of his position as a member of the Verwaltungsrat (supervisory board) of the Berg- und Huettenwerke Ost. G.m.b.H. (BHO).

12. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of the laws and customs of war, of international treaties and conventions, including Articles 46-56, inclusive, of the Hague Regulations of 1907, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT THREE

13. Between January 1936 and April 1945 the defendants Flick, Steinbrinck and Kaletsch committed Crimes against Humanity, as defined in Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving persecutions on racial, religious, and political grounds, including particularly the "aryanization" of properties belonging in whole or in part to Jews.

14. Commencing with Hitler's seizure of power in 1933 and increasingly in later years, the Government of the Third Reich systematically and ruthlessly persecuted millions of persons on political, racial, and religious grounds. As part of these programs of persecution, the German Government pursued a policy of expelling Jews from economic life. The German Government and Nazi Party embarked on a program involving threats, pressures and coercion generally, formalized and otherwise, to force Jews to transfer all or part of their property to non-Jews, a process usually referred to as "aryanization". The means of forcing Jewish owners to relinquish their properties included discriminatory laws, decrees, orders, and regulations, which made life in Germany difficult and unbearable for the owners; the discriminatory application of general laws, decrees, orders, and regulations; seizure of property under spurious charges; restrictions imposed by police action; and particularly the everpresent threat of the Gestapo to arrest, try, and kill Jews without recourse to any reviewing board or court.

15. The defendants Flick, Steinbrinck, and Kaletsch and the Flick Concern participated in the planning and execution of numerous aryanization projects. Activities in which they participated included procurement of sales which were voluntary in form, but coercive in character, efforts to extend the general aryanization laws, and several types of perversion of governmental authority. They used their close connections with high government officials to obtain special advantages; and some transactions, including those referred to hereinafter, were carried through in close cooperation with officials of the Army High

Command (OKW) and of the Office of the Four-Year-Plan, including Hermann Goering, who were interested in having the properties exploited as fully as possible in connection with the planning, preparation, initiation and waging of Germany's aggressive acts and wars. Examples of aryanization projects in which Flick, Steinbrinck and Kaletsch were involved during the years 1936 through 1945 included the following properties:

A. Hochofenwerk Luebeck A. G. and its affiliated company, Rawack and Gruenfeld A.G.

B. The extensive brown coal properties and enterprises in central and southeastern Germany owned, directly, or indirectly, in substantial part by members of the Petschek family, many of whom were citizens of foreign nations, including Czechoslovakia.

As a result of these aryanization projects, Jewish owners were deprived of valuable properties, which were transferred, directly or indirectly, to the Flick Concern, the Hermann Goering Works, I. G. Farben, the Wintershall and Mannesman Concerns and other German enterprises.

16. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT FOUR

17. Between 30 January 1933 and April 1945, the defendants Flick and Steinbrinck committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were accessories to, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with: murders, brutalities, cruelties, tortures, atrocities and other inhumane acts committed by the Nazi Party and its organizations, including principally Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS). The criminal activities of the SS included: the guarding and administration of concentration camps and the brutal treatment of their inmates; subjecting prisoners of war and concentration camp inmates to a series of experiments, including freezing to death and killing by poisoned bullets; shooting unarmed prisoners of war; extensive participation in the Nazi slave labor program; murder and ill-treatment of the civilian population in occupied countries, including massacres such as at Lidice; and persecution and extermination of enormous numbers of Jews and others deemed politically undesirable by the SS. The criminal programs of the SS were so widespread and conducted on such a gigantic scale that they were widely known throughout Germany.

18. The defendants Flick and Steinbrinck were members of a group variously known as "Friends of Himmler", „Freundeskreis" (Circle of Friends), and the „Keppler Circle", which, throughout the period of the Third Reich, worked closely with the SS, met frequently and regularly with its leaders, and furnished aid, advice, and support to the SS, financial and otherwise. This organization was composed of about thirty German business leaders, and a number of SS leaders, including Heinrich Himmler, head of the entire SS from 1929 to 1945, Karl Wolff, Himmler's Adjutant, Obergruppenfuehrer and holder of other high positions in the SS; Oswald Pohl, Chief of the SS Main Economic and Administrative Department; Otto Ohlendorf, a leading official of the SS Main State Security Department; and Wolfram Sievers, Manager of the Ahnenerbe Society and Director of its Institute for Military

Scientific Research. The business and industrial members of the Circle included leading officials of the largest enterprises in Germany in the fields of iron, steel and munitions production, banking, chemicals and shipping. These enterprises included I. G. Farben, Vereinigte Stahlwerke, Hermann Goering Werke, Brabag, Junkers, the Wintershall chemical concern, North German Lloyd and Hamburg American shipping lines, Deutsche Bank, Dresdner Bank, Reichs-Kredit-Gesellschaft, the Stein Bank, and Commerz Bank.

The Circle was formed early in 1932 at Hitler's suggestion by his economic adviser, Wilhelm Keppler. It participated in effecting Hitler's rise to power and made plans for the reorganization of German economy in accordance with Hitler's plans. Thereafter the Circle met regularly, up to and including early 1945, with Himmler, Keppler, and other high government officials, and was a means of maintaining close cooperation between the largest business and industrial enterprises on the one hand, and the German Government, Nazi Party, and the SS on the other.

19. Each year from 1933 to 1945, the Circle contributed about one million marks to Himmler to aid in financing the activities of the SS. During this period, the defendants Flick and Steinbrinck made and procured contributions by Flick and the Flick Concern to the SS through the Circle, aggregating at least one hundred thousand marks annually for many years. Flick and the Flick Concern, by the action and procurement of Flick and Steinbrinck, also contributed substantial additional amounts to the SS over the years 1933 to 1945. Steinbrinck also procured substantial contributions by Vereinigte Stahlwerke A. G. and affiliated enterprises to the SS through the Circle in the years 1940 through 1944.

20. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, of the laws and customs of war, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT FIVE

21. The defendant Steinbrinck is charged with membership, subsequent to 1 September 1939, in Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United
States of America

Nuremberg, 18 March 1947

The term "Flick Concern", as used in this indictment refers to the business enterprises controlled, influenced and in substance largely owned, by Friedrich Flick. Many additions and changes took place during the years 1933 to 1945 both in the physical plants included in the Concern and in the legal structure in which they were contained. Corporate reorganizations within the Concern were almost constantly in progress. From 1940 to 1945 the general nature of the corporate structure was not fundamentally changed 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 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 finished products, such as ammunition, armorplate, 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 the only personally liable partner. At first Flick was the sole owner of FKG. 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. Their designation as companies in the form of A.G. or G.m.b.H. (both of which designations describe limited liability companies) is not exclusive; several of the companies were changed from one form to the other.

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

NAME AND LOCATION	NATURE OF COMPANY
Anhaltische Kohlenwerke A. G. (AKW)	Brown (soft) coal mines in central Germany
ATG (Allgemeine Transportanlage Maschinenbau) G. m. b. H., Leipzig	Aircraft
Brandenburger Eisenwerke A.G., Brandenburg, near Berlin	Panzer Materials
Chemische Werke Essener Steinkohle, A. G. Essen	Chemicals; owned by Essener Steinkohle
Eisenwerksgesellschaft Maximilianshuette A. G. (G.m.b.H. after 1944) (abbreviated "Maxhuette")	Iron mines and smelting plants
Essener Steinkohlenbergbau A.G., Essen	Hard coal mines in Ruhr
Fellawerk A. G. (after 1944, G. m. b. H.) Feucht near Nuremberg	Agricultural machinery
Friedrich Flick Kommanditgesellschaft (abbreviated FKG or FFKG) Berlin	Limited partnership which was parent holding company of the Concern; it also directly owned and operated extensive properties, including Brandenburg and Hennigsdorf steel plants.
Harpener Bergbau A.G., Dortmund	Hard coal mines in Ruhr. These properties, fogether with Essener Steinkohle, comprised second largest coal group in the Ruhr.
Hochofenwerk Luebeck A. G. Luebeck-Herrenwyck	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. (after 1943, G.m.b.H.) Riese a. d. Elbe (abbreviated "Mittelstahl")	Iron and steel plants; largest in Germany outside the Ruhr.
Saechsische Gusstahlwerke A.G. Doehlen	Iron and steel products; owned 50% by State of Saxony but largely operated by the Flick Concern.
Spandauer Stahlindustrie G.m.b.H., Spandau	Steel products.
Waggon und Maschinenfabrik A. G., Bautzen (frequently referred to under its former name of Busch-Bautzen)	Electric locomotives; railway cars, couplings.

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